



COUNTRY REPORTS

submitted to the Informal Group on Gender Equality and Anti-Trafficking in Human Beings

OSCE Human Dimension Implementation Meeting
September 2002

Warsaw, 17 September 2002

Dear Colleagues,

Earlier this year, as Co-Chairs of the Informal Group on Gender Equality and Anti-Trafficking, we requested OSCE participating States to prepare and present country reports. We are grateful to those who have responded to our request thus far and are pleased to be able to present you with this compilation of country reports on the occasion of the special anti-trafficking day of this year's OSCE Human Dimension Implementation Meeting.

While this compilation of reports is not a comprehensive picture of trafficking and governmental responses, it does contain valuable information. It recounts how participating States have made concerted efforts to prevent and to combat trafficking and highlights good practice in recognising trafficking as a human rights violation, addressing organized criminal activities and providing assistance and protection to victims.

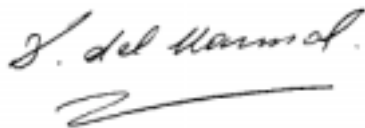
We are deeply impressed by the good will of OSCE delegations and their desire to participate in the preparation of this compilation. Furthermore – taking into consideration that it was a proactive, voluntary action, rather than one imposed by a decision or commitment – we highly appreciate this contribution by delegations to the OSCE's anti-trafficking initiatives. Your response is recognition that we have a responsibility to play a significant role in preventing and combating trafficking.

In order to take up this responsibility, we must increase our co-operation in this field and make a realistic assessment of issues to address in countries of origin, transit and destination throughout the OSCE region. We must remain vigilant in our efforts to address the root causes of trafficking such as inequality, discrimination, poverty and violence against women. In addition, countries of destination have a responsibility to address the demand for cheap, unprotected labour and to consider the adoption of progressive labour migration policies, as well as the development of national referral mechanisms to identify, protect and assist victims.

Achieving the desired results outlined in our political commitments will require resolute political will and additional resources allocated to these efforts. We hope that careful study of this compilation and our different approaches to addressing trafficking will assist us in identifying gaps and prioritizing areas for our future work on the national and regional levels.

We look forward to our continued co-operation with you and once again thank you for your attention to this issue.

Sincerely,



Ambassador Danielle Del Marmol



Dr. Vera Gracheva

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<ul style="list-style-type: none"> - UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, 2000 - Status of Ratification, September 2002 - UNOHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking, 2002 	

OSCE COMMITMENTS

Moscow 1991

[The participating States]

(40.7) – seek to eliminate all forms of violence against women, and all forms of traffic in women and exploitation of prostitution of women including by ensuring adequate legal prohibitions against such acts and other appropriate measures;

Charter for European Security, Istanbul 1999

OSCE participating States commit to

(24) – undertake measures to eliminate...all forms of trafficking in human beings. In order to prevent such crimes we will, among other means, promote the adoption or strengthening of legislation to hold accountable persons responsible for these acts and strengthen the protection of victims (...)



**Organization for Security and Co-operation in Europe
Ministerial Council
Vienna 2000**

MC(8).DEC/1
28 November 2000

Original: ENGLISH

**2nd day of the Eighth Meeting
MC(8) Journal No. 2, Agenda Item 10**

DECISION No. 1 ENHANCING THE OSCE'S EFFORTS TO COMBAT TRAFFICKING IN HUMAN BEINGS

The Ministerial Council,

Bearing in mind the Charter for European Security, which commits participating States “to undertake measures to eliminate all forms of discrimination against women, and to end violence against women and children as well as sexual exploitation and all forms of trafficking in human beings” and to “promote the adoption or strengthening of legislation to hold accountable persons responsible for these acts and strengthening the protection of victims”,

Recalling the OSCE commitments on combating the traffic in human beings contained in the Moscow Document of 1991,

Recognizing that trafficking in human beings is an increasing problem and convinced of the necessity for the OSCE to enhance its efforts to combat trafficking in human beings throughout the OSCE region, including in conflict and post-conflict situations, and to contribute to national, regional and international anti-trafficking efforts in defence of human rights and the fight against transnational organized crime,

1. Reaffirms that trafficking in human beings is an abhorrent human rights abuse and a serious crime that demands a more comprehensive and co-ordinated response from participating States and the international community, as well as a more coherent and co-operative approach among countries, in particular those of origin, transit and destination;
2. Welcomes the adoption, by the United Nations General Assembly, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime as well as the definition of trafficking in persons contained therein and calls upon all participating States to sign and ratify the United Nations Protocol as well as the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography;
3. Recognizes the primary responsibility of participating States in combating trafficking based on an integrated and co-ordinated approach which includes prevention of trafficking, protection of victims and prosecution of traffickers and their accomplices;
4. Stresses the role of national parliaments in the enactment, among others, of laws necessary to combat trafficking in human beings and welcomes articles 106 and 107 of the Parliamentary Assembly's Bucharest Declaration on trafficking in persons;
5. Agrees to strengthen the activities of the OSCE to combat trafficking and emphasizes the need for intensified co-operation between different OSCE institutions as well as between the OSCE and other international organizations, such as relevant United Nations agencies, the International Organization for Migration, the Council of Europe, the European Union and Interpol;
6. Supports the work of the Stability Pact Task Force on Trafficking in Human Beings and calls in particular for the governments of the region concerned to play an active role in the Task Force;
7. Calls on OSCE institutions, in particular the ODIHR, and field operations, to develop and implement anti-trafficking programmes and to promote co-ordinated efforts in the areas of prevention, prosecution and protection, in co-operation with non-governmental organizations as well as international organizations and other relevant institutions;
8. Undertakes to raise awareness, including with assistance from the ODIHR, non-governmental organizations and other relevant institutions, through, where necessary, establishing training programmes among public officials, including law enforcement, judiciary, consular and immigration officials, about all aspects of trafficking;

9. Commits to take necessary measures, including by adopting and implementing legislation, to criminalize trafficking in human beings, including appropriate penalties, with a view to ensuring effective law enforcement response and prosecution. Such legislation should take into account a human rights approach to the problem of trafficking, and include provision for the protection of the human rights of victims, ensuring that victims of trafficking do not face prosecution solely because they have been trafficked;

10. Will consider adopting legislative or other appropriate measures, such as shelters, which permit victims of trafficking in persons to remain in their territories, temporarily or permanently, in appropriate cases; and establishing appropriate repatriation processes for the victims of trafficking, with due regard to their safety, including the provision of documents; and developing policies concerning the provision of economic and social benefits to victims as well as their rehabilitation and reintegration in society;

11. Encourages the nomination, where appropriate, of governmental representatives on trafficking to co-ordinate national activities and to ensure regional and international co-operation and to make this contact information available to other participating States;

12. Recognizes that OSCE field operations, within the legal framework of the host countries, can have a valuable role to play in the fight against trafficking, including by regular monitoring and reporting and assisting State authorities through, *inter alia*, promoting dialogue and acting as a bridge between governments and non-governmental organizations; and institutions, in resolving individual trafficking cases; and calls on field operations to strengthen co-operation among themselves;

13. Calls on the OSCE Secretariat, in co-operation with the ODIHR, to intensify anti-trafficking training in its induction programmes for OSCE field personnel in order to enhance their capacity to monitor, report and respond to the problem of trafficking through regular OSCE activities; and to raise awareness within OSCE institutions and among OSCE personnel of the problems of trafficking; these training programmes should also be made available to participating States and other international organizations;

14. Welcomes the further development of the OSCE Secretariat's Code of Conduct for OSCE Mission Members to include provisions on trafficking in human beings and other human rights abuses, looks forward to its speedy implementation by all OSCE structures and institutions, requests heads of OSCE field operations to take appropriate measures if members of their staff use trafficking victims, and encourages all other international bodies, where appropriate, to adopt similar standards and practices.



**Organization for Security and Co-operation in Europe
Ministerial Council
Bucharest 2001**

MC(9).DEC/6
4 December 2001

Original: ENGLISH

**2nd day of the Ninth Meeting
MC (9) Journal No. 2, Agenda item 9**

**DECISION No. 6
BY THE MINISTERIAL COUNCIL**

The Ministerial Council,

Reiterating its commitment to combat all forms of trafficking in human beings, which affects all participating States,

Affirming its commitment to developing co-operation and interaction among participating States on anti-trafficking measures and related crimes,

Calls on participating States to sign and ratify the United Nations Convention against Transnational Organised Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children,

Welcomes the successful completion of the OSCE's Code of Conduct and Anti-Trafficking Guidelines and their dissemination to the OSCE staff;

Reaffirms its support for the work of the ODIHR, field operations and Stability Pact Task Force on combating trafficking in Human Beings;

Encourages information exchange with a view to strengthening investigation, law enforcement and crime prevention;

Calls on participating States to accelerate taking the necessary measures to fulfil their Vienna ministerial commitments which include prevention of trafficking, protection of victims and prosecution of traffickers and their accomplices.

OSCE DOCUMENTS

ODIHR Background Paper 1999/3, Trafficking in Human Beings: Implications for the OSCE
<http://www.osce.org/odihr/documents/background/trafficking/>

ODIHR Proposed Action Plan 2000 for Activities to Combat Trafficking in Human Beings
<http://www.osce.org/odihr/documents/ap-traffic.pdf>

Supplementary Human Dimension Meeting on Trafficking in Human Beings, June 2000
<http://www.osce.org/odihr/documents/reports/shdm/m00-3-final.pdf>

OSCE Code of Conduct, November 2000

OSCE Anti-Trafficking Guidelines, June 2001
http://www.osce.org/odihr/documents/guidelines/at_guidelines.pdf

OSCE PC Decision No. 426, July 2001
347th Plenary Meeting, PC Journal No. 347, Agenda item 9

OSCE PA St. Petersburg, July 1999
(*Resolution on Trafficking in Women and Children*)
http://www.osce.org/pa/annual_session/st_petersburg/stpetersburg_declaration_english.pdf

OSCE PA Bucharest Declaration, July 2000
(*Para. 82, 106, 107*)
http://www.osce.org/pa/annual_session/bucharest/bucharest_declaration_english.pdf

OSCE PA Paris Declaration, July 2001
(*Para. 80*)
http://www.osce.org/pa/annual_session/paris/paris_declaration_english.pdf

OSCE PA Berlin Declaration, July 2002
(*Resolution on Combating Trafficking in Human Beings, Especially Women and Children*)
http://www.osce.org/pa/annual_session/berlin/berlin_declaration_english.pdf

Recent OSCE/ODIHR Publications

can be requested from OSCE Office for Democratic Institutions and Human Rights

“Reference Guide for Anti-Trafficking Legislative Review”, September 2001
http://www.osce.org/odihr/documents/at_refguide.php3

“Europe Against Trafficking in Persons”, Berlin Conference Report, December 2001
http://www.osce.org/odihr/documents/trafficking/berlin_confreport.php3

“Trafficking in Human Beings in Southeastern Europe”, June 2002
http://www.osce.org/odihr/documents/at_traffse.php3

PROPOSED TEMPLATE FOR COUNTRY REPORTS BY OSCE DELEGATIONS

developed by the ODIHR Anti-Trafficking Unit

Research/media coverage

What information is available about trafficking? Are there any reliable studies or statistics on the issue? How does the media cover the issue?

Awareness raising

Are there any awareness raising programs? What issues are most important to stress in your country? Who is the target audience?

Legal framework / legislative review and reform efforts

How does the current legal framework prevent and address trafficking and related violations? How are victims identified and how are their rights protected? Has your country ratified the UN Convention Against Transnational Organized Crime and its protocols? Is there review and reform of relevant legislation under way?

Government co-ordination

Is there a national co-ordinating body within the government to address this issue? Is there a focal point within the government responsible for co-ordinating a response and serving as a liaison for international contacts?

National Plan of Action

Is there a national plan of action to prevent and combat trafficking? If so, what are the main components and who is responsible? What resources and co-operation are necessary to implement the plan?

Co-operation with non-governmental and international organisations

How does the government co-ordinate and co-operate with NGOs and IOs to prevent and combat trafficking, as well as to assist its victims?

Training of relevant state authorities

Are there any programs in place to specifically train state authorities on how to prevent, detect, and address this problem? Are there programs in place to sensitize state authorities to the special needs of trafficked persons and victims of violence?

Aid and development programs abroad

Does your government support anti-trafficking initiatives in other countries? If so, what strategies and priorities are behind these activities?

Bilateral and multilateral agreements and activities

Has your government signed any relevant bilateral or multilateral agreements to address this issue? Does your government promote and engage in joint projects and activities with other governments with the aim of preventing and combating trafficking? How does your government co-operate with other countries to ensure safe repatriation efforts and what mechanisms are in place to protect witnesses during the process of investigation and prosecution?



***PERMANENT MISSION OF THE REPUBLIC OF ALBANIA
to the UNOV, OSCE and other International Organisations in Vienna***

Vienna, 30 August 2002

COUNTRY REPORT ON TRAFFICKING IN HUMAN BEINGS: ALBANIA

Executive Summary

Fight against trafficking in human beings has been a priority for the Albanian authorities during the period 2001-2002, and it is now even higher on their agenda. In this period, Albania has made great strides in improving its record of trafficking in human beings. After signing the relevant UN Convention and its additional protocols in Palermo in December 2000, Albania adopted new legislation on the matter in January 2001. A working group was set up in June 2001 for drafting the National Strategy of the Fight Against Trafficking in Human Beings. A few weeks later a National Anti-trafficking Co-ordinator was appointed and in October 2001 the International Anti-trafficking Centre of Vlora was inaugurated. At the same time, specialised anti-trafficking structures were set up in the Ministry of Public Order. In early December, the Albanian Government adopted the National Strategy of the Fight Against Human Trafficking, which includes also a National Plan of Action. In January 2002, it was set up the State Committee for the Fight Against Human Trafficking which serves as a co-ordinating body. Subsequently, a number of activities were carried out in implementation of the National Strategy, in particular related to raising awareness. A series of anti-trafficking operations were undertaken and the number of arrested and charged perpetrators increased significantly. Co-operation with international organisations and NGOs was further enhanced.

In late spring 2002, as a result of significant progress in this regard, the relevant report of the United States Department of State placed Albania in Tier 2, whereas in the previous report Albania was on Tier 3. At the same time, high Italian officials recognised a significant decrease in the total number of illegal migrants entering Italy from Albania.

After these encouraging signals from abroad, Albania continued its progress in the fight and prevention of trafficking in human beings. In July 2002 the Albanian Parliament ratified the UN Convention Against Transnational Crime and its additional protocols. In August 2002 started the overall anti-trafficking operation named "Labour". This operation is considered to be a very important step ahead in the fight against organised crime and trafficking and involves instances of regional co-operation as well.

Research/media coverage

Since early nineties, illegal migration in the form of smuggling of migrants, women's trafficking for prostitution and children's trafficking for criminal exploitation appeared and have gradually developed in Albania. Albania is both a country of origin and for transit of trafficked victims.

During the period 2001-2002, trafficking in human beings from Albania and through it, exploiting this country as a transit place has decreased considerably. This reduction was obtained as a result of a number of measures adopted by the Albanian Government for fighting and preventing this phenomenon as well as a result of increasing co-operation with neighbouring and other countries and international organisations.

Taking into consideration the important steps taken by the Albanian authorities in this period, the latest Trafficking in Persons Report of the United States Department of State (issued on June 5, 2002) placed Albania in Tier 2, whereas in the previous report (July 2001) Albania was on Tier 3. At the same time (spring 2002), high officials from the main recipient country – Italy – recognised a significant decrease in the total number of illegal migrants entering Italy (this decrease includes trafficked women and children) and an increase in the arrests and prosecutions of the criminal groups and individuals dealing with such activities.

It is estimated and recognised that the overall number of irregular migrants (including trafficked women and children) coming from Albania has decreased by 60 % in 2001 compared to the previous year, whereas for 2002 this drop has been even more remarkable. On the other hand, arrests of perpetrators has significantly increased. For instance, during 2001 were arrested and charged 299 offenders (involved in trafficking of male-migrants and in trafficking of women and children); for the first half of 2002 the number of arrested and charged offenders related to the same activities was 347. Moreover, the sentences for the perpetrators are now becoming harsher as a result of a new law introduced in early 2001 (ref. section legal framework).

Up to now the statistics in Albania concerning trafficking of persons (as defined in the UN relevant protocol of December 2000) have not been reliable. First, very often both media and relevant reports when referring to the trafficking include also smuggling of migrants, which greatly swells artificially the relevant figures of trafficked persons. Second, data made public so far have been mostly taken from international organisations and NGOs operating in Albania, but frequently there are inaccuracies in them because these data are based on opinion polls and not on reliable studies.

At present, the State Police has just completed an overall study on the situation of the human trafficking, considering Albania as a source of this trafficking and the data are taken from every administrative unit, beginning from the village, commune and municipalities throughout the Albanian territory, in addition to the information taken from the police, other governmental structures, international organisations and NGOs.

Media regularly report the issue and also plays an important role in awareness-raising on the matter. At present, it is playing a positive role in covering the current situation and the serious efforts made by state and non-state institutions in preventing and combating the trafficking in human beings. The coverage by media has played an important role in increasing the denunciations and information related to the traffickers.

Awareness-raising

During 2001 and 2002, several programs for public awareness have been prepared and carried out in Albania regarding the risk of trafficking and its consequences in the society. Such programs have been prepared made and are being implemented by the Ministry of Education and Science in the educational system in Albania, the Ministry of Labour and Social Affairs, the State Committee for the Fight Against Human Trafficking set up close to the Prime Minister, the State Committee for Equal Opportunities, international organisations which have offices in Tirana such as IOM (a 18 month campaign), UNICEF, UNHCR, ILO-IPEC, International NGOs such as "Save the Children" etc., the U.S. Embassy, the Embassy of the United Kingdom, the Embassy of the Netherlands, etc., as well as local NGOs dealing with the problem of human trafficking.

These programs aim at raising awareness of the public on the danger and consequences of the trafficking, on the ways and possibilities that traffickers use to recruit the victims, the inhumane and enslaving treatment towards the trafficked victims, the way how the most affected strata - women and children - can be protected from trafficking, the education of the society and the chances created for the legal emigration and employment to other countries.

These awareness-raising programs are targeting all the strata of the society but more concrete are those for young people and children with regard to the possibilities to prevent trafficking, considering them as groups mostly affected by trafficking. Also programs of education in the school system have been prepared for these age groups, especially those between 14-18 years of age. These programs are implemented in the context of the whole didactic program of the primary and secondary schools. The Ministry of Education and Science will develop in co-operation with IOM a special program for the secondary and high schools, aiming at teachers' training, public awareness, lectures, etc.

A number of TV programs on trafficking in human beings has already taken place in Albania, in which have participated high rank officials from the Ministry of Public Order and representatives of local NGOs. In the framework of the National Strategy of the Fight Against Human Trafficking, a serial of 12 programs on public awareness is going to be broadcast shortly by the Public Television (TVSH).

Legal Framework / legislative review and reform efforts

The Albanian legislation on trafficking has been recently adopted and the law No. 8733 dated 24 January 2001 specifies that "trafficking of human beings, trafficking of females for prostitution, trafficking of children with the purpose of material profit or any other profit is punished by 5 to 20 years of imprisonment or by life imprisonment". Article 110/a refers to human trafficking, article 114/b treats the trafficking of women for prostitution aims, and article 128/b deals with children's trafficking. This law increased the punishment for trafficking and also introduced a new definition of trafficking in line with the Palermo Protocol's definition.

Starting from June 2001 onward, all the trafficked people, women and children, are considered as victims of the trafficking and are not punished under Albanian legislation even if they have committed another penal act linked with their trafficking, such as exercising of prostitution, illegal border crossing, etc. Since then, a number of female prostitutes and trafficked children has been helped to escape trafficking and none of them has been criminally prosecuted. These people, especially women of this group, have been protected and sent to re-education and rehabilitation

centres in Vlora, Fier, Tirana, like those set up by IOM, ICMC and the NGO "Vatra", and efforts have been made also to re-integrate them in the society and in the family, while for the foreigners involved in these matters, their return to the countries of origin is made possible.

Albania has signed (December 2000) and ratified (July 2002) the United Nations Convention Against Transnational Organised Crime and its additional protocols, namely "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children" and "Protocol against the Smuggling of Migrants by Land, Sea and Air". Albania is also a party to many other relevant international legal instruments.

Regarding the legislative review, an important law namely "On the protection of Witnesses" is in the process of preparation.

Government co-ordination

In January 2002, the Albanian Government set up the State Committee for the Fight Against Human Trafficking close to the Prime Minister, as a co-ordinating body between the state institutions and non-state institutions, which reports to the Prime Minister on the implementation of the national strategy and the action plan, and monitors the development and realisation of the set duties. This committee has had periodical meetings to analyse the work made to fight and prevent human trafficking. The State Committee comprises also a technical group represented by specialists of institutions represented in the State Committee, which collects and prepares the materials needed for the meetings of the Committee. This committee is headed by the Minister of State, who is also the Albanian National Anti-trafficking Co-ordinator.

By order from the Prime Minister, the State Committee is assigned as a point of contact with the responsibility of co-ordinating the questions of the fight against trafficking and serves as a liaison for international contacts.

National Plan of Action

By decision No. 674, dated 07 December 2001, the Albanian Government adopted the National Strategy of the Fight Against Human Trafficking; within this strategy is also the National Plan of Action which includes concrete actions against trafficking and names responsible institutions. The strategy was drafted in a 5-month period (June –November 2001) by an inter-ministerial working group, which was assisted by the OSCE Presence in Albania, Council of Europe, US Embassy, NGOs, etc.

Apart from the National Plan of Action, the strategy includes also analysis (trafficking, regional aspects, SWOT analysis and analysis of Albanian legislation), objectives of the strategy, the calculation and financial sources of financing, implementation and monitoring, etc.

Implementation of the National Strategy is foreseen to be carried out in three main phases spread over a 3-year period (2001-2004).

The first phase: (end of 2001 - June 2002) has the following objectives: completion of the study on the situation of trafficking and the ways of its realisation, creation of the state committee for the fight against human trafficking, drafting of the program "On the protection of women and children from trafficking", preparation of the program "On raising people's awareness in combating

trafficking of human beings, the danger of trafficking and its consequences", realisation of TV programs for this purpose in view of the prevention of the trafficking and the situation of the victim, the realisation of the program on the possibilities of legal migration, creation of special anti-trafficking police units, realisation of programs on professional education of police and prosecution staff in order to increase the devotion of the police members in fighting this trafficking, and the establishment of the international anti-trafficking centre in Vlora. Most of the objectives of the first stage have been already met.

The following objectives are set for the second phase (July 2002 - June 2003): collection of reports, statistics and research information in this field from conferences, government agencies, international organisations and NGOs dealing with the fight against human trafficking, drafting of the law "On the Protection of Witnesses", the drafting of the law "On some additions and amendments to the penal procedure code, with the aim of starting the penal prosecution on the basis of complaint from family members or caretakers of the trafficking victims", holding of conferences, seminars with a broad participation with the aim of disseminating information and realising co-operation for this purpose, the preparation of school programs "On the danger of trafficking as well as to promote a zero tolerance towards violence for women and girls", preparation of programs with proper information for youths to prevent SST, HIV / AIDS, in schools and community, the preparation of the program "Involvement in economy of the young girls and their employment, creation of acceptance and rehabilitation centres, the signing agreements of re-admission with neighbouring countries and the countries of origin for the trafficked victims, the implementation of training programs for the promotion of co-operation between police and international organisations and NGOs, training courses for officials in regard to law implementation, etc.

During the third phase (July 2003 - September 2004), the following objectives have been foreseen: realisation of economic programs for the economic empowering of women, realisation of programs to prevent violence in families and its social-economic consequences for women and children.

Responsible for the control and implementation of this strategy is the Minister of State, who reports to the State Committee and to the Prime Minister. In addition, on a yearly basis the Prime Minister reports to the Albanian Parliament.

The implementation of this strategy demands funding of around 15 million USD, of which 6 million will be financed by the state budget and 9 million USD from foreign donors.

Co-operation with non-governmental and international organisations

The Albanian Government considers as indispensable the co-operation and co-ordination with international organisations and NGOs in the fight against human trafficking and it is fully engaged in its realisation. It has appreciated the assistance from these organisations for awareness-raising on trafficking issues, support to the victims, training for police and judiciary, etc.

Albanian authorities have created the conditions for IO and NGO to successfully carry out their activities and also directly co-operate with them in a number of anti-trafficking issues. For instance, the Albanian Ministry of Public Order has signed co-operation agreements with IOM and UNHCR, which provide obligatory exchange of information, protection with police forces, referring cases of trafficking, assistance for the trafficked victims, etc. Furthermore, 35 contracts of co-operation have been concluded between NGOs and the Police Departments in the Regions and with police commissariats in the districts. A number of anti-trafficking projects have been already carried out

such as OSCE/ODIHR's project "Training of Trainers on women's rights and anti-trafficking education", setting up of ICMC/IOM's shelter for reintegration of trafficked persons, etc.

An important aspect is the assistance to the victims of trafficking. Albania is one of the first countries in the region to have worked out a National Referral Mechanism which enhances the protection and assistance to the trafficked persons by ensuring co-operation between different actors in identifying, receiving and assisting the trafficked persons. During 2001, international organisations such as UNHCR, IOM, ICMC have offered assistance to about 386 victims (foreign citizens) of which 97 foreign women who have received medical, psychological assistance, accommodation and treatment and subsequently their return to the country of origin is made possible. Additionally, during the same period, the NGOs have treated 465 Albanian women aiming at their re-integration into the families and society. This work is going on: during 2002 assistance is provided to 129 foreign citizens and 211 Albanian women. Recently, a special treatment has been offered to minors, with a total of nearly 36 receiving the necessary assistance.

Training of relevant state authorities

Law enforcement officials such as police, prosecutors and judges have received specialised training. Since June 2001, French experts, ICITAP and the U.S. Embassy have started training courses for police structures aiming at perfecting the work related to organised crime, in particular to the trafficking of human beings.

A special training was arranged in co-operation with IOM for all anti-trafficking police structures during January-February 2002, in the Police Academy, as well as training courses in the Police Departments of Regions and in criminal police Commissariats, the border police and public order police inspectors. So far about 660 police forces have been trained and the training is going on. The training courses cover not only police techniques but also issues related to the peculiarities of the treatment of the trafficked victims, ways of co-operation with international organisations and NGOs, etc.

IOM has started a special program for raising the awareness of the state authorities on the needs of the trafficked people and the victims of violence, which is being extended throughout the country, by sending people to the relevant structures, distributing literature and leaflets on the rights of trafficked persons and victims, etc.

Aid and development programs abroad

Albania is considered as a recipient country; however Albanian authorities are fully aware that the problem of illegal trafficking is not a simple domestic issue but a regional one. Therefore Albania appreciates and supports initiatives of other countries for the fight against trafficking and participates in many regional initiatives. For example, Albania is a participant in the South East European Initiative (SECI), Adriatic and Ionian Initiative, etc. Albania also actively participates in the relevant activities/projects of the Stability Pact for South Eastern Europe, more specifically in those organised in the framework of the Stability Pact Task Force on Trafficking in Human Beings (SPTF). On 5 December 2002, with the initiative of SPTF and under the auspices of the Albanian Minister of State Mr. Klosi, the Third Regional Ministerial Forum is due to take place in Tirana. A joint declaration on the legalisation of the status of trafficked persons is foreseen to be signed on this occasion.

The fight against illegal trafficking has been and is a priority of the work of the Albanian Government. In its program, the Albanian Government has emphasised that illegal trafficking, which is increasingly assuming an international character, can not be combated without an overall fight and close police co-operation between the countries of the region and even further. Accordingly, the Albanian Government has decided to send police co-ordinators to Greece, Italy, Turkey, Kosovo, etc. It has set up the international anti-trafficking centre in the city of Vlora (Albania) with the participation of experts from Germany, Italy, Greece and Albania, with the aim of reaching a close police co-ordination against trafficking and conducting joint police operations. Albania has also participated in many international activities regarding the fight against trafficking and has supported all initiatives taken to this end. Furthermore, when discussing and concluding bilateral co-operation agreements, Albania aims at giving a special emphasis to the fight against illegal trafficking as an aspect of the international organised crime. This applies in the agreements signed with Italy, Greece, Montenegro, etc.

Bilateral and multilateral agreements and activities

The Albanian Government has signed bilateral agreements on the fight against illegal trafficking with the Italian Government and joint sea patrol teams between the Albanian police and the Italian interforce have been set up to fight human trafficking. Their effectiveness has been considerably high in preventing this trafficking.

The Albanian Government has multilateral agreements with Germany, Italy, Greece for the setting-up and functioning of the International Anti-Trafficking Centre in Vlora, with the participation of experts from these countries for an organised fight against illegal trafficking in our countries.

At present, Albania is also successfully co-operating with neighbouring countries in the framework of the overall anti-trafficking operation named “Labour”. This operation, initiated by the new Albanian government in August has targeted speedboats, fuelling stations and houses harbouring illegal migrants and trafficked victims. A second phase of this operation is focusing on the assets of the traffickers. This operation is considered to be a very important step ahead in the fight against organised crime and trafficking.

Concerning protection of witnesses during the process of investigation and trial, as mentioned before, the relevant law is in the process of preparation. Until its adoption, the Albanian government has provided a provisional solution with two options to this problem. More specifically, the first option consists in the setting up in the Police Departments in the Regions of some premises for the temporary protection of the witnesses since the moment of their denunciation of the perpetrators up to the moment when the Court ensures evidence or up to the moment when the charge is made public in the Court (such premises are established in the Police Departments of the region of Fier, Korce, Tirana, etc.). The other option is through providing temporary protection to the witnesses in shelters set up by international organisations or NGOs in Albania.

BELARUS: COUNTRY REPORT ON TRAFFICKING IN HUMAN BEINGS

Страновой отчет по мерам, предпринимаемым странами-членами ОБСЕ в области борьбы с торговлей людьми:

РЕСПУБЛИКА БЕЛАРУСЬ

Деятельность на национальном уровне

Проблема торговли людьми и совершаемые правонарушения, связанные с данным явлением, для Республики Беларусь стали актуальными не так давно. С целью противодействия этому явлению Правительством Республики Беларусь принимаются меры, направленные на сокращение и предупреждение торговли людьми, по четырем основным направлениям: совершенствование законодательства, создание специальных подразделений в правоохранительных органах по борьбе с торговлей людьми, просветительская работа среди молодых женщин, планирующих трудоустроиться за границей, развитие системы учреждений социального обслуживания, которые в перспективе могут оказывать помощь потенциальным и реальным жертвам этого явления.

В Конституции Республики Беларусь, наряду с закреплением в части третьей статьи 21 положения о том, что «государство гарантирует права и свободы граждан Республики Беларусь, закрепленные в Конституции Республики Беларусь, законах и предусмотренные международными обязательствами государства», установлен принцип равенства всех перед законом, а также предоставлено право без всякой дискриминации на равную защиту прав и законных интересов граждан (статья 22 Конституции Республики Беларусь).

При этом положениями части первой статьи 23 Конституции Республики Беларусь допускается ограничение прав и свобод личности только в случаях, предусмотренных законом, в интересах национальной безопасности, общественного порядка, защиты нравственности, здоровья населения, прав и свобод других лиц.

В соответствии с частью пятой статьи 32 Конституции Республики Беларусь "женщинам обеспечивается предоставление равных с мужчинами возможностей в получении образования и профессиональной подготовке, в труде и продвижении по службе (работе), в общественно-политической, культурной и других сферах деятельности, а также создание условий для охраны их труда и здоровья".

Следует отметить, что в нормативно-правовых актах Республики Беларусь также находит подтверждение закрепленный в Конституции Республики Беларусь принцип равенства перед законом.

С 1 января 2001 года в Республике Беларусь введен в действие Уголовный кодекс Республики Беларусь в редакции 1999 года, в котором, по сравнению с кодексом в редакции

1960 года, впервые введена уголовная ответственность за торговлю людьми, в том числе в целях сексуальной или иной эксплуатации (статья 181 "Торговля людьми" Главы 22 "Преступления против личной свободы, чести и достоинства"), что соответствует требованиям Конвенции ООН по борьбе с торговлей людьми и с эксплуатацией проституции третьими лицами, а также других международно-правовых актов, запрещающих содержание людей в рабстве или в подневольном состоянии, торговлю людьми в каком бы то ни было виде.

Помимо этого Уголовным кодексом Республики Беларусь, в частности, установлена уголовная ответственность за:

- изнасилование (статья 166);
- насильственные действия сексуального характера (статья 167);
- половое сношение и иные действия сексуального характера с лицом, не достигшим шестнадцатилетнего возраста (статья 168);
- развратные действия (статья 169);
- понуждение к действиям сексуального характера (статья 170);
- вовлечение несовершеннолетнего в совершение преступления (статья 172);
- торговля людьми (статья 181);
- похищение человека (статья 182);
- принуждение (статья 185);
- вербовка людей для эксплуатации (статья 187);
- нарушение равноправия граждан (статья 190);
- нарушение законодательства о труде (статья 199);
- принуждение лица к участию в преступной деятельности (статья 288).

Статья 181 «Торговля людьми» Уголовного кодекса Республики Беларусь предусматривает, что:

1. «Действия, направленные на совершение купли-продажи или иных сделок в отношении зависимого лица в форме его передачи или завладения им (торговля людьми), наказываются арестом на срок до шести месяцев или ограничением свободы на срок до трех лет, или лишением свободы на срок до шести лет с конфискацией имущества или без конфискации.

2. Те же действия, совершенные:

- 1) в отношении заведомо несовершеннолетнего;
 - 2) в отношении двух или более лиц;
 - 3) в целях сексуальной или иной эксплуатации;
 - 4) с целью изъятия у потерпевшего органов или тканей для трансплантации;
 - 5) группой лиц по предварительному сговору или организованной группой;
 - 6) должностным лицом с использованием своих служебных полномочий, -
- наказываются лишением свободы на срок от пяти до десяти лет с конфискацией имущества или без конфискации.

3. Действия, предусмотренные частями первой или второй настоящей статьи, повлекшие по неосторожности смерть потерпевшего либо причинение тяжких телесных повреждений, - наказываются лишением свободы на срок от восьми до пятнадцати лет с конфискацией имущества или без конфискации».

Кроме того, с учетом норм статьи 12 Уголовного кодекса Республики Беларусь предусмотренные частями первой и второй статьи 181 Уголовного кодекса Республики

Беларусь деяния отнесены к категории тяжких преступлений, а частью третьей статьи 181 Уголовного кодекса Республики Беларусь - к категории особо тяжких преступлений.

При этом согласно статье 10 Уголовного кодекса Республики Беларусь "основанием уголовной ответственности является совершение виновным деяния, запрещенного настоящим Кодексом, в виде:

- 1) оконченного преступления;
- 2) приготовления к совершению преступления;
- 3) покушения на совершение преступления;
- 4) соучастия в совершении преступления".

Данные положения Уголовного кодекса Республики Беларусь в полной мере относятся и к торговле людьми.

Указом Президента Республики Беларусь от 15 мая 2001 года № 266 утверждена Государственная программа по усилению борьбы с преступностью на 2001-2003 годы (далее - Государственная программа).

Названная Государственная программа разработана на основе анализа криминогенной ситуации и прогноза развития преступности в Республике Беларусь, результатов научных исследований, практики борьбы с преступностью, в том числе с ее наиболее опасными формами. Она учитывает положения Межгосударственной программы совместных мер борьбы с преступностью на период с 2000 до 2003 года, утвержденной решением Совета глав государств Содружества Независимых Государств от 25 января 2000 года, а также Программы действий Республики Беларусь и Российской Федерации по реализации положений Договора о создании Союзного государства от 8 декабря 1999 года. Программа предусматривает осуществление указанных в ней мероприятий, среди которых можно выделить такие, как:

продолжение работы по созданию в областях и г.Минске территориальных центров социального обслуживания семьи и детей, центров психолого-педагогической помощи населению, кризисных центров для женщин и детей, ставших жертвами насилия, центров экстренной психологической помощи по телефону (пункт 12);

проведение по отдельно согласованным планам межведомственных оперативно-профилактических мероприятий и специальных операций по:

выявлению, предупреждению и пресечению нелегального бизнеса по сексуальной эксплуатации женщин и детей, деятельности производителей и распространителей порнографической продукции (подпункт 16.5 пункта 16);

проведению комплексных научных исследований по теме "Защита прав жертв преступлений: научные и практические вопросы решения проблемы" (пункт 27);

продолжению практики регулярного освещения в средствах массовой информации деятельности правоохранительных органов по борьбе с преступностью и защите граждан, их прав и свобод от преступных посягательств (пункт 34).

Кроме того, Совет Министров Республики Беларусь одобрил Государственную программу комплексных мер по противодействию торговле людьми и распространению проституции на 2002-2007 годы (постановление Совета Министров Республики Беларусь от 8 ноября 2001 года № 1636).

Основными целями документа являются противодействие росту торговли людьми, проституции и создание системы профилактически этих негативных проявлений, а в последующем их сокращение.

В этой Государственной программой предусмотрены профилактические мероприятия до 2007 года, направленные на повышение осведомленности граждан Республики Беларусь в области борьбы с торговлей людьми и проституцией, которые включают в себя организацию информационно-просветительской работы, создание теле- и радиопередач, выпуск и распространение просветительских изданий.

Постановлением Совета Министров Республики Беларусь от 16 марта 2000 года N 344 одобрена Комплексная система мер по социальной защите населения Республики Беларусь на 2000-2005 годы.

В июне 2000 года в системе Министерства внутренних дел Беларуси создано Управление нравов и незаконного оборота наркотиков, в функции которого, наряду с другими вопросами, входит выявление лиц, занимающихся проституцией, а также лиц, организующих их поставку за границу, занимающихся сводничеством и содержанием притонов. Исходя из складывающейся криминогенной обстановки, постепенно происходило увеличение количества сотрудников этого управления и в настоящее время общая штатная численность составляет 30 человек.

Характеризуя меры, направленные на профилактику торговли женщинами, следует отметить сотрудничество между государственными органами и общественными объединениями.

Совместными усилиями Центра гендерной информации и политики (ЦГИП) Министерства труда и социальной защиты Республики Беларусь и женских общественных объединений на протяжении трех последних лет на постоянной основе реализуется ряд мер в этой области, так например: выпускаются информационные буклеты, готовятся телепередачи, постоянно читаются лекции по этой проблеме в женских аудиториях, осуществляется консультирование, проводятся семинары «Проблемы торговли женщинами в Беларуси: состояние и перспективы решения».

По инициативе ЦГИП и "Белорусской ассоциации молодых христианских женщин" (ОО "БАМХЖ") в ноябре 2001г. была выпущена брошюра «Проблемы торговли людьми: вымысел или реальность?», подготовленная и изданная при финансовой поддержке Представительства ООН и Департамента общественной информации ООН в Республике Беларусь. В брошюре представлен обзор международного и национального законодательства по проблеме торговли людьми, приведены данные обо всех организациях, имеющих лицензии на трудоустройство за границей, об общественных организациях в стране и за рубежом, помогающих жертвам торговли людьми, а также практические советы женщинам, желающим трудоустроиться за границей.

На протяжении двух последних лет Белорусская ассоциация молодых христианских женщин в сотрудничестве с польским фондом по борьбе с торговлей женщинами «Ла Страда» реализует проект «Ариадна». В рамках проекта с января 2001г. в Минске работает информационно-консультационный телефон для женщин.

Департамент по миграции при Министерстве труда и социальной защиты Республики Беларусь постоянно осуществляет контроль за деятельностью всех субъектов хозяйствования, трудоустраивающих граждан Республики Беларусь за рубежом. В 2001 г. были аннулированы лицензии на данный вид деятельности семи субъектов хозяйствования. В ряде случаев информация о субъектах хозяйствования, нарушающих действующее законодательство по трудоустройству за границей, передается в правоохранительные органы для принятия соответствующих мер. На постоянной основе осуществляется контроль и за публикуемыми в средствах массовой информации объявлениями о трудоустройстве за границу.

В настоящее время решается вопрос о выделении средств для реализации в Республике Беларусь двух проектов в области противодействия торговле людьми по линии Международной организации по миграции и Программы развития ООН.

За последние семь лет в целях расширения существующей информации по проблеме насилия в отношении женщин проведено несколько социологических исследований. В 1998-99 гг. в Республике Беларусь Ассоциацией молодых христианских женщин при поддержке Центра гендерной информации и политики Министерства труда и социальной защиты Республики Беларусь реализовывался научно-исследовательский проект «Насилие в отношении женщин как социальная проблема». В 2000г. Женским независимым демократическим движением был издан тематический сборник «Насилие над женщинами: проблемы и пути преодоления».

На протяжении последних пяти лет в рамках программы «Дети Беларуси» Национального плана действий по обеспечению гендерного равенства на 2001-2005 гг. ведется работа по созданию кризисных центров для женщин. В настоящее время определенная помощь пострадавшим от насилия женщинам оказывается на базе ряда центров социального обслуживания семьи и детей.

Такого рода центры создаются и силами общественных объединений. Так, в 1998 году в г. Минске под эгидой Белорусского союза женщин был открыт Кризисный центр для женщин, подвергшихся сексуальному и бытовому насилию. В Женском образовательно-консультационном центре с 1998 г. осуществляется психологическое и юридическое консультирование женщин, потерпевших от насилия (Женское независимое демократическое движение).

Белорусским союзом социальных работников в настоящее время ведется работа по созданию ещё одного кризисного центра в г.Минске в рамках проекта, финансируемого программой ТАСИС.

В целях активизации усилий по решению проблемы насилия Республика Беларусь, наряду с такими странами СНГ как Азербайджан, Казахстан, Кыргызстан, Молдова, Россия, Таджикистан, Узбекистан, а также с участием Литвы с осени 2001г. реализует региональный проект «Информационно-просветительская кампания «Жизнь без насилия», финансируемый Фондом ООН для развития в интересах женщин.

Основная цель кампании - способствовать повышению осведомленности населения о проблеме насилия против женщин как о преступлении и нарушении прав человека, осознанию его экономических и социальных последствий, причин их проявления. Кампания сфокусирована на теме домашнего насилия, как основной, и сексуального домогательства на рабочем месте, как дополнительной.

Для реализации проекта в Республике Беларусь создана Национальная рабочая группа из представителей Национального собрания (Парламента Республики Беларусь), органов государственного управления, общественных объединений, средств массовой информации и преподавателей ВУЗов.

В ходе реализации проекта «Жизнь без насилия» в течение 16 дней с 25 ноября по 11 декабря 2001 г. в Республике Беларусь была проведена акция «16 дней активных действий против насилия в отношении женщин».

К началу акции было приурочено проведение 29 ноября 2001г. Круглого стола «Беларусь: реализация права женщин на жизнь без насилия». В его организации приняли участие Центр гендерной информации и политики Министерства труда и социальной защиты Республики Беларусь, ООО «Белорусская Ассоциация молодых христианских женщин» и «Независимое женское демократическое движение» при организационной поддержке Представительства ООН и Департамента общественной информации ООН в Республике Беларусь. В работе круглого стола приняли участие 53 представителя органов государственного управления, включая Министерство внутренних дел Республики Беларусь, общественных объединений, средств массовой информации и социальные работники.

Основная цель Круглого стола - консолидация усилий всех заинтересованных в деятельности по предупреждению домашнего насилия и преодолению его последствий. В ходе работы Круглого стола обсуждались правовые аспекты реализации права женщин на жизнь без насилия, возможности расширения спектра социальных услуг, предоставляемых учреждениями социального обслуживания женщинам и детям, потерпевшим от домашнего насилия, а также направления деятельности женских общественных объединений и средств массовой информации по привлечению внимания общества к данной проблеме.

Видеосюжет о Круглом столе был показан в программе «Новости» Центрального телевидения. Помимо этого, телепередача о Круглом столе, подготовленная силами «Internews», была показана 18 региональными станциями.

К проведению акции «16 дней активных действий против насилия в отношении женщин» был приурочен выпуск календарей на 2002 год (тираж 8 тыс. экз.), и двух буклетов (тиражами 8 тыс. экз. и 4 тыс. экз.), содержащих практические советы женщинам, являющимся потенциальными жертвами домашнего насилия, а также информацию об адресах и телефонах центров социального обслуживания, оказывающих психологическую и юридическую помощь.

В рамках акции Белорусской ассоциацией молодых христианских женщин была организована работа двух телефонов доверия с привлечением юриста и двух психологов. Информация о работе консультантов распространялась через настенную рекламу в вагонах метро. В течение 16 дней консультации по телефонам, преимущественно юридические, получили 43 женщины.

В ходе реализации проекта в целях выяснения уровня осведомленности населения о домашнем насилии и сексуальных домогательствах на работе был проведен также анкетный опрос среди 900 жителей Республики Беларусь.

Правовая основа международного сотрудничества в сфере борьбы с торговлей людьми

Республика Беларусь, выражая приверженность нашего государства делу поощрения и защиты прав человека, оформила документы об участии Беларуси в нижеследующем:

Международная конвенция о борьбе с торговлей женщинами и детьми, открытая для подписания в Женеве с 30 сентября 1921 года по 31 марта 1922 года;

Международная конвенция о борьбе с торговлей совершеннолетними женщинами, подписанная в Женеве 11 октября 1933 года;

Конвенция о политических правах женщин;

Конвенция о борьбе с торговлей людьми и с эксплуатацией проституции третьими лицами;

Заключительный протокол к Конвенции о борьбе с торговлей людьми и с эксплуатацией проституцией третьими лицами;

Конвенция о рабстве, подписанная в Женеве 25 сентября 1926 года с изменениями, внесенными Протоколом от 7 декабря 1953 года;

Дополнительная конвенция об упразднении рабства, работорговли и институтов и обычаев, сходных с рабством;

Международный пакт об экономических, социальных и культурных правах;

Конвенция о ликвидации всех форм дискриминации в отношении женщин;

Конвенция о правах ребенка;

Дополнительный протокол к Конвенции о правах ребенка, касающийся продажи детей, детской проституции и детской порнографии;

Конвенция о гражданских аспектах международного похищения детей;

Республика Беларусь подписала Факультативный протокол к Конвенции о ликвидации всех форм дискриминации в отношении женщин, Конвенцию по защите детей и сотрудничеству в отношении международного усыновления, Конвенцию Организации Объединенных Наций

против транснациональной организованной преступности, Протокол о предупреждении и пресечении торговли людьми, особенно женщинами и детьми, и наказании за нее, дополняющий Конвенцию Организации Объединенных Наций против транснациональной организованной преступности.

Кроме того, проводится работа по присоединению Республики Беларусь к Факультативному протоколу к Конвенции о правах ребенка, касающемуся участия детей в вооруженных конфликтах, по ратификации Факультативного протокола к Конвенции о ликвидации всех форм дискриминации в отношении женщин и ратификации Конвенции Организации Объединенных Наций против транснациональной организованной преступности и Протокола о предупреждении и пресечении торговли людьми, особенно женщинами и детьми, и наказании за нее, дополняющего Конвенцию Организации Объединенных Наций против транснациональной организованной преступности.

Взаимодействие правоохранительных органов Республики Беларусь с правоохранительными органами других государств в борьбе с названными преступлениями осуществляется на основании следующих двусторонних международных договоров:

Соглашение между Правительством Республики Беларусь и Правительством Турецкой Республики о сотрудничестве в борьбе с международной организованной преступностью, международной нелегальной торговлей наркотиками и международным терроризмом (подписано в г. Анкаре 24 июля 1996 года);

Соглашение между Правительством Республики Беларусь и Правительством Государства Израиль о сотрудничестве в борьбе с преступностью (подписано в г. Иерусалиме 4 февраля 1997 года);

Соглашение между министерствами внутренних дел Республики Беларусь и Республики Болгарии о сотрудничестве в борьбе с преступностью (подписано в г. Софии 13 сентября 1994 года);

Соглашение между Министерством внутренних дел Республики Беларусь и Министерством внутренних дел Румынии о сотрудничестве в борьбе с преступностью (подписано в г. Бухаресте 22 мая 1996 года);

Соглашение между министерствами внутренних дел Республики Беларусь и Республики Польши, представленными министрами внутренних дел, о сотрудничестве в борьбе с преступностью (подписано в г. Варшаве 24 апреля 1994 года);

Соглашение о сотрудничестве между Министерством внутренних дел Республики Беларусь и Министерством внутренних дел Литовской Республики (подписано в г. Вильнюсе 16 июля 1993 года);

Соглашение о сотрудничестве между Министерством Республики Беларусь и Министерством Общественной Безопасности Социалистической Республики Вьетнам (подписано в г. Минске 23 октября 2000 года);

Соглашение о сотрудничестве между министерствами внутренних дел Республики Беларусь и Китайской Народной Республики (подписано в г. Пекине 23 апреля 2001 года).

В целях расширения правовой основы международного сотрудничества в сфере борьбы торговли людьми в настоящее время Министерство внутренних дел Республики Беларусь осуществляет подготовку необходимых документов для заключения следующих международных договоров, содержащих положение о мерах по борьбе с торговлей людьми с Правительством Исламской Республики Иран, Правительством Республики Индии, Правительством Польши, Правительством Арабской Республики Египет и Правительством Эстонской Республики.

Правовая основа взаимодействия правоохранительных органов государств-участников СНГ и Союзного государства в сфере борьбы торговли людьми, в том числе женщинами и детьми

Правовую основу взаимодействия правоохранительных органов государств-участников СНГ составляют следующие международные договоры:

Межгосударственная программа совместных мер борьбы с преступностью на период с 2000 по 2003 года (утверждена Решением Совета глав государств СНГ от 25 января 2000 года);

Соглашение о сотрудничестве государств-участников СНГ в борьбе с преступностью (подписано в г. Москве 25 ноября 1998 года);

Соглашение о взаимодействии министерств внутренних дел Содружества Независимых Государств в сфере борьбы с преступностью (подписано в г. Алма-Ате 1992 года);

Соглашение о взаимоотношениях министерств внутренних дел в сфере обмена информации (подписано в г. Чолпон-Ате 3 августа 1992 года);

Соглашение о сотрудничестве министерств внутренних дел в вопросах возвращения несовершеннолетних в государства их проживания (подписано в г. Волгограде 24 сентября 1993 года).

Кроме того, Министерством внутренних дел Республики Беларусь заключено двустороннее межведомственное соглашение о сотрудничестве с министерствами внутренних дел Украины, Туркменистана, Молдовы, Армении, Грузии, Казахстана, Таджикистана, Кыргызской Республики, России, Узбекистана и Азербайджана.

В целях реализации положений названных международных договоров заключен ряд протоколов, регламентирующих основные направления сотрудничества и предусматривающих различные формы взаимодействия органов внутренних дел Республики Беларусь и Российской Федерации, Республики Молдова, Украины и Республики Армения.

Во исполнение Решения Совета глав правительств СНГ от 25 ноября 1998 года, была принята Программы межгосударственных мер борьбы с преступностью на период с 2000 до 2003 года, которая предусматривает комплекс мер и совместных действий, направленных на повышение эффективности сотрудничества государств-участников СНГ в борьбе с различными проявлениями международной организованной преступности.

Во исполнение пункта 6.1. раздела VI («Механизм контроля») Программы Министерством внутренних дел Республики Беларусь разработан План мероприятий по реализации положений Межгосударственной программы совместных мер борьбы с преступностью на период с 2000 до 2003 года, утвержденный Распоряжением Президента Республики Беларусь от 07 июля 2000 года № 219 рп.

План регламентирует вопросы правового характера, информационного, научного, материально-технического, финансового и кадрового обеспечения, а также содержит комплекс практических мероприятий и устанавливает механизм контроля за их выполнением.

Среди практических мероприятий, предусмотренных названным Планом, необходимо выделить обязательство, возложенное на правоохранительные органы Республики Беларусь, по проведению межведомственных оперативно-профилактических целевых мероприятий и специальных операций по выявлению и пресечению преступной деятельности, связанной с похищением и торговлей людьми, органами и тканями человека для трансплантации.

В развитие данного Плана и во исполнение обязательств, возложенных на органы внутренних дел, Министерством внутренних дел Республики Беларусь в части своей компетенции разработан и утвержден План по реализации положений Межгосударственной программы совместных мер борьбы с преступностью на период 2000-2003 гг.

В рамках Союзного государства Министерство внутренних дел Республики Беларусь совместно с Министерством внутренних дел России разработан проект Межгосударственной программы «Борьба с преступностью на территории государств-участников Союзного государства на период 2001-2003 годы».

Практические результаты деятельности органов внутренних дел по борьбе с торговлей людьми

За последние шесть лет количество выявленных преступлений, связанных с содержанием притонов, проституцией, сводничеством, сутенерством, в Республике Беларусь увеличилось в 4,7 раза. Так, в 1996 году было выявлено 42 преступления в сфере нравственности, в 1997 году – 62, в 1998 году – 62, в 1999 году – 89, в 2000 году – 149, а в 2001 году – 197.

За 7 месяцев 2002 года сотрудниками органов внутренних дел выявлено 251 преступление, в том числе 9 – связанных с торговлей людьми, 1 – похищение людей, 11 – вербовка людей для сексуальной эксплуатации, 197 – содержание притонов для занятия проституцией и сводничеством, 13 – распространение порнографических материалов или предметов, 34 – вовлечение несовершеннолетних в антиобщественное поведение, из них 19 фактов вовлечения в занятие проституцией.

Министерством внутренних дел Республики Беларусь создана и постоянно пополняется база данных о преступлениях и правонарушениях, совершенных в сфере нравственности, а также о лицах, их совершивших.

В целях предупреждения преступлений, совершаемых в отношении женщин, и устранения причин таких преступлений между соответствующими подразделениями Министерства внутренних дел Республики Беларусь и министерств внутренних дел России, Украины, Литвы, Польши, Австрии, Германии и Испании организован обмен информацией о лицах, причастных к совершению данных преступлений.

Так, 4 апреля 2001 года реализованы оперативные материалы в отношении членов международной преступной группы, состоящей из граждан Республики Беларусь, ФРГ, государств-участников СНГ. В течение 1997-2001 годов участники данной преступной группы занимались вербовкой женщин и поставкой их в ФРГ, Австрию, Италию, Испанию и другие страны Западной Европы для занятия проституцией. Работа по изобличению данной преступной группы, в состав которой входило более 15 человек, проводилась в тесном взаимодействии с Федеральным управлением расследований Германии в г.Берлине при посредничестве офицера связи данного ведомства при Посольстве ФРГ в Республике Беларусь. В ходе расследования арестовано 16 членов преступной группы; временно задержаны 42 женщины, занимавшиеся проституцией, изъято ценностей на сумму около 200 тысяч немецких марок; наложен арест на недвижимость, в строительство которой были вложены доходы, полученные преступным путем.

Систематически проводится проверка объявлений по оказанию платных сексуальных услуг, размещенных в сети Интернет.

HUMAN TRAFFICKING – SITUATION IN BELGIUM

1. Introduction

Human trafficking is nothing new. Many initiatives have been taken by the United Nations, the Council of Europe, the European Union, the OSCE, the IOM and so on in an attempt to fight this scourge. Likewise, numerous international conferences have been organised, the outcome of which is always the same: "Human trafficking is international in scope. Prevention in the countries of origin must go hand in hand with a consistent, effective policy of prosecution. And we must always remain sensitive to the plight of the victims."

2. Situation in Belgium

Slavery, or human trafficking, can be found in differing forms and structures within Belgian society. Drawing a reliable international picture is difficult, but if we list all the forms that exploitation can take, we see that certain sectors provide more fertile ground for human trafficking. The figures do not allow us to draw any conclusions as to the true magnitude of this problem in Belgium. The only victims we see are those uncovered by the police or other authorities during organised or surprise visits, or those referred by another partner, such as social welfare organisations active on the ground.

Some victims refuse help when approached, mainly because of fear and threats designed to keep them from testifying. This is especially true for the victims of Albanian and Nigerian gangs.

3. Key Links in the Human Trafficking Chain

Some 14,262 illegal immigrants were caught in Belgium in 2000, up slightly from 1999. In 2001, the number of illegals caught in Belgium jumped to 20,535. Ten countries are the source of the largest number of illegals caught: Russia, Yugoslavia, Afghanistan, Turkey, Algeria, Iran, Morocco, Macedonia, Albania and DR Congo.

'Pseudo-legal' immigration is on the rise. This is especially prevalent in the tourism sector, among students, in marriages and among au pairs. Local agencies in the countries of origin play a key role in organising the traffic, helping obtain genuine, legal documents from diplomatic representations abroad.

In terms of recruitment in the countries of origin, 90% of immigrants were not recruited by the traffickers themselves, but were approached by family members or acquaintances. This creates a climate of confidence right from the start, thereby encouraging recruitment. This initial intermediary does not know what the ultimate objective of recruitment actually is; they are simply trying to help the individual find honest work so that he or she can earn money. During the voyage to western Europe, victims are often sold and re-sold, without necessarily meeting the trafficker. The current tendency among traffickers is to work together in small groups when required, closely

following demand. For instance, the person who provides counterfeit papers will be contacted by various groups of traffickers, but there will be no link directly between these groups. If housing has to be found, then the groups know who to contact.

These small groups work together without any hierarchy between them. They join forces in as dictated by demand and requirements. Supply and demand encourage the internationalisation of trafficking. Recruitment among disadvantaged families or families in distress (financial difficulties, breakdown of family ties) encourages victims to leave. At any rate, individuals who leave their friends and families behind are better off in the west than in their country of origin. Traditions and values are different in the countries of origin. Attitudes and perceptions of right and wrong also differ. The countries of origin are often plagued by corruption at all levels, especially among the police and social services, and as a result the victims are not really prepared to cooperate with the police and social services in western countries.

Perpetrators are using less physical violence. Traffickers are more cautious because they have noticed that physical violence encourages the victims to be more cooperative with the police. On the other hand, emotional coercion (pressure on the family, the victim's reputation in his/her family or friends, and traditions) is on the rise. Groups of traffickers are pursuing activities in areas other than prostitution. This trend is no doubt due to the financial requirements of the perpetrators.

4. Legislation and Crime Policy in Belgium

Pursuant to the conclusions of the parliamentary committee on human trafficking in Belgium, the Belgian Parliament passed a new law (the law of 13 April 1995) with a view to stopping human trafficking and child pornography (also known as the 'Human Trafficking Act').

Laws of 13 April 1995

Three laws have been incorporated into the Penal Code in the section on corruption of minors and prostitution.

The key law here is the Human Trafficking Act.

Preparatory work

The Human Trafficking Act is the result of the work and recommendations of the committee of inquiry responsible for drafting a structural policy with a view to stopping and abolishing human trafficking.

The committee found gaps in the legislative texts and suggested:

- defining a separate offence for de facto slavery;
- making this a criminal offence;
- cracking down on the forced or misleading entry of foreigners into Belgium;
- reinforcing accessory penalties: ban on the exercise of rights and duties, closure of establishments and confiscation (broadened);
- giving a more explicit definition of the composition of the gangs involved;
- establishing the judge's extraterritorial jurisdiction for these articles;
- seeking a systematic application of provisional confiscation during the investigation;
- providing new resources for the labour inspectorate.

Main provisions of the law of 13 April 1995 on human trafficking

- *Article 77a: trafficking of foreign nationals*

This aims to crack down on any assistance, either direct or via an intermediary, that allows a foreigner to enter (transit) or reside in Belgium:

- *Article 380 (formerly Article 380a) of the Penal Code: trafficking of adults*

This legal provision seeks to crack down on: hiring, training, abducting and holding an adult for the purposes of debauchery or prostitution, in order to satisfy the passions of others and even with said adult's consent; operating a brothel; selling, renting or making available for prostitution bedrooms or any premises with a view to gaining abnormal profit; running, in any manner whatsoever, the prostitution of another individual; those who make direct or indirect use of fraud, violence, threats or any form of constraint whatsoever; those who exploit the particularly vulnerable situation of an individual by virtue of the fact that said individual is in the country illegally, is in a precarious position, is pregnant, is ill, is infirm or suffers from a physical or mental handicap;

- *Article 380b of the Penal Code: advertising*

This article censures anyone who "irrespective of the means used, directly or indirectly publishes, distributes or disseminates - or has published, distributed or disseminated by others - advertising, even if same conceals the nature of the services offered by means of linguistic devices, offering services of a sexual nature having a direct or indirect aim of gaining profit, if said advertising is aimed specifically at minors or if it details services offered by minors or persons claiming to be minors."

- *Decriminalisation of the procurer*

The aim of the legislators is to avoid punishment for cohabiting with a prostitute.

- *Trafficking of minors*

(1) the age of consent is 18 years, as set out in the Convention on the Rights of the Child.

(2) the debauchery, corruption and prostitution of minors

- *Article 383a of the Penal Code: child pornography*

This article censures "anyone who displays, sells, rents or distributes emblems, objects, films, photographs, slides or other visual media representing sexual positions or acts of a pornographic nature involving minors under the age of 16 years of age, or anyone who, with a view to sales or distribution, manufactures, holds, imports, has imported, or hands over to a shipping or distribution agent such materials."

- *Penalties and measures*

The law provides severe imprisonment or fines, including forced labour of up to 20 years and a fine of €2,500 (x 200).

- *Injunction*

The Human Trafficking Act introduces (in Articles 9 and 10) the concept of allowing the relevant ministers to apply to the Court of First Instance for an injunction *if there has been a violation of social legislation in the event that there is reason to suppose that the offences set out in Articles 379 and 380 of the Penal Code are being committed. (... debauchery, corruption or prostitution)*

- *Modification of the statute of limitations*

The statute of limitations only begins to run on the day that the victim reaches 18 years of age. This is a clear improvement in the status of the victims.

- *Extraterritoriality*

Article 10b of the Code of Criminal Procedure provides for the prosecution in Belgium of both Belgian nationals and foreign nationals in Belgium for offences related to satisfying the passions of others; Belgian and foreign nationals in Belgium for offences involving the satisfaction of their own passions, if the act was committed against the person of a minor who has not yet reached his or her 16th birthday.

Likewise, Belgian or foreign perpetrators of offences in Belgium may be prosecuted for acts committed abroad, even if no constituent part of said offence was carried out in Belgium.

However, the principle of double jeopardy is maintained so that the offence must also be punishable in the country where it was committed so that the Belgian judge may take cognisance thereof.

5. Organisation of Administrative Services – Criminal Policy Measures: The Players behind this Policy

In the early 1990s Belgium began implementing a structure enabling a federal and local approach to the phenomenon by both the police and the judiciary.

The latest guidelines from the minister for justice concerning policy on investigating and prosecuting human trafficking and child pornography date back to 31 May 1999.

Federal Police Human Trafficking Unit - Directorate-General for the Judicial Police

A central Human Trafficking Unit was set up by the Federal Police - Directorate-General for the Judicial Police pursuant to a decision by the minister for the home department in November 1992.

The unit was initially given the following tasks:

- detecting human trafficking, trafficking in women, organised labour of illegals, and the underlying networks;
- sending signals, warnings and information to political decision-makers, consultation structures and relevant administrative bodies;
- developing specialised competence in these areas;
- serving as an operational police unit.

The College of Public Prosecutors

The College of Public Prosecutors was established by the law of 4 March 1997. The College has national jurisdiction and takes decisions on the consistent implementation and coordination of criminal policy, as set out in orders from the minister for justice. Criminal policy also includes policy on investigation and prosecution as well as policy on victims. Accordingly, specific tasks have been conferred upon each member of the College. For instance, the Liège public prosecutor is responsible for human trafficking issues.

National magistrates

The law of March 1997 also created the 'national magistrate'. In so doing, the law provided a legal foundation for a function originally conceived in 1990 in a ministerial circular. National magistrates have national jurisdiction and coordinate investigations into organised crime. They are responsible for carrying out urgent requests for judicial cooperation. They also have decision-making authority in cross-border operations (cross-border surveillance, surveillance of deliveries, undercover operations, etc.). In 1999, of the 368 cross-border operations authorised by my office, 17 involved human trafficking offences. With respect to major national and international police operations, the national magistrate will be the key point of contact with the Federal Police's Directorate-General of the Judicial Police. The Human Trafficking Unit is part of the Directorate-General. The national magistrate structure will be incorporated into the Federal Public Prosecutor's Office, effective as of 21 May 2002 (during the implementation phase). Indeed, the law of 22 December 1988, amended by the law of 21 February 2001, creates a Federal Public Prosecutor's Office. In addition to the powers formerly exercised by the national magistrates, the Federal Public Prosecutor's Office will have national jurisdiction to pursue legal action in certain areas set out by law. These areas include human trafficking. The Federal Public Prosecutor's Office is to be established on 23 May 2002.

Liaison magistrates

In application of the decision of 14 November 1996 of the College of Public Prosecutors, a liaison magistrate for human trafficking has been appointed for each judicial district and each Public Prosecutor's Office. Liaison magistrates have the following tasks:

at the Public Prosecutor's Office

- serving as points of contact with the Public Prosecutor's Office;
- monitoring important cases handled by the Public Prosecutor's Office within their jurisdiction;
- drafting annual reports on actions taken and difficulties encountered within their jurisdiction;
- making useful suggestions to the College of Public Prosecutors that might allow the authorities to fight human trafficking more efficiently.

at the judicial district level

- serving as the point of contact with outside parties (national magistrates, liaison magistrates from other districts, police, Human Trafficking Unit of the Directorate-General of the Judicial Police - Federal Police, Directorate of Police Cooperation, administrative inquiry authorities and services, centres for victims of human trafficking) ;
- performing the following within their judicial district;
- collecting and exchanging information from and with various departments or sections of the Public Prosecutor's Office as well as reviewing jurisdiction;
- monitoring the development of pending cases;
- drafting an annual report for the Public Prosecutor's Office on trends in human trafficking and the actions taken within their district;
- informing the media as necessary, in conjunction with colleagues responsible for media relations.
- keeping the public prosecutor up to date on all important cases.

In connection with the exercise of these powers, the liaison magistrate at the Public Prosecutor's Office associated with the Court of First Instance will hold a meeting - generally every two months, but at least every three months – attended by:

- labour auditors
- the federal police
- the local police
- a representative of the Social and Labour Inspectorate's district-level unit, as provided for in the agreement on cooperation between the various Social Inspectorate departments in order to coordinate investigations in the event of violations of the social and labour legislation of 30 July 1993.

The liaison magistrate may also, on a case-by-case basis, invite any person or department whose support he feels would be useful to the investigation into and prosecution of human trafficking, specifically the Aliens Office or the Special Tax Inspectorate. Likewise, he will make sure to cooperate with national magistrates in their role as coordinators of public prosecution and facilitators of international cooperation.

At least once per year the liaison magistrate will organise a meeting with associations on the ground specialising in accommodating victims of human trafficking. The aim of this meeting is to ensure that a dialogue can take place while respecting each party's role.

Other actors

This concerted approach includes regular contacts and exchanges with other institutions, such as the Aliens Office, the Ministry of Foreign Affairs, victim reception centres and so on.

Dynamic collaboration between reception centres, the police, the inspectorate, the Aliens Office and the justice authorities

How efficient action taken against human trafficking actually is will depend to a large extent on the development of dynamic cooperation between the police, inspectorates and Public Prosecutor's Offices, on the one hand, and special reception centres on the other. It is only possible to dovetail actions taken by the various parties concerned if the victims (or alleged victims) of human trafficking are actually put in touch with special reception centres.

Task Force

When it was created the Task Force had two levels, divided between the Ministry of Justice and the Ministry of the Interior. The Task Force at the Ministry of the Interior focused on immigration, the aim being curb flows of immigrants and asylum-seekers. The Task Force at the Ministry of Justice focused on human trafficking with a view to monitoring the results of the Senate's Committee of Inquiry on Human Trafficking. In 2000 the decision was taken to merge the two Task Forces to ensure more efficient decision-making, to focus on exchanging information on human trafficking within each department, and to try to pool this information in order to further assist both ministries involved. One example might be an Embassy office that has information on trafficking. This information will be passed on to the various investigators, taking account of each one's remit so as to ensure the most efficient and coordinated action. The aim is to establish a structural link between the various ministries, not between individuals. An information exchange platform must be developed and this information analysed in collaboration with each relevant ministry. The

information must then be restored. The exchange of information must be guaranteed so that information can actually be used in operations.

Aid to victims

Parliament and the federal government, in cooperation with the Communities and Regions, have devised a policy designed to aid victims of human trafficking and to create more opportunities to combat traffickers and their networks. Policy on aid to victims covers aid and support in Belgium as well as support in returning to the country of origin. Provisions allowing victims to remain in Belgium legally owing to legal proceedings being carried against perpetrators help create more opportunities to carry out in-depth judicial investigations and give victims a chance to testify during trials.



PERMANENT MISSION OF THE REPUBLIC OF CYPRUS
TO THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE
VIENNA

Vienna, 4 September 2002

CYPRUS SITUATION REPORT ON TRAFFICKING IN HUMAN BEINGS

Trafficking in human beings and the sexual exploitation of adults as well as children is not a new phenomenon. The trafficking in persons for the purpose of sexual exploitation has been rightfully denounced for subjecting its victims to perhaps the most degrading and destructive form of servitude. With the advancement of technology and new forms of organized crime, extra pressure is being exercised on the international community as well as the European Union for radical action.

The Government of Cyprus is fully aware of the several actions and initiatives taking place at the international and regional level and supports fully the co-operation measures taken for the prevention and combating of trafficking in women and children.

The situation in Cyprus regarding the combating of trafficking in women and children is the following:

According to official figures given by the Ministry of Justice and Public Order from 1994 till the year 2000, there were only 51 cases for sexual exploitation out of which 32 individuals were convicted, 54 cases for living on earnings of prostitution out of which 18 individuals were convicted. We also had 3 convictions for trafficking for the purposes of sexual exploitation and another 4 are pending.

A high-risk group of persons with regard to sexual exploitation is young women, mostly migrants from central and eastern European countries, employed in cabarets and nightclubs. There are currently approximately 1200 women working in these establishments, and the Government is undertaking special measures for their protection.

Despite the fact that the Republic of Cyprus does not face serious problems of sexual exploitation of children and child pornography, a great number of legislative as well as administrative measures have been taken since the early 60's to prevent and combat trafficking and sexual exploitation of adults and children.

In the light of future membership in the EU, Cyprus recently enacted a new legislation, the Law to Combat Trafficking in Human Beings and Sexual Exploitation of Children, which is in line with the corresponding Joint Action of 24 January 1997 adopted by the Council on the basis of Articles K3 of the Treaty on European Union concerning action to combat trafficking in human beings and sexual exploitation of children.

This law criminalizes such activities, provides for severe punishments as well as for the protection, compensation and rehabilitation of victims and extends the jurisdiction of Cyprus courts. Offences under this law, including the trafficking and sexual exploitation of women and children, the use of children for pornography and the production, display, showing or transmission of such productions could be extraditable and could also be predicate offences for the purposes of confiscation of the illicit proceeds.

Another very important element of this law is the appointment of the Director of the Department of Social Welfare as the Guardian of Victims of Sexual Exploitation, who will be responsible for the provision of humanitarian support and assistance to the victims as well as for the channeling of complaints to the competent authorities for investigation.

Furthermore, the House of Representatives enacted in June of last year new legislation for the protection of witnesses. This legislation provides equal measures with EU Resolutions of 23 November 1995 on the protection of witnesses in the fight against international organized crime and of 20 December 1996 on individuals who co-operate in the fight against organized crime.

Alignment with the *acquis* and international law is an ongoing process. For this reason the existing legal framework regarding combating trafficking and sexual exploitation is undergoing amendments in order to implement the provisions of the UN Convention on Transnational Organized Crime and both its Protocols.

On the operational level the institutions responsible for the implementation of the laws and policies are:

- The Office of the Attorney General of the Republic (Unit for Combating Money Laundering)
- Ministry of Justice and Public Order
- Ministry of Interior (Department of Civil Registry and Migration)
- Ministry of Labour and Social Insurance (Welfare Services)
- Ministry of Finance (Department of Customs and Excise)
- Cyprus Police and more specific the following departments:
 - Criminal Investigation Department
 - Crime Intelligence Unit
 - Crime Statistics Unit
 - Aliens and Immigration Department
 - Crime Prevention Office

The above institutions are in close co-operation with two NGO's, the Cyprus Family Planning Association and the Association for the Prevention of and Dealing with Domestic Violence.

Moreover, the Police are in close co-operation with the United Nations, Interpol and the FBI.

In particular, the following operational measures are taken:

- Strict enforcement of the existing legislation
- Passport and operation control

- Frequent visits by Police Officers to entertainment establishments in order to ensure application and observation of provisions of the contract employment.
- Females wishing to work in places that are considered to be of high risk with regard to sexual exploitation are given informative leaflets of their rights as employees and the telephone numbers of Alien and Immigration officers in case they need any support or assistance.
- The police take crime-preventing measures in close co-operation with all involved authorities.

As part of the preventive measures, border controls in steadily strengthened.

The initiatives developed to make the border control more efficient are as follows:

- Upgrading and geographical expansion of the existing Police Computer Network.
- Establishment of forgery detection equipment as described by Council Recommendation 398Y0617 (01), dated 28.5.1998.
- Purchase of new equipment for the Port and Martine Police and the Police Air wing.
- During 2001, the procedure for the establishment of N.S.I.S. (National Schengen Information System) has began according to SCH-com-ex (94) decl.14 rev. Ø 22.12.94 Ø ÖS.I.S.Ö). To this effect, Cyprus has already adopted an action plan and has prepared a timetable for the implementation of the first phase of the project.
- Training of police officers on border control issues.
- Furnishing Cyprus Diplomatic Missions Abroad with Stop-List Date.

The following actions are in the pipeline and will be effected in the near future:

- Purchase of a Coastal Radar System.
- Establishment and operation of the N.S.I.S. (Second and Third phases).
- Connection of the Police Computer Network and other governmental services dealing with external border control with N.S.I.S.
- Purchase of two additional patrol boats.
- Purchase of three additional helicopters.
- Establishment of the European Image Archiving System (FADO).

Moreover, there is continuing training and specialization of police officers on the operation of the new technological equipment.

Regarding international co-operation Cyprus has signed a number of bilateral agreements with other countries, especially the neighbouring countries, for regional and international Police co-operation concerning organized crime, exchange of information, border control etc.

In addition, Cyprus has established at the Police Headquarters a liaison office with the CIREFI OFFICE (exchange of information concerning illegal immigration and trafficking in human beings). To this framework, an Early Warning System (E.W.S.) has also been established at Cyprus Police Headquarters for direct exchange of information with other member states and candidate countries.

Furthermore, at the Cyprus Police Headquarters the Statistical Data Office is responsible for collecting, analyzing, evaluating and exchanging information regarding border control.

Finally, having regarded the utmost importance of the issue of co-operation between the member states of the EU and the candidate countries to combat this phenomenon, the Cyprus government plans to establish monitoring unit for combating trafficking and sexual exploitation of human beings. This unit will be composed of representatives form the following institutions:

- The Office of the Attorney General of the Republic.
- Ministry of Justice and Public Order
- Ministry of Interior (Department of Civil Registry and Migration)
- Ministry of Labour and Social Insurance (Welfare Services)
- Ministry of Finance (Department of Customs and Excise)
- Cyprus Police

The primary purpose of the Unit will be the monitoring of the several actions taken in this field on the operational, legislative and preventative level as well as the co-operation with the NGO's and identical units of the member states and the candidate countries.

CANADA: COUNTRY REPORT

from Canadian delegation

Research/Media Coverage

What information is available about trafficking? Are there any reliable studies or statistics on the issue? How does the media cover the issue?

Most of the information produced to inform possible victims about trafficking is produced by Status of Women Canada. Status of Women Canada is currently in the process of drafting several information pamphlets to inform possible victims and to inform Canadian representatives who may encounter them. The studies done by Status of Women Canada are listed on their website. Their website is: <http://www.swc-cfc.gc.ca>

Trafficking, as such, just became an offence with the entering into force of the *Immigration and Refugee Protection Act* on June 28, 2002. The Royal Canadian Mounted Police has coding in its Operational Statistics Reporting which will capture trafficking data.

Canadian media coverage of trafficking tends to cover trafficking stories in the United States or Europe. There have been a few stories on trafficking in Canada, but more on trafficking as a global phenomenon.

Awareness raising

Are there any awareness raising programs? What issues are most important to stress in your country? Who is the target audience?

See above. Canada stresses the fact that trafficking is a criminal activity. There are laws against it. We try to inform victims of their rights. To date, efforts focus on dissuading persons from taking actions that could lead to them becoming victims of traffickers.

Legal framework/legislative review and reform efforts

How does the current legal framework prevent and address trafficking and related violations? How are victims identified and how are their rights protected? Has your country ratified the UN Convention Against Transnational Organized Crime and its protocols? Is there review and reform of relevant legislation under way?

While there is no specific provision in the *Canadian Criminal Code* on trafficking in persons, a number of provisions in the *Criminal Code* may apply to situations of trafficking such as abduction, kidnapping, extortion, assault, sexual assault, uttering threats, unlawful confinement and provisions

related to the exploitation of the prostitution of others. In addition, the Department of Citizenship and Immigration Canada included a specific offence against human trafficking in its new *Immigration and Refugee Protection Act* which came into force June 28, 2002. The new trafficking offence provides for very severe penalties: fines as high as \$1 million and terms of imprisonment up to and including life imprisonment. Moreover it lists specific aggravating factors that a court can take into account when determining the appropriate penalty. It allows for the forfeiture of money and property seized from traffickers and, for the first time, contains a single and comprehensive prohibition against the possession and use of fraudulent immigration related documents. http://www.parl.gc.ca/37/1/parlbus/chambus/house/bills/government/C-11/C-11_4/90141b-2E.html#15

Other Canadian pieces of legislation relevant to trafficking are: the *Proceeds of Crime Act* enacted in 2000, which introduced tools to improve detection, prevention and deterrence of money laundering in Canada and amendments to the Criminal Code under Organized Crime Legislation which came into force January and February 2002, and included measures that provided broader powers to seize property used in crimes and to forfeit the profits of criminal organizations.

There are no special provisions in Canada's Immigration Act for the victims of trafficking. However, victims of trafficking may request immigration status in Canada based on humanitarian/compassionate considerations. The Canadian Immigration and Refugee Board introduced gender-related persecution guidelines in 1993 that may be relevant to some trafficking cases. The new *Immigration and Refugee Protection Act* is in compliance with the United Nations Convention on the Rights of the Child. In the new Act, the "best interests of the child" are to be considered in the context of applications for permanent residence on humanitarian and compassionate grounds and certain decisions taken by the Immigration Appeal Division.

Although not specifically targeted to trafficked victims, within Canada there are a number programs and services ranging from health care to legal assistance, that victims of trafficking may access. By virtue of Canada's legal system, victims of trafficking may have the possibility of obtaining damages for injury suffered. Such programs exist domestically via the Criminal Code provisions and the victim's compensation programs that exist in the various jurisdictions throughout the country. Since 1996, Canada has a Witness Protection Program Act <http://www.laws.justice.gc.ca/en/W-11.2/99955.html#rid-99974> which, while not specific to trafficking, would provide witness protection to trafficking victims, as required.

Canada signed the Transnational Organized Crime Convention and the two Protocols dealing with Smuggling and Trafficking in December 2000 at Palermo and, on May 14, 2002 Canada ratified all three instruments. Prior to ratification of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, Canada carefully reviewed its legislation to ensure that all obligations were met.

Government co-ordination

Is there a national co-ordinating body within the government to address this issue? Is there a focal point within the government responsible for co-ordinating a response and serving as a liaison for international contacts?

There is an Interdepartmental Working Group jointly chaired by Status of Women Canada and by the Department of Citizenship and Immigration. That Working Group would be a good liaison point for international contacts.

There are regular meetings of Federal-Provincial-Territorial Ministers responsible for Justice. These Ministers issued a Joint Statement on Organized Crime in 1998 and continue to direct the development of specific proposals including the review and updating of laws, coordination of resources and ways of increasing public awareness with regard to combating organized crime, including trafficking and smuggling of persons.

National Plan of Action

Is there a national plan of action to prevent and combat trafficking? If so, what are the main components and who is responsible? What resources and co-operation are necessary to implement the plan?

See above.

Co-operation with non-governmental and international organisations

How does the government co-ordinate and co-operate with NGOs and IOs to prevent and combat trafficking, as well as to assist its victims?

Through the Canadian International Development Agency and other departments, some funding is provided to NGOs and IOs to prevent and combat trafficking. Status of Women Canada works with NGOs which assist victims.

Training of relevant state authorities

Are there any programs in place to specifically train state authorities on how to prevent, detect, and address this problem? Are there programs in place to sensitize state authorities to the special needs of trafficked persons and victims of violence?

The Royal Canadian Mounted Police is training its officers on implementation of the new *Immigration and Refugee Protection Act*. The new Act includes a new offence of trafficking and officers are trained on trafficking.

Aid and development programs abroad

Does your government support anti-trafficking initiatives in other countries? If so, what strategies and priorities are behind these activities?

In recognition of the fact that many States, especially those from the developing parts of the world, require assistance to reach the point where they can sign / ratify the Convention and the Protocols, Canada is considering ways to improve provision of technical assistance to enhance their laws and improve their border controls. These are not new activities for Canada since this type of assistance has been provided, on an ongoing basis, by such government organizations as the Canadian International Development Agency (CIDA). See the attached sheet.

Most trafficked persons in Canada tend to come from South East Asia or the former Soviet Union or Balkan states. Canada is also active in the Regional Conference on Migration known as the

Puebla Process. The Puebla Process includes United States, Mexico, El Salvador, Honduras, Guatemala, Nicaragua, Panama, Belize and the Dominican Republic.

Bilateral and multilateral agreements and activities

Has your government signed any relevant bilateral or multilateral agreements to address this issue? Does your government promote and engage in joint projects and activities with other governments with the aim of preventing and combating trafficking? How does your government co-operate with other countries to ensure safe repatriation efforts and what mechanism are in place to protect witnesses during the process of investigation and prosecution?

Canada was very actively involved in the negotiation of the Transnational Organized Crime Convention and the Protocols on Smuggling and Trafficking. We promote signature and ratification of the Convention and Protocols wherever possible. Canada has financed several trafficking projects in countries of the Puebla Process, specifically El Salvador, Honduras, Guatemala, Nicaragua, Panama, Belize and the Dominican Republic.

Since 1997, Canada and the USA have established a Cross Border Crime Forum which includes senior law enforcement and justice officials from both countries and was designed to improve cooperation and information sharing between the two countries.

Canada continues to be active on trafficking issues in the G-8, the United Nations and the Organization of American States. Canada signed the Optional Protocol to the Convention on the Rights of Children on the sale of children, child prostitution and child pornography in November 2001. Canada has been active internationally and nationally on protection of children with amendments to the Canadian criminal code dealing with child sex tourism and child protection on the Internet.

Canada has a broad network of bilateral Mutual Legal Assistance treaties with other countries, including major source states, which are applicable to all criminal investigations, including those on trafficking in persons.

Trafficking Related Technical Assistance Projects Funded by Canada

Canada's International Development Agency (CIDA) funds a number of programmes, throughout the world, intended to address the problem of human trafficking and smuggling. Some include:

General

CIDA (Policy Branch) developed a 5 year program, CIDA's Social Development Priorities: A Framework for Action, to strengthen programming in developing countries including The Child Protection Action Plan which focuses on war-affected children and exploitative child labour as well as children exploited in the sex trade. In addition, a Child Protection Research Fund will examine child protection issues.

CIDA activities related to the commercial sexual exploitation of children (includes trafficking in children). At the multilateral level, CIDA provides core funding to UNICEF, which supports sexually exploited children as part of their mandate.

CIDA, through its Gender Funds and Canada Funds for Local Initiatives, supports a wide variety of programs for women and children caught in the sex trade around the world.

Balkans

Canada has contributed approximately \$200,000 to combatting the trafficking of human beings in the Balkans. Canada has attempted to address the issue in a comprehensive manner by supporting a wide variety of activities including: support for safe houses, the facilitation of safe returns for rescued women and girls, awareness-raising campaigns targeting women, youth and government (with an emphasis on law enforcement officials), medical and psychological support, and technical assistance for the preparation of legislative reforms.

South East Asia

South East Asia Fund for Institutional and Legal Development (SEAFILD)

One project relates to the issue of trafficking in women – in partnership with the Mekong Regional Law Centre (MKLC). Participating countries- Thailand, Vietnam, Cambodia and Laos. Value \$200k (Cdn). In 1998 the MKLC asked Canada to support a series of conferences involving law enforcers, immigration off'ls, and NGOs from Mekong countries to develop cross-border laws and procedures. With support from SEAFILD Cambodia was the first country to host a Nat'l Workshop on Trafficking in Women and Children in June 1999. Training of staff from the Deptmt of Welfare, Police, Immigration and NGOs will take place at 8 border sites.

CIDA's Asia Br through SEAFILD is supporting the Illegal Labour Movements: Trafficking in Women and Children project. This project consists of partnering communities with law enforcement and the legal system. SEAFILD also funds the project Support for the Development of Protocols for Repatriation of Trafficked Women and Children, by the Coalition to Fight Against Child Exploitation (FACE) in Thailand, Cambodia, Laos and Vietnam. Initiated at the 1998 Conference on Illegal Labour Movements: Trafficking in Women and Children, the project monitors the trafficking in women, girls and boys for the purpose of sexual exploitation, assists in the prosecution of offenders, targets law reform initiatives for victims and promotes awareness regionally and internationally.

The Philippines Gender Fund

A number of sub-projects rec'd \$352K (CDN) including: Consultation Workshop among NGOs addressing issues and problems of prostitution by the NGOs Coalition Against Trafficking in Women and the impact of gov't policies and programs on the reintegration process of women migrant workers who have survived physical and sexual violence abroad.

South Asian Association for Regional Cooperation (SAARC) People's Forum on Trafficking in Women and Children CIDA paid \$50K to this forum on Trafficking in Women and Children. The purpose was to provide a forum for civil society to input SAARC's Draft Reg'l Convention on Combating Trafficking in Women and Children for Prostitution.

Americas

CIDA and the office of Senator Pearson financed the publication of Good Practices in Working with Sexually Exploited Youth in the Americas by the *Institute for Child Rights and Development (University of Victoria)*, following recovery / reintegration projects in Bolivia, Dominican Republic, Honduras, Peru, and Chile (which was funded by CIDA in 1999 – 2000).

CIDA supports organizations such as Street Kids International and Publieto Canada that work with street children in Latin America, many of whom are sexually exploited.

CIDA (Americas Branch) supports the work of local NGOs in the Americas who work with sexually exploited children, who are often commercially sexually exploited. An example is the enlargement of the welcome centre by Renacer – a local NGO in the Dominican Republic that offers refuge and support to sexually exploited girls.

The Department of Foreign Affairs and International Trade provides some funding for migration related projects. In the past two years its Human Security Division (AGP) has funded two such initiatives. The first was a Study on the Trafficking of Human Beings in West Africa (Togo, Benin, Cote d'Ivoire) conducted by the United Nations Centre for International Crime Prevention and the second, Repatriation of Lord's Resistance Army (LRA) Children in Sudan. Repatriation was conducted by the International Organization for Migration.

Other departments / agencies provide funding to various countries to assist them in combating migrant smuggling and trafficking.

In the last few years, in compliance with the Regional Conference on Migration (a regional migration forum comprising Mexico, United States, Guatemala, Honduras, El Salvador, Costa Rica, Panama, Nicaragua, Belize and the Dominican Republic) or Puebla Process Plan of Action, **Citizenship and Immigration Canada (CIC)** funded the International Organization for Migration (IOM) to carry out, jointly with the government of the country concerned, individual case studies on 'migrant trafficking' for all the Central American countries and the Dominican Republic. In all instances, the studies constituted the first time serious research was undertaken to look at this activity in these countries. Also, CIC has provided to immigration officials at headquarters and ports of entry of the same countries technical assistance in the form of training sessions on the detection of fraudulent travel documentation.

CIC, under the auspices of the Puebla Process, co-funded a Seminar on Migrant Women and Children in San Salvador, El Salvador, in February 2000. The seminar highlighted the importance that domestic legislation severely penalize the trafficking of women and children.

In 2001, CIC provided technical assistance to Costa Rica on migration management and a review of its draft migration legislation, which includes provisions to deal with the issue of trafficking and smuggling of people.



**GOVERNMENT OF THE REPUBLIC OF CROATIA
National Committee for Suppression of Trafficking in Persons**

Vienna, 16 September 2002

COUNTRY REPORT ON SUPPRESSION OF TRAFFICKING IN PERSONS

Government coordination

At the end of March 2002, Government of the Republic of Croatia formed National Committee for Suppression of Trafficking in Persons as a central governmental body responsible for coordination of all the activities regarding the fight against trafficking in persons. Members of the National Committee are representatives of all relevant ministries as well as the representatives of the NGO-s, international organizations and the media. The Secretariat of the Committee was set up in the Government Office for Human Rights which carries out all administrative work and which is responsible for co-coordinating a response and serving as a liaison for international contacts. Mrs. Željka Antunović, Vice president of the Croatian Government was appointed as a President of the National Committee and Mr. Darko Gottlicher, Head of the Government Office for Human Rights was appointed Governmental Anti-trafficking Coordinator.

The Government Office for Human Rights also initiated the foundation of commissions for the suppression of trafficking in persons on the level of local government. The purpose of that is to create the system of bodies on all levels of society capable to combat these negative phenomena.

Cooperation with NGO-s and international organizations

Co-operation with non-governmental organizations is established through intercession of their representatives in the National Committee who are responsible for the coordination among the other NGO-s that are dealing with the issue of suppression of trafficking in persons.

Very good collaboration is developed between the National Committee and the International Organization for Migration, and that is confirmed in the Memorandum of Understanding on Co-operation signed in June 2002 between the Chief of Mission of the IOM in Croatia and the Head of the Government Office for Human Rights.

Crucial role of both, NGO-s and IO-s is in the area of protection and assistance for trafficking victims but they are also important partners in all other fields e.g. prevention, education, international collaboration.

National Plan of Action

One of the first tasks of the National Committee was drafting of The National Plan of Action, and such a Plan is now in the legislative procedure and we expect it to be adopted until the end of October. In preparation of the National Plan of Action we tried to cover all fields of work so we divided it in 6 main categories: legislation, prevention, protection and assistance for trafficking victims, education, international collaboration and coordination of activities. Within each of these categories there is whole scope of measures specified by the responsible organization, possible partners and a precise time frame in which specific activity has to be finished.

Bilateral and multilateral agreements and activities

In December 2000 Croatia signed The UN Convention Against Transnational Organized Crime and its supplementing protocols. The procedure for the ratification of these documents has already started and we expect it soon to be finished.

Anti-trafficking Declaration of South Eastern Europe was also signed at that Conference and one of the instruments, whose development is foreseen by the Palermo Declaration, is the Statement on Commitments, which was adopted at the 2nd Regional Ministerial Forum of the States of South Eastern Europe held in November 2001 in Zagreb. This Statement binds the states of South Eastern Europe to build and take part in the Information Exchange Mechanism Concerning Trafficking in Human Beings in South Eastern Europe.

In May 1999, in Bucharest, the Republic of Croatia signed the Agreement on Combating Trans-border Crime of the Southeast European Cooperative Initiative (SECI) and the Croatian Parliament ratified it in August 2000.

The Republic of Croatia is also included in the activities of the Stability Pact's Task force on trafficking in human beings.

In May 2001 Ministries of Interior of The Republic of Croatia, Federation of Bosnia and Herzegovina and FRY made an agreement regarding police cooperation in suppression of illegal migrations and organized crime which significantly improved the control of state's border.

Legal framework

One of the activities planed for the first phase of implementation of the National Plan of Action is the legislation review and the harmonization of the Croatian laws with the international agreements that are legally binding in Croatia.

According to Croatian Penal Code trafficking is established as serious crime and is implemented into 3 articles:

- 175: Establishment of Slavery and Transport of Slaves
- 177: Illegal Transfer of Persons Across the State Border
- 178: International prostitution

The review of that Penal Code is on its way now and the National Committee has initiated the special review regarding the prosecution and enforcement against traffickers. Special working group was also established for drafting of the Law on witness protection.

In near future, probably in October, a new draft of the Law on Foreigners will be finalized and presented in the Parliament. National Committee called for Working group to include regulation of temporary residence permit for the victims of trafficking in this new law.

It is also important to mention that suppression of trafficking in persons is included in the National Defense Strategy adopted in the Parliament in the spring of 2002. as well as that the Government Commission for Gender Equality has included counter trafficking activities in its National Plan of Action

Research/media coverage

Parallel to the development of the National Plan of Action, IOM Zagreb, in partnership with national NGO-s, conducted field research in order to determine the pattern, scale and dimension of trafficking in Croatia. The research was published in June 2002 and it provides insight on the magnitude of this phenomenon, transit details, living and working conditions of trafficked victims, traffickers and the mechanisms of their trade and the public perception of trafficking in persons.

The public opinion survey in Croatia has shown that Croatian citizens are generally well informed about possible cases of trafficking in persons. Newspapers and magazines, TV, as well as friends and acquaintances were stated as the main sources of knowledge about trafficking. Although, until recently, this phenomenon has not been extensively covered in the media, it has always attracted public attention. However, during the last few months media has showed much more interest for this topic, and each day there is more and more articles and reportages about the cases and the problem of trafficking in general.

Awareness raising

As a key preventive measure of trafficking to, through and from the territory of Croatia, National Committee in collaboration with IOM and national NGO-s is planning to launch a large-scale public awareness campaign.

For a comprehensive understanding of the phenomenon of trafficking in human beings, the awareness-raising campaign will disseminate relevant information on the realities and risks of trafficking, and more specifically the risks for young girls to be entrapped by traffickers.

In order to ensure effective campaign targeting within the general population as well as on a geographical basis, the campaign will be carefully prepared through preliminary research. Relevant data will be regularly gathered from Croatian authorities (Ministry of Interior, Ministry of Labour and Social Welfare). In addition, two nation-wide omnibus surveys will be conducted on a representative sample of adult population in order to estimate the extent of public awareness of trafficking in persons in the Republic of Croatia during and at the end of the public awareness campaign.

The campaign will use the following resources to disseminate pertinent TIP information:

- *Basic fact brochures* which will include hard facts about the realities of trafficking and its consequences in terms of exploitation, abuse, isolation, hardship and health. It will also provide information on the most current recruitment methods used by traffickers but also information on assistance to victims of trafficking. Distribution will be organized through a national network of government and non-government agencies, national employment agencies, youth centers, discos, etc. Through co-operation with the Ministry of Interior additional brochures will be distributed to young people who are for the first time applying for passport issuing.
- *Posters, leaflets, stickers, sugar-bags* with a high-impact message will be produced and distributed particularly in highly visible places such as border crossing points, public transportation systems, and employment agencies. Such materials will also provide contact details for those wishing to obtain further information and/or assistance on trafficking.
- *TV and radio spots* will be produced and aired on national television and radio stations. As this part of the campaign has the potential to be the most widespread, visible and effective, it is essential that trafficking in persons is treated in light of its human rights underpinnings, but also as a concern that all societies with democratic principles should share.
- *Public forums, debates and press conferences* on activities linked to trafficking in persons will be held on a regular basis in order to trigger greater public attention. Press conferences and meetings with journalists will allow for timely and in-depth briefings on the progress of project activities; they will also help establish regular and good contacts with journalists, and allow to improve the understanding of the problem and the way it is presented in the media.
- *The SOS Line* will be set up in partnership with a Croatian NGO – Center for Women Rosa. The Line contact number will be disseminated through the above-mentioned brochures, sugar packets, stickers, etc, and will provide anonymous counseling and/or information on social and legal services for trafficked victims as well as any other general trafficking in persons information. IOM will closely co-operate with the Center for Women Rosa and will gather, compile and enter information into a database that will be integrated into the IOM regional database already established and functioning in Pristina through SIDA funding.
- In collaboration with the Ministry of Education some activities will take place as a part of a regular school program.

Training of relevant state authorities

Prevention of trafficking in human beings can never be fully effective without the dissemination of information. The main aim of this training is to make all partners aware of the existence and dynamics that regulate trafficking in human beings, as well as of the impact that trafficking may have in their respective fields of activity. Training of police staff (Departments of Border Police and for Foreigners) will be an utmost priority, as they are often the first to come into contact with trafficked victims and need to be able to properly screen them from 'economic' or so-called illegal migrants. Social workers as well as those working in the judiciary and the medical field who often enter into dialogue with apprehended migrants in the course of their processing will also be trained.

In October 2001, IOM-London and the University of North London delivered a one-week 'training for trainers' course on counter-trafficking entitled 'Developing Minimum Standards for Professionals in the Balkans responding to the Trafficking of Women and Girls for the purposes of Sexual Exploitation'. Participants at the training were representatives from the Ministry of Interior

(Border Police, Organized Crime Department, Department for Illegal Migration, Police Academy), Ministry of Labor and Social Welfare, Ministry of Justice, national and international non-government organizations and international intergovernmental organizations.

The problem of trafficking in persons, especially women and children, is very complex and to be successfully suppressed it is necessary that many activities take place at all levels - in all states and local government bodies, institutions of the civil sector, especially non-governmental organizations and international organizations. Croatian Government expresses strong political will to deal with the issue of trafficking and views trafficking in persons as a global problem that must be addressed through country-specific anti-trafficking initiatives as well as by regional cooperation.



**PERMANENT MISSION OF THE CZECH REPUBLIC
TO THE UNITED NATIONS, OSCE AND OTHER
INTERNATIONAL ORGANISATIONS
in Vienna**

Vienna, 5 September 2002

TRAFFICKING IN HUMANS – NATIONAL REPORT ON THE SITUATION IN THE CZECH REPUBLIC

Trafficking in human beings as a criminal act and a severe violation of victim human rights is a fast growing problem all over the world. The Czech Republic used to be both the country of origin and transit, but nowadays it is transforming rapidly into a destination country for women from Ukraine, Moldova, Russia, Bulgaria, Romania, Vietnam and China. Trafficking in Human Beings is punishable according to Article 246 of the Czech Penal Code.

The level of violence of criminal groups involved in human trafficking is generally increasing. The methods used by traffickers in Central Europe are somehow more sophisticated than those used for example in South - East Europe. Criminal groups operating in our territory try to be not so cruel, they maintain a relatively good relationship with trafficked women and give them at least a certain amount of money. It is even more difficult for victims under such conditions to realise that they are being misused and mistreated. Getting a small proportion of the money earned by them could mean that they are able to support their families in their home countries for months. However, this perception cannot diminish the fact that many of those women and girls are victims of human trafficking that represents a very profitable business for traffickers. Traffickers in the Czech Republic, as elsewhere in the world, try hard to legalise profits gained from human trafficking. Most of the criminal groups involved in human trafficking in the Czech Republic come from the former Soviet Union countries and very often they are also involved in other criminal activities. And as a proof to the fact that organised crime is a trans-border phenomenon, these criminal groups often employ also Czech and other European countries citizens.

Research and coverage in the news media

a) Research

The Institute for Criminology and Social Prevention of the Ministry of Justice (IKSP) is responsible for carrying out empirical research work for the international UN project "The response of the criminal justice system to trafficking in humans in the Czech Republic and Poland" (information about this project is given below). As part of this work, the Institute gathers together available figures and documentation at both the local and national levels and is analysing three case studies concerning the origin, transit and destination of victims. In conjunction with UNICRI, it is also preparing a questionnaire survey of law-enforcement bodies, NGOs and victims of trafficking in women. In March 1995, the Institute for Criminology and Social Prevention also carried out the research study "Prostitution as a potential activity of organised crime", which was part of the grant-

funded task "Research of the structure, forms and possibilities to stop organised crime in the Czech Republic".

The Office of UNHCR in Prague commissioned the Ethnological Institute of the Academy of Sciences of the Czech Republic with preparing a research study concerning asylum seekers as a potential target group for traffickers in humans. The Academy of Sciences carried out this research in co-operation with La Strada. In addition to identifying the basic characteristics of trafficking in women in the Czech Republic, it also contains the results of a questionnaire survey carried out as part of the study, statistics on asylum seekers in the Czech Republic and a list of recommendations. The conclusions reached through this research will be available at the offices of UNHCR from September 2002.

The Department for Asylum and Migration Policy of the Ministry of the Interior obtains information on the situation with trafficking in humans in individual countries from which immigrants and asylum seekers come as part of its work to ascertain particulars relevant to administrative proceedings on granting asylum. This information is obtained from the Ministry of Foreign Affairs, migration authorities in partner countries abroad and non-governmental and international organisations.

The International Organisation for Migration, IOM Praha, carried out an extensive information campaign during 1999-2000 against trafficking in humans, and in women and children in particular, which was preceded by a research element. Organisations such as the Institute for Research of Public Opinion (IVVM), the Agency for Research of Public Opinion (STEM) and the news media were sources of information. Information obtained was used to develop a coherent understanding of the situation with trafficking in humans in the Czech Republic and provided a foundation for formulating the most effective countermeasures. Both the research study and the entire campaign were financed by the United States government.

b) Statistics

Police Presidium

Year	1996	1997	1998	1999	2000	2001
Total cases (detected)	15	13	34	23	13	27
Total solved	14	11	34	22	13	25

Ministry of Justice

In 1997, nine people were convicted. Two of these were women and one a minor. Seven unconditional sentences were imposed and two suspended sentences.

In 1998, five persons were convicted. One of these was a woman. Three unconditional sentences were imposed and two suspended sentences.

In 1999, twenty five people were convicted. Four of these were women. Seventeen unconditional sentences were imposed and eight suspended sentences.

In 2000, sixteen persons were convicted. Two of these were women. Six unconditional sentences were imposed and ten suspended sentences.

In 2001, fifteen persons were convicted. Three of these were women. Seven unconditional sentences were imposed and eight suspended sentences.

c) Presentation in the news media

State administration, international organisations and NGOs devote their attention to work with the news media. Representatives of all these organisations regularly inform the media in radio and public service television broadcasting of the dangers surrounding trafficking in humans and provide basic information on where victims can turn to for help. The issue of trafficking in humans is not however presented in the media in its broadest sense and informational activities are confined to trafficking in women for sex-related purposes. Greater attention is above all paid to the risks that endanger Czech women during trips abroad. Reports of this kind usually include practical recommendations on how to avoid problems. From approximately the year 2000, news items on trafficking in women also began to appear in the media in the Czech Republic, most often in connection with the work of the Department for Uncovering Organised Crime.

There is no research dealing with the presentation of trafficking in humans in the media. In general, it can be said that during the past years there has been a considerable shift in the attitude of the media concerning the problem of trafficking in humans. During the 1990s, the media gradually moved away from scandalous, gutter press descriptions of forced prostitution and has progressively focused on the question of prevention. By the end of the 1990s, trafficking in humans was a subject of interest for reputable media (LN, MF Dnes, Hospodářské Noviny, Czech Television). By way of illustration, the non-governmental organisation La Strada gave 68 interviews for various media in connection with this topic during 2001 and during the first six months of 2002, 18 interviews.

2. Information campaign

a) La Strada

The prevention work of La Strada is concentrated on spreading information about trafficking in women within its target groups. As trafficking in women concerns violations of women's human rights, emphasis is placed on support for women and on building their self-confidence and ability to make informed decisions.

Prevention work is divided into three parts according to target groups:

- *primary prevention*: general public, media, schools
- *secondary prevention*: potential victims, persons who call the SOS line
- *tertiary prevention*: victims of trafficking in women, prevention of recurrence of abuse

In order to reach these groups, La Strada uses the following means: lectures, brochures and leaflets, information line, news media and the Internet

Women and children in danger: Preventive work for this group is mainly carried out through interactive lectures at schools, with a special emphasis on secondary vocational schools, remedial schools, the final year of primary schools and regions near the country's borders with high unemployment. The lectures provide information on the issue of trafficking in women, the way this traffic is carried out and the risks of working abroad. The aim is to build up girls' self-confidence and show them that they can act for themselves. The lectures also demonstrate the importance of having all the necessary information (for example, risk-prevention prior to departure abroad, and ways to solve accommodation problems in foreign countries). Girls are guided towards understanding that a woman's rights are in fact human rights. The lecture itself is carried out in an interactive way. Information leaflets and brochures are distributed during the lecture with a contact number for the SOS/INFO line.

Women working in the sex industry are a group which is at considerable risk from trafficking in women. For prevention work with this group, La Strada uses special information materials which contain advice on safety for work in the sex industry, as well as information on trafficking in women, prevention advice, possibilities for help in an emergency and a basic explanation of their rights. Distribution of information to this group is more complicated. There is no organisation that represents these women in the Czech Republic. For this reason, there is co-operation with streetworker organisations that work in prevention of sexually transmitted diseases.

Parents and relatives are a further important group which can itself contribute to disseminating information about this problem. A significant proportion of the telephone calls to the information line are made by this group. Co-operation with the news media is necessary in order to reach this group. This group is distributed the same information materials as the primary group.

Professional circles: This is a very important group which can contribute not only to prevention regarding potential victims of trafficking in women, but also to support and prevention for actual victims. In this group, La Strada focuses on teaching staff, social workers, the police and students of educational establishments specialising in social work. Information on the problem with trafficking in women is given at lectures, training sessions and workshops. The aim is for this group to contribute actively to spreading information to the other target groups. The training sessions and workshops are carried out in a similar way to the lectures for the primary target group. The key objective is to improve the expertise and skills of professional people concerning the problem of trafficking in women. Basic elements are dialogue and a joint attempt at finding solutions to problems and answers to questions. Model situations also form a key element.

A specific example of an information campaign was "Boomerang", organised in 2001 by La Strada and other NGOs. During this campaign, which focused on all forms of violence towards women, picture post cards were distributed that were available free of charge at bars, clubs, etc. On the reverse side of the card was the contact number for the SOS/INFO line of La Strada, as well as contact details for other NGOs that work within the Co-ordinated Circle for Prevention of Violence to Women (this is an association of five women's not-for-profit organisations working for the prevention of violence against women). This campaign was financed by the Ministry of the Interior of the Czech Republic and cost CZK 100,000.

b) International Organisation for Migration (IOM)

The information campaign carried out by IOM during 1999-2000 was a reaction to a sharp increase in the numbers of Czech women trafficked to foreign countries that was in conjunction with low awareness by the general public. The purpose of the campaign was to inform both the professional and lay public, including women interested in work abroad, concerning the possible risks and consequences connected with trafficking in humans. This project comprised research, a preparation stage and an implementation stage in which information was distributed to selected target groups with the population via news media and other channels of communication. The project also contributed to creating an across-the-board mechanism for co-operation between government institutions, NGOs and relevant consular offices.

The IOM Praha information campaign also produced an educational videocassette and manual for teachers and instructors. Through co-operation with the Ministry for Education, Youth and Sport and the Ministry of the Interior, this videocassette was copied and distributed to schools and further

educational establishments. Education about trafficking in humans is now part of the teaching curriculum.

3. The legal framework - an overview of legislation and attempts at reform

a) Constitution

The fundamental document of Czech law concerning itself with the problems of trafficking in women is the Constitution, and in particular the Charter of Fundamental Rights and Freedoms which is part of constitutional law in the Czech Republic. The provisions contained under the Second Heading of the Charter have a particular bearing on trafficking in women. Fundamental rights and freedoms are established here, such as: personal freedom, freedom of movement and residence, the ban on torture or other inhumane treatment, the right to the preservation of human dignity.

b) International legal instruments

The International Department of the Ministry of Justice is currently examining the validity and binding effect of certain UN conventions concerning the problem of trafficking in humans for the Czech Republic. This mainly concerns the ***Convention for the Suppression of Trafficking in Persons and of the Exploitation of the Prostitution of Others***, New York, 2 December 1949 (this Convention was not promulgated in the Collection of Laws; for the Czechoslovak Republic this convention entered into force on 12 June 1958) and the final Protocol to this Convention, New York, 21 March 1950 (the Czechoslovak Republic adopted this Protocol on 14 March 1958).

On 13 December 2000, the Czech Republic signed in Palermo ***United Nations Convention against Transnational Organised Crime***. Preparations should be complete for ratification of this Convention by the end of this year, as well as for signing the ***Protocol on the prevention, suppression and punishment of trafficking in persons, especially women and children***, supplementing this Convention.

c) Criminal Code

The obligation to make trafficking in humans, as defined in the Protocol, a criminal offence should not cause difficulties for the Czech Republic. Existing legislation contained in the Criminal Code can accommodate this obligation. Act No. 134/2002 Coll. implemented an ***amendment to the Criminal Code***. This amendment entered force on 1 July 2002 and is evident, *inter alia*, in the amendment to Art. 246 on Trafficking in Women, which now covers trafficking in humans for the purpose of sexual relations regardless of whether this concerns a child, woman or man. Even the name of this criminal offence has now undergone a natural change to Trafficking in Humans for the Purpose of Sexual Relations. The definition of the offence has also been broadened in this respect making it a crime to entice, hire or transport a person with the intention of using them for sexual relations, not only to foreign countries but also from abroad. Circumstances permitting the use of more severe sentencing guidelines, from three to eight years, remain unaltered. Art. 246 of the Criminal Code is now:

Trafficking in humans for the purpose of sexual relations

(1) Whoever entices, hires or transports a person to or from a foreign country with the intention that this person be used for sexual relations, will be punished by imprisonment for between one and five years.

(2) The offender will be punished by imprisonment for three to eight years in the case that,

- a) the act in paragraph 1 is committed by a member of an organised gang,
- b) the said act is committed with the intention of gaining valuable benefit,
- c) the said act is committed on a person younger than eighteen years of age, or
- d) the said act is committed with the intention that the victim be used for prostitution.

(3) The offender will be punished by imprisonment for between five and twelve years in the case that,

- a) through the act mentioned in paragraph 1 serious harm to health, death or other particularly serious consequence is caused, or
- b) the said act is committed with the intention of gaining benefit on a large scale.

The Criminal Code has special provisions concerning trafficking in children in relation to the criminal offence of trafficking in children under Art. 216a of the Criminal Code.

Trafficking in humans for sex-related purposes in the Czech Republic, which is not expressly provided for under Art. 246 of the Criminal Code, is punishable as the criminal act of pimping under Art. 204 of the Criminal Code. The criminal act of pimping is committed when a person induces, entices or arranges for another to work as a prostitute, or when a person exploits prostitution by another. The Code stipulates circumstances permitting the use of more severe sentencing guidelines, such as use of force, the threat of force or some other serious harm, and the abuse of hardship or dependence on another person (punishment by imprisonment for between one to five years), or gaining valuable benefit, committing the act within an organised gang or on a person younger than eighteen years of age (punishment by imprisonment for between two and eight years). In the case of victims younger than fifteen years, the offender can be punished by imprisonment for between five and twelve years.

Other definitions of offences under which conduct described in Arts. 3 and 5 of the Protocol could be classified are, for example, the criminal offences of restriction of personal freedom under Art. 231 of the Criminal Code, dispossession of personal freedom under Art. 232 of the Criminal Code, blackmail under Art. 235 of the Criminal Code, in particular as a member of an organised gang or at least with two persons under para. 2 (a) and (b), and the criminal offence of oppression under Art. 237 of the Criminal Code.

In cases of transporting or handing over persons to or from a foreign country, it would be possible to apply the definition of the criminal offence of unsanctioned crossing of the state border under Art. 171a of the Criminal Code, in particular para. 2 (a), committed with the intention of concealing or facilitating another criminal act, or as the member of an organised gang under (c). It can be expected that such conduct is an organised criminal act which could also be judged to be criminal conspiracy under Art. 89 para. 17 of the Criminal Code. Under Art. 163a of the Criminal Code, the criminal basis of criminal conspiracy is participation in its activities or support.

The Criminal Code does not specify forms of trafficking in humans for purposes other than sexual relations (such as forced labour). Currently, however, a re-codification of the Criminal Code is being prepared and efforts are being made to align the concept of trafficking in humans with the definition of trafficking in humans contained in the *Protocol on the prevention, suppression and punishment of trafficking in persons, especially women and children*.

In the case that a child is the subject of the trafficking, provisions concerning the criminal act of trafficking in children under Art. 216a of the Criminal Code can be used, which do not only apply to cases of trafficking for sex-related purposes, but also for further purposes specified in the Protocol. Also punishable is the act of entrusting a child, for payment, to the power of another for the purpose of adoption, exploitation of child labour or another purpose. Circumstances permitting the use of more severe sentencing guidelines are, once again, committing this act within an organised gang, gaining valuable benefit or causing serious harm to health or death. A bill of the Criminal Code proposed an amendment to Art. 216b of the Criminal Code to define a "child" in the same way as in the Protocol. A child is therefore considered to be a person younger than eighteen years of age (the words "in the case that he or she does not come of age earlier" were cancelled).

Also applicable are provisions concerning the criminal offence of kidnapping under Art. 216 of the Criminal Code or the wilful form of the criminal offence of endangering the moral upbringing of the young under Art. 217 of the Criminal Code (anyone who exposes a person younger than eighteen years of age to depravity by enabling such person to lead an idle or immoral life, or who entices such person to an idle or immoral life).

Act No. 285/2002 Coll. on Donating, Removing and Transplanting Tissue and Organs and on Amendments to Certain Acts (Transplants Act) established a new form of criminal offence in the Criminal Code of unauthorised handling of tissue or organs under Art. 209a:

Art. 209a

Unauthorised handling of tissue or organs

(1) Whoever in contravention of special legal regulations^{2a)} removes from the body of a dead person a sample of tissue or an organ will be punished by imprisonment of up to two years or by a ban on activity.

(2) In this same manner will be punished anyone who, in the expectation of gain for himself or another, handles human tissue or human organs removed in contravention of special legal regulations.^{2a)}

(3) An offender will be punished by imprisonment of between one and five years in the case that,
a) he or she repeatedly commits the act mentioned in paras. 1 or 2,
b) he or she commits the act as the member of an organised gang, or
c) he or she gains valuable benefit from such an act.

(4) An offender will be punished with imprisonment for between two and eight years in the case that,
a) he or she gains benefit on a large scale from the act mentioned in paras. 1 or 2, or
b) he or she commits such an act in connection with an organised gang which is active in several countries.

^{2a)} Act No. 285/2002 Coll., on Donating, Removing and Transplanting Tissue and Organs and on Amendments to Certain Acts (Transplants Act).

The justifying report states that this new legislation is aimed only at dealing with the unauthorised removal of tissue or organs from the body of a dead person and with unauthorised handling of already removed tissue or organs. This new criminal offence is not intended to cover unlawful removal of tissue or organs from living persons, as such cases are already covered by a wide variety of provisions depending on the form of criminal liability and the consequences caused - from oppression, concerning which resultant bodily harm is absent, to "light" bodily harm, or wilfully causing grievous bodily harm, and right up to murder.

This amendment to the Criminal Code comes into force on 1 August 2002.

d) Legal norms regulating the stay of victims in the Czech Republic

The Czech Republic is also already able to use existing legislation to meet certain obligations arising from the *Protocol on the prevention, suppression and punishment of trafficking in persons, especially women and children* with respect to *assistance and protection of victims* of trafficking in humans. Victims of trafficking in humans take the role of the injured party in criminal trial proceedings, although the role of witness is also possible.

The injured party has the right in criminal trial proceedings to make proposals to supplement evidence, examine files within the scope set by **Art. 65 of the Criminal Code**, take part in the main trial and the public session held concerning appeal, and to make a statement on the case prior to the termination of proceedings. The injured party also has the right within these proceedings to submit claims for compensation for loss caused by the accused and to propose that the court in its final verdict impose an obligation on the accused to pay this compensation. Law-enforcement bodies are obliged to advise the injured party of its rights and to provide it with the full ability to exercise them. Protection of the identity of a witness is regulated by, for example, Arts. 55, 101, 101a, 165 and 209 of the Criminal Code. In cases where the victim of trafficking in humans is a child, Art. 102 of the Criminal Code can be used for examining a witness, or provisions on excluding the public from a main trial or public session (Arts. 200 and 238 of the Criminal Code).

An important instrument for foreigners, both male and female, who become victims of trafficking in humans is **Act No. 326/1999 Coll. on the Residence of Aliens in the Czech Republic**, which specifies conditions for the entry, stay and travel of foreigners to and from the Czech Republic. The Act on the Residence of Aliens does not expressly regulate the position of foreigners who become victims of trafficking in humans in the Czech Republic and which, due to the specific nature of this criminal offence, are mostly in the Czech Republic illegally. However, it is possible to apply Art. 35 para. 1 (a), the grant of a visa in order to sanction a stay, to make the stay of such victims legal in the Czech Republic. This visa is granted by the police to a foreigner who is prevented from leaving the country due to an obstacle beyond his or her control. Under Art. 36 of the Act on the Residence of Aliens, the police will fix the term of validity of a visa sanctioning a stay for a period which is absolutely necessary, and at the most 365 days. This term of validity can be repeatedly extended. Under Art. 37 of the Act, a foreigner to whom a visa has been granted under Art. 35 para. 1 (a) is obliged, on request, to demonstrate that this obstacle to leaving the country continues to exist; if demonstrating this is prevented by an obstacle beyond his or her control, this actual proof can be substituted by a notarised affirmation. Art. 38 of the Act lists the documents which a foreigner must submit concerning a request for a visa to be granted sanctioning a stay. These are photographs and a travel document, if he or she is a holder of one and providing the validity of such a document does not expire, as well as a notarised copy of a document confirming the existence of the reasons under Art. 35 para. 1 (a). In the case that the foreigner cannot submit such documents,

due to reasons beyond his or her control, a notarised affirmation can be submitted instead. Art. 39 of the Act stipulates conditions for cancelling the validity of a visa sanctioning a stay. Art. 179 para. 1 lists the obstacles preventing leaving the country.

A victim of trafficking in humans can in theory request award of permanent residence for humanitarian reasons.

Further relevant regulations are *Act No. 325/1999 Coll. on Asylum and on Amendment of Act No. 283/1991 Coll. on the Police of the Czech Republic, as amended, Act No. 216/2002 Coll. on the Protection of the State Border of the Czech Republic and on Amendments to Certain Acts and, currently being debated, the Act on Provisional Protection*. These regulations deal with alien policing matters and the protection of the state border, and do not contain provisions specifically relating to the problem of trafficking in humans.

In order to combat organised crime in general, *Act No. 137/2001 Coll. on Special Protection for Witnesses and Further Persons in connection with Criminal Trial Proceedings* was passed in 2001, coming into force on 1 July 2001. A special protection programme was created for witnesses in danger to provide personal protection, relocation within the Czech Republic or abroad, assistance in finding work, social welfare support and, in the most serious cases, changes of identity. A special workplace was set up at the Special Activities Department of the Police Presidium in this respect and several internal managing directives have been developed and circulated by the Police Presidium, establishing an internal legal framework for the provision of protection. No case is known of as yet whereby this Act has been used in connection with the testimony of a victim of trafficking in humans. The Act is clearly directed more towards uncovering organised criminal activity, in the way that it is used by the Department for Uncovering Organised Crime (ÚOOZ). The prosecution of offenders detained as a result of the actions of the Department for Trafficking in Humans of ÚOOZ is based mainly on the outcome of operational work against organised gangs of offenders, rather than the testimony of victims.

e) Legislation on health care for victims of trafficking in humans in the Czech Republic

Payment for the health care of persons who have been granted visas sanctioning their stay is mostly made using these persons' own funds, for example, through a health insurance scheme. If a foreigner is not able to pay for health insurance without assistance, he or she is treated similarly to a foreigner to whom a visa for temporary protection has been granted. In such a case, health care is paid for by the Ministry of the Interior.

f) Continuing problems with social security

One problem which remains is that of the social security system, which is not generally available to victims of trafficking in humans, who often experience the effects of social segregation. The Ministry of Labour and Social Affairs has proposed that the phenomenon of trafficking in humans be dealt with as part of the National Strategy to Combat Segregation. The Ministry supports this through its grants policy for not-for-profit NGOs providing services to victims. Grants awarded to not-for-profit organisations dealing with crime prevention, which is where projects focusing on assistance to victims of trafficking in humans are also implemented, totalled for example CZK 94,288 in 2000; CZK 148,159 in 2001; CZK 150,323 in 2002. Individual projects aimed at helping persons in danger from prostitution were provided with subsidies totalling CZK 121,600 in 2000; CZK 481,000 in 2001; CZK 410,300 in 2002. Grants provided to the organisation La Strada, whose work is primarily focused towards victims of trafficking in humans, totalled CZK 550,400 in 2001 and CZK 467,800 in 2002. The Ministry of Labour and Social Affairs also works together with the

Ministry of the Interior in prevention of trafficking in humans. These institutions co-operated in distributing La Strada information leaflets to district authorities. The Ministry of Labour and Social Affairs distributed more of these materials through its network of social work assistants, which are active at a large number of district, city or municipal authorities.

4. Co-ordination by state institutions

An instruction given by the Minister of the Interior of the Czech Republic in 2001 established an advisory committee to deal with the issues of trafficking in women and the sex abuse of children for commercial gain.

In 2002, an initiative of the Ministry of Labour and Social Affairs set up a joint working group of experts at an inter-ministerial level concerned with the problem of trafficking in children (Ministry of Labour and Social Affairs, Office of the Criminal and Investigation Police Service of the Police Presidium, Supreme Public Prosecutor, Supreme Court, relevant departments of the Philosophy Faculty of Charles University, Prague and Philosophical Faculty, Brno, Ministry of Foreign Affairs and Ministry of Justice).

As part of preparations for implementing the UN project "The response of the criminal justice system to trafficking in humans in the Czech Republic and Poland" (there is more information about this project below) and in order to find a comprehensive solution to the problem of trafficking in humans within the framework of state administration, in February 2002 *an inter-ministerial working group for combating trafficking in humans* was established comprising representatives from the Ministry of the Interior, Ministry of Justice, Supreme Public Prosecutor, Ministry of Labour and Social Affairs and the Ministry of Health.

The central co-ordinating point is the Section for Crime Prevention of the Ministry of the Interior at the Human Rights Department. The key member of staff for co-operation with foreign countries on trafficking in humans is an employee of this department, PhDr. Hana Šnajdrová.

5. National action plan

There is still no national action plan providing nationwide coverage. The Section for Crime Prevention of the Ministry of the Interior is however preparing a national strategy to combat trafficking in humans, which it intends to present to the Government in 2003 for its approval. Part of this national strategy will be a national action plan to combat trafficking in humans proposing an array of specific measures to improve the situation.

Government policy concerned with the labour-law protection of children and adolescents has, in conformity with Czech Republic's international obligations, been reflected in measures laid down in the National Plan to Combat Sex Abuse of Children for Commercial Gain (trafficking in children, child prostitution and pornography). This is a long-term strategy co-ordinating the approach adopted by competent state authorities. Regular and systematic co-ordination with the non-governmental sector is part of the strategy. As of 2000, this strategy is to be evaluated and revised in two-year stages. The current version of the National Plan was adopted by Government Resolution No. 716 on 10 July 2002.

The measures contained in the National Plan focus on the following areas:

- legal - primarily with the creation of legislative conditions to restrict the availability and distribution of child pornography,
- education and prevention - improvements in the work of the police and social welfare bodies protecting children,
- greater effectiveness of prosecuting criminal acts - achieving greater effectiveness in investigating pornography on the Internet, earlier detection of individual cases,
- protection of victims and witnesses and their return to society - reduction of the risk of repeated victimisation of injured parties.

6. Co-operation between state institutions, NGOs and inter-governmental organisations

Through an initiative of the Ministry of the Interior, a working committee was established at a national level to combat trafficking in humans, the work of which is co-ordinated by the Section for Crime Prevention of the Ministry of the Interior. The Ministry of the Interior is represented at it by staff of the Section for Crime Prevention, Security Policy Section, Asylum and Migration Policy Section and the Police Presidium. Integral to this working group are the International Organisation for Migration and the NGOs La Strada and the Association of Czech Catholic Charities. The working group works toward creating an effective system of prevention and suppression of trafficking in humans in the Czech Republic and to provide services to victims.

The Section for Crime Prevention of the Ministry of the Interior at the beginning of 2002 approached the Director of the Consular Section of the Ministry of Foreign Affairs with a request to mediate co-operation between Consular Offices of the Czech Republic in Romania, Bulgaria, the Russian Federation, Ukraine and Kazakhstan and the missions of the International Organisation for Migration through the Anti-Trafficking in Humans Department. The intention of this request was to inform persons who approach Consular Offices in foreign countries, with requests for information or certain types of visa, about the danger of trafficking in humans.

In November 2001, the Section for Crime Prevention of the Ministry of the Interior held a seminar in Kašperské Hory on trafficking in humans, in conjunction with IOM and supported by the US Embassy in Prague. The seminar was attended by representatives of the Ministry of the Interior and Police of the Czech Republic, staff of individual missions of the International Organisation for Migration (Czech Republic, Slovakia, Austria, Bulgaria, Romania, Moldova, Ukraine, Russia, Kazakhstan, Slovenia and Belarus), representatives of La Strada, the Dutch police and CICP of the UN.

As part of administrative procedure for granting asylum, the Asylum and Migration Policy Section of the Ministry of the Interior works together with a number of Czech NGOs and international organisations (UNHCR, IOM) which, in conjunction with the Refugee Facilities Administration, provide comprehensive assistance to persons who have suffered persecution, or inhumane or degrading treatment in their native country.

The Committee for the Elimination of All Forms of Discrimination Against Women, which functions under the auspices of the Council of the Government of the Czech Republic for Human Rights, prepared in 2001 together with La Strada a motion concerning trafficking in humans which was adopted by the Council and the Government through Government Resolution No. 117 on 28 January 2002.

The Office of the Public Protector in Autumn 2002 worked with La Strada in educating future lawyers.

The International Organisation for Migration provides government institutions with information about countries of origin and organises professional seminars.

UNHCR: the Academy of Science, in co-operation with La Strada, carried out research of the potential danger to female refugees in the Czech Republic from trafficking in humans. The conclusions of this research are available from September 2002 in the offices of UNHCR (see above).

All state, non-governmental and international institutions and organisations work closely together and meet regularly in order to share their experiences and information. When state institutions issue reports (for example, on the status of human rights, etc), they work together with NGOs on a regular basis.

7. Training of state officials

Information on trafficking in humans is included within the human rights and professional education of police officers with their basic professional preparation at the secondary police schools of the Ministry of the Interior and at the Police Academy.

The Office of the Criminal and Investigation Police Service regularly holds training sessions for criminologists and investigators at a nationwide level, to which lecturers with relevant professional skills are invited - psychologists, psychiatrists, medical experts, bodies providing social protection for children and personnel from high-level judicial bodies. In 2002, an entire set of lectures was devoted to trafficking in humans, both from the legislative point of view and with regard to the victims of such crimes themselves. Similar training is carried out each year by individual regional administrations of the Police of the Czech Republic, at which lecturers from the local region participate.

Training for state administration is also provided by the NGO, La Strada. In 2002, attention was concentrated mainly on co-operation with state administration in the regions and on finding ways to form regional models for co-operation between government and non-government organisations in supporting victims of trafficking. Currently, the interest from state institutions in educating their staff is growing. The Supreme Public Prosecutor has advocated holding a joint training session for police authorities, public prosecutors' departments and judges. This training session would be planned as part of implementation of a UN project.

8. Assistance to foreign countries and development programmes

The Ministry of Foreign Affairs has approved the release of funding to implement two projects included within the Draft Action Plan Against Trafficking in Humans for South East Europe - 2001-Stability Pact Task Force on Trafficking in Human Beings - Multi-Year Strategy. The Czech contribution is the sum of EUR 15,000 to build an asylum house in Moldova and EUR 10,000 for an information campaign in Bosnia and Herzegovina. These funds will very soon be transferred to the relevant account.

The Human Rights Department of the Ministry of Foreign Affairs is currently assessing granting funds of EUR 30,000 to a project for bilateral project for assistance by the Czech Republic and Moldova to combat trafficking in humans, presented by the Crime Prevention Section of the Ministry of the Interior and the Association of Czech Catholic Charities. It is a response to the

request of the Moldavian Ministry of Labour and Social Affairs concerning assistance in training social workers at newly-established departments of social care, as well as psychologists and staff of labour authorities in the problem of trafficking in humans and in solving problems connected with the social re-integration of victims.

From 2001, La Strada has systematically supported the work of a partner organisation in Bosnia and Herzegovina. Its aim has been to support the establishment of a strong NGO in Bosnia and Herzegovina, which will be devoted to prevention of trafficking in women and to helping the victims. At the same time, this organisation is to initiate the creation and operation of a network of organisations dedicated to the problem of trafficking in this territory. Its support consists mainly in regular bilateral training sessions (by August 2002 four had taken place) and the exchange of information, expertise and experience (consultation on a weekly basis or according to need).

9. Bilateral and multilateral contracts and activities

a) The Crime Prevention Section of the Ministry of the Interior is, on behalf of the Czech Republic, the guarantor of project "Prevention, suppression and punishment of trafficking in humans, and particularly women and children". This project is also being carried out in Poland and is part of what is known as the "Global programme to combat trafficking in humans" put forward by the Centre for International Crime Prevention (CICP) of the Office of the UN for Drug Control and Crime Prevention in co-operation with the UN Interregional Crime and Justice Research Centre Institute (UNICRI). The target countries for this project are the Czech Republic and Poland, and partner countries are Austria, Germany, the Netherlands, and Finland. The project is to receive a grant from the UN of USD 572,910 and its completion is expected for the end of 2002.

The project comprises four parts which correspond to the following aims:

- through comparing current legislation with the "UN Protocol on the prevention, suppression and punishment of trafficking in persons, especially women and children" (hereinafter "Protocol") supplementing the "UN Convention against Transnational Organised Crime", which the Czech Republic signed in Palermo on 12 December 2000, to evaluate the state of preparedness of the Czech Republic for ratification of the Protocol - the Security Policy Section of the Ministry of the Interior has the responsibility for this,
- to collect data on trafficking in humans in the Czech Republic, identify current trends, assess the effectiveness of countermeasures adopted and evaluate the level of institutional co-operation in countries of origin, and transit and target countries - the Institute for Criminology and Social Prevention of the Ministry of Justice has the responsibility for this (as part of this project, CICP also approved allocating funds of CZK 565,000 for hardware and CZK 325,000 for software, and to create an information system on trafficking in humans in the Czech Republic for the needs of the Department for Uncovering Organised Crime of the Criminal and Investigation Police Service),
- to assist in preparation and implementation of a functioning system of the protection for victims and witnesses in the Czech Republic to improve prevention, investigation and prosecution of this kind of crime - the Crime Prevention Section of the Ministry of the Interior has the responsibility for this,
- to reinforce international co-operation between experts in countries of origin, and transit and target countries - CICP/UNICRI has the responsibility for this.

Current stage of development of the project

Even though CICP has not yet transferred the funds approved for this project to the account of the Ministry of the Interior, despite repeated requests from the Czech side, and UNICRI has not yet provided the Institute for Criminology and Social Prevention with model questionnaires, the Czech side is attempting to carry out at least sectional tasks arising from this project.

On 9 January 2002, there was a working meeting in Prague between a two-member delegation from the Polish Ministry of the Interior and representatives of the Crime Prevention Section of the Ministry of the Interior of the Czech Republic. The subject of the discussion was the exchange of information on the situation with trafficking in humans and on countermeasures adopted in both countries, the state of preparation of the project on both sides and possibilities to work together in its implementation. There will be further discussion mainly concerning a joint training programme for police officers which will focus on prevention and procedures for investigating cases of trafficking in humans.

The Crime Prevention Section of the Ministry of the Interior directs working meetings with individual members of the working group, records their comments and is progressively creating a model of protection for victims and witness of trafficking in humans in the Czech Republic, which will be tested in pilot form in České Budějovice. Connected to this system will be competent police departments, International Organisation for Migration and NGOs La Strada and the Czech Catholic Charity. The International Organisation for Migration will carry out the return of victims to their native countries, involving arranging travel documents, inexpensive flight tickets, assistance during departure, transit and arrival, and re-integration of the victim. La Strada will intervene in crisis situations and stabilise victims (providing safe accommodation, food, medical treatment/check-up, psychological/psychiatric care, legal consultation, arranging replacements of personal documents, employment/re-qualification). Czech Catholic Charity will provide subsequent long-term care for victims of trafficking in humans (accommodation, advice, social welfare assistance, etc.).

b) further international activities

As a result of discussions between delegations from the Ministry of the Interior of the Czech Republic and the Federal Ministry of the Interior of the Federal Republic of Germany, which was held on 16 February 2001 in Chemnitz, the Czech side put forward a proposal to create a working group at the level of deputies of interior ministries dealing with cross-border crime in the region in question. During further discussion, the proposal of enlarging the working group was approved, creating a trilateral Czech-German-Polish initiative devoted to cross-border crime prevention issues, including sex tourism and illegal migration. A founding meeting of the Czech-German-Polish working group took place on 27 March 2002 in Prague. At the close of this founding meeting, a concluding document was approved containing, *inter alia*, a joint action plan.

The German Federal Ministry of the Interior, in conjunction with the Dutch Ministry of the Interior, presented in April 2002 a proposal to implement the project "A solution to forced prostitution in the Czech Republic" as part of the STOP II programme.

The Association of Czech Catholic Charities represents the Czech Republic in the international project COATNET which brings together Catholic organisations in the countries of Western and Eastern Europe that are focused on helping the victims of trafficking in humans. Countries connected to this project, which enables rapid communication between assisting organisations in these countries, are currently the following: Lithuania, Ukraine, Germany, Switzerland and the Czech Republic.



Eesti Vabariigi Alaline Esindus OSCE juures
Permanent Mission of the Republic of Estonia to the OSCE

Vienna, 28 August 2002

ESTONIA: COUNTRY REPORT ON TRAFFICKING IN HUMAN BEINGS

Research/media coverage

With the support of the International Organization for Migration, an analysis of both *de facto* situation and present legislation on trafficking in women in Estonia was carried out in April 2001. As a result, a working group on trafficking in women comprised of specialists from different institutions was convened to tackle the issue more thoroughly. The compilation of information on the scope of the problem could serve as the basis for further developments in carrying out researches and for improvements to be made in the national legislation.

Awareness raising programs

An awareness-raising campaign on trafficking in women is carried out. This campaign is co-ordinated by NGO-s and financed by the Nordic Council of Ministers.

The campaign will target, among other groups: victims and potential victims of prostitution and trafficking in women, state authorities including police, personnel of the justice system, border control and immigration authorities, social and youth workers, health care workers, personnel at embassies and consulates, the business community, hotel personnel, teachers and students at high schools and universities, and NGO-s. A website for the campaign (www.nordicbalticcampaign.org) is currently under construction.

The educational activities of that campaign will take place from September to December 2002, the research part started already in spring 2002. Research is being done among police, border guards and high school students; awareness and attitudes are being analysed. The main activities include awareness-raising training for teachers, youth workers and job counsellors. A number of “educational evening events” are scheduled. Information leaflet on trafficking will be compiled, printed and disseminated in schools, universities, *au pair* and employment agencies, youth organisations etc. There will be 6 different projects for the campaign in Estonia. The co-ordination team is seeking ways to co-operate with NGO-s and other interested parties.

The campaign includes two major research projects. The aim of these projects is to gather data for analysing the overall situation in trafficking in Estonia. The projects will give a better understanding about the ability of relevant Estonian authorities to prevent and stop trafficking in women and children and, at the same time, help to assess the awareness and attitudes of secondary school students toward the same issue.

One general educational project of this campaign is targeted to parents, local police, social workers, local governors, representatives of roundtables of women, teachers of family and social theory, representatives of student organisations and class advisers.

Another project of the campaign includes eight educational evening sessions that will take place in various parts in Estonia. The target group here includes secondary school teachers, youth workers, hobby group teachers and vocational advisers. The aims of the project are: to introduce the definition, causes and consequences of trafficking women and bring out the risk groups; to suggest methods for introducing the topic to students and youth in classes, hobby groups and vocational counselling; to introduce the preventive role of educational institutions.

In addition to the current Nordic-Baltic campaign there are training sessions on trafficking in human beings in the framework of the Living for Tomorrow Youth Seminar (<http://www.nikk.uio.no/forskningsprojekt/livingfortomorrow/index.html>).

Legal framework/legislative review and reform efforts

It is in the competence of the Ministry of Justice to create and update the legal basis for penal measures.

Several new necessary elements of an offence have been introduced in the new Penal Code to be enforced on 01.09.02 to combat smuggling in human beings. Enslaving and transportation to countries that restrict personal liberty are defined as offences against personal liberty.

Enslaving entails the use of violence or fraud to put a person in a position where he or she is forced to work for someone else involuntarily or perform other degrading obligations, or keeping a person in such a position. This crime encompasses slavery in the classical sense (subjugation of a person in order to obtain the result of his or her work) and acts similar to slavery - enslaving through debt, use of person as prostitute etc. The possible punishments for such offences amount to imprisonment for 12 years.

Transportation to a state restricting personal liberty is an offence to some extent similar to enslaving. It entails the use of violence or fraud to transport a person to another state and leaving him or her there (i.e. failure to perform actions necessary to make his or her departure possible), whereas it becomes possible to harass or humiliate him or her for racial, gender or other reasons and he or she lacks legal protection against such treatment and has no possibility to leave such a state. It is possible to punish for this action with imprisonment for up to 10 years.

In addition to the above-mentioned articles, § 268 (provision of opportunity to engage in unlawful activities or pimping), § 121 (physical abuse), § 122 (torture), § 136 (unlawful deprivation of liberty), § 141 (rape), § 143 (compelling a person to engage in sexual intercourse), § 152 (violation of equality) should be mentioned.

According to the present procedural law (Code of Criminal Procedure § 40), the victim currently enjoys fairly extensive rights: the victim is an independent source of evidence and fully entitled party of the proceedings, independently of the submission of a civil action.

The protection of the victim's physical and psychological integrity is regulated by procedural law and by tactical recommendations not set forth in the law. As victim protection is based on the human rights standard, the primary permissible and possible measures are stipulated at the level of a law.

Tactical recommendations for proceedings concerning victim protection help to protect the victim primarily psychologically (to avoid secondary victimisation) and their use depends on (1) the person hearing the matter, (2) his or her knowledge and (3) legal and organisational possibilities.

Estonia has not yet ratified UN Convention Against Transnational Organized Crime or its protocols. Relevant Estonian legislation can be found in OSCE's legislative website: <http://www.legislationline.org/>

Government co-ordination

According to the § 67 of the Government of the Republic Act of Estonia the area of government of Ministry of Social Affairs includes promotion of the equality of men and women and co-ordination of activities in this field, and the preparation of corresponding draft legislation. Trafficking in women is dealt within the wider context of eliminating violence against women.

National Plan of Action

There is currently no National Plan of Action to prevent and combat trafficking, thus some preparatory work is going on.

Co-operation with non-governmental and international organisations

In May 2002 the first joint Nordic-Baltic information campaign against trafficking in women was launched. The aim of the campaign is to raise the awareness about the problem and stimulate discussions with all relevant institutions on how to combat the problem of trafficking. It will continue until the beginning of 2003. In May 2002 a three-day international seminar for members of government agencies, researchers and NGO-s was held in Tallinn, in order to discuss different aspects of trafficking in human beings. The seminar was structured around panel debates and workshops on three themes: gender equality, the role of the media and the use of legislation to combat trafficking in women and children. The compilation of information on the scope of the problem of trafficking in women served as the basis for further developments in carrying out researches and improvements to be made in the national legislation.

Training of relevant state authorities

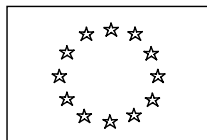
The information on training of state authorities can be found under other topics of this document.

Aid and development programs abroad

Ministry of Social Affairs has not initiated and does currently not participate in any trafficking in women aid and development programs abroad.

Bilateral and multilateral agreements and activities

In November 2001 meeting of Ministers of Justice of Nordic countries and the three Baltic countries took place in Tallinn. One of the important issues discussed was trafficking in women. The participants agreed that more and more women become victims of trafficking in human beings with purpose of using them for sexually. Also the fact that both the role and professionalism of the organized crime has grown was mentioned. It was concluded that co-operation between states on these issues is of great importance.



EUROPEAN UNION

DELEGATION OF THE EUROPEAN COMMISSION
TO THE INTERNATIONAL ORGANISATIONS IN VIENNA

Vienna, 22 May 2002

BRIEF OVERVIEW OF THE EU'S POLICY ON TRAFFICKING IN HUMAN BEINGS

Trafficking in human beings, in particular in women and children, is an abhorrent and increasingly worrying phenomenon. Trafficking in human beings is not only an episodic phenomenon, affecting a few individuals, but of a structural nature with strong negative implications on the well being of individuals as well as of a society built on freedom, justice and security which the Member States of the European Union and the candidate countries wish to maintain and develop. Trafficking is facilitated by "globalisation" and involves international organized crime which generates substantial profits. Globally, tens of thousands of human beings are trafficked for exploitative purposes each year. It needs to be underlined that trafficking in human beings is a violation of human rights and human dignity. This is also confirmed by the **Charter on Fundamental Rights of the European Union**.

Over the past years, the EU has developed a comprehensive policy to fight against trafficking in human beings in general and in women and children in particular. This policy is characterized by the central focus put on the victims of trafficking and on the need to involve all the persons responsible for the fight against this degrading form of violation of human rights and human dignity. The Conclusions of the Tampere (October 1999) and the Feira (June 2000) European Councils underlined the importance of the external dimension within the Union's activities in the field of justice and home affairs if an area of freedom, security and justice is to be achieved.

As regards **law enforcement co-operation**, Europol has the competence to combat trafficking in human beings according to the Europol Convention of 26 July 1995 and a subsequent Joint Action supplementing the definition on trafficking in human beings in the Convention. Trafficking in human beings is one of the priorities of Europol and a co-operation agreement has been reached with Interpol. Negotiations are currently concluded with some candidate countries and others are under way. An agreement has also been concluded with the US and negotiations are ongoing with Canada.

Furthermore, the **EU Police Chiefs Operational Task Force** is addressing trafficking in human beings and has among other things invited Europol to organise expert meetings and to elaborate threat assessments. A comprehensive threat assessment was also presented on 30 October 2001. The Task Force also encouraged the development of specialised units and joint investigation teams in co-operation with Europol. The Council of the European Union has also agreed on the creation of **Eurojust**, a network of national prosecutors, magistrates and police officers to facilitate co-ordination and support in criminal investigations on organised crime cases, including trafficking. Eurojust will certainly contribute to enhancing judicial co-operation on criminal matters so that the

number of successful cross-border investigations increases and instruments for mutual legal assistance and recognition, including the **European Arrest Warrant**, as well as instruments on money laundering and freezing and seizing of assets, are used to their full potential.

On the legal front against traffickers, the Council of the European Union in late September 2001 reached political agreement on the Commission's proposal for a **Framework Decision to combat trafficking in human beings**. Essentially, this legal instrument contains a common definition of trafficking for the purposes of labour and sexual exploitation, which will be implemented in all 15 Member States of the Union as well as in the candidate countries.

It also stipulates that the penalty for trafficking in any Member State must be not be less than eight years by terms of imprisonment if committed in circumstances endangering the life of the victim, against a victim who was particularly vulnerable, by the use of serious violence or causing particularly serious harm, or within the context of criminal organisation.

On the specific issue of **protection of victims**, the European Commission has put forward on 11 February a legislative proposal on short-term permits of stay for victims of trafficking who are prepared to co-operate in investigations and proceedings against their exploiters.

Also, the **UN Convention on Transnational Organized Crime** and its accompanying **Protocol on Trafficking in Persons** need to be highlighted. The instruments have since December 2000 been signed by nearly 100 parties, including the Commission and all Member States of the European Union, and swift ratification and implementation are called for. The instruments will also form a basis for developing international co-operation against trafficking, not least in the context of the Commission's programming activities.

Furthermore, as regards financial support, the adoption of the **STOP II Programme** in June 2001 allows for continued support to projects on trafficking also after the first five year period which financially supported 85 projects to combat and prevent trafficking in human beings and the sexual exploitation of children, including child pornography. In November 2001, the STOP II Committee agreed on a set of 18 new projects, out of which 8 projects (with a total co-funding of around € 750 000) will focus on the victims. On 15 March 2002, the call for proposals under STOP II for 2002 was published. The deadline for submissions was 30 April. In this context, the **DAPHNE Programme** with the broader scope to combat and prevent violence against women and children also needs to be recalled. The DAPHNE Programme is open for direct applications from organisations from candidate countries.

Information concerning both these programmes can be found on http://europa.eu.int/comm/justice_home/jai/prog_en.htm.

Specifically on prevention, the Commission launched in May 2001 the **European Forum on Prevention of Organised Crime**. In this context, a specific workshop on prevention of trafficking in human beings has been set up. The first two workshops in 2001 have devoted their efforts to identifying specific and targeted areas where further co-operation can be developed, for instance co-operation between law enforcement services and NGOs. The Commission will continue this exercise in 2002 and is currently considering how to best proceed, substantially and organisationally.

In the context of **enlargement** of the European Union, the Commission, in its **Regular Reports of 2000 and 2001** on the progress made by candidate countries towards accession, has emphasized the alarming evolution of this problem and the necessity of vigorous measures aimed at countering it. Several candidates countries are, in fact, countries of origin, transit or destination of such traffic. The European Commission has also emphasized this year the need for better cooperation of all

interested parties in the fight against organised crime. Furthermore, the problem of trafficking in women and children has retained the attention of the EU Institutions in the framework of the pre-accession strategy and in particular of the PHARE Programme. Fight against organised crime has in fact been included among the priorities of the Accession Partnerships of 1999 and 2001 for several applicant countries.

It should also be recalled that the ministers of justice and the interior together with their colleagues from the candidate countries on 28 September 2001 agreed on 12 measures to combat trafficking, among them active operational co-operation, organisation of information campaigns and providing assistance to victims.

Looking at a wider geographical perspective, Eastern European countries, including Belarus, Moldova, Russia and Ukraine, among others, have been identified as source and transit countries of trafficked women. The European Commission has started to tackle this problem by using a regional approach. Three issues have been identified as being crucial:

1. **preventive measures** such as information campaigns targeting potential victims, law enforcement staff, NGOs, and government officials;
2. **protection, rehabilitation, reintegration and support to victims** such as temporary accommodation, medical and psychological counselling, shelter, legal advice, etc.;
3. **support to countries to create appropriate legislation** in order to prosecute traffickers and their supporters and training and equipment support to judicial and law enforcement entities.

In 2001, the Commission has implemented anti-trafficking activities, including an awareness raising campaign, in Ukraine in co-operation with IOM. Furthermore, feasibility studies on the subject were carried out in Belarus and Moldova. Project implementation focusing on all three identified co-operation areas is currently under preparation.

A feasibility study on the subject in the Russian Federation is pending. This project will be a joint EU/RUS/US project within the Transatlantic Agenda in which information campaigns have been carried out also previously (Poland in 1998, Ukraine in 1998, Hungary and Bulgaria in 1999-2000). Finally, as a follow-up to the information campaign in Hungary, a secondary school project is currently being implemented. Consequently, the Commission is working on anti-trafficking activities which go far beyond simply carrying out information campaigns given the complexity of the issue.

Furthermore, and looking specifically at the difficult situation in South Eastern Europe, the development of a comprehensive multi-annual strategy by the **Task Force on Trafficking in Human Beings of the Stability Pact for South Eastern Europe** should be highlighted as an important initiative. On the side of the Commission, the **Cards Programme**, set up for support to the Balkan Countries, includes prevention and combating trafficking in human beings as a strategic objective.

In the framework of **ASEM** (the Asia-Europe Meeting) which is an informal process of dialogue and cooperation bringing together the fifteen EU Member States and the European Commission, with ten Asian countries (Brunei, China, Indonesia, Japan, South Korea, Malaysia, the Philippines, Singapore, Thailand, and Vietnam), an initiative to combat trafficking of women and children (co-facilitators Sweden, Thailand and the Philippines) was launched in 2000. This initiative has as its overall purpose to contribute to ongoing efforts to prevent and combat trafficking in Europe and Asia and to ensure the protection of human rights of women and children.

A first core group expert meeting was held in Stockholm, 27-28 November 2000. The meeting identified areas where further efforts would be effective and suggested a draft Action Plan. This **Action Plan** was welcomed by Foreign Ministers at their meeting in Beijing in May 2001. It contains a set of actions in five different areas, namely strengthening of knowledge and coordination, preventing and combating trafficking, strengthening of law enforcement and protection of victims, promotion of recovery, repatriation and reintegration, and finally monitoring and follow-up. Future conferences, meetings and seminars will be held and progress reports are to be submitted to the ministerial conference on migratory flows (April 2002) and the next Foreign Ministers' meeting (June 2002).

Vienna, 5 September 2002

FINNISH REPORT ON TRAFFICKING IN HUMAN BEINGS

Report to the Informal Group on Gender Equality and Anti-Trafficking

Introduction

The combination of inadequate economic and social conditions in countries of origin and immigration controls in recipient countries allied to the restrictions on moving from one country to another leaves many people vulnerable to the activities of criminal groups. The most serious manifestation of this is trafficking in human beings.

Cases of trafficking in human beings have surfaced in regular intervals in Finland in recent years, although not in particularly high numbers. However, there have been serious cases also where people were transported in inhumane circumstances to Finland or via Finland to a third State. The biggest problem in relation to trafficking in human beings is the sexual exploitation of women and children.

Finland signed the International Convention Against Organized Transnational Crime and its additional protocols in Palermo in December 2000. Finland has also signed the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in September 2000.

General provisions of the Penal Code on violence, sexual abuse, illegal entry and coercive acts as well as provisions of the Aliens' Act are to be applied to prevention of trafficking in human beings. Currently the Finnish Penal Code does not include provisions concerning trafficking in human beings as such. Preparations for new specific legislation on preventing and criminalizing trafficking have started in the Ministry of Justice. In that connection the ratification processes of the Palermo Convention and the Optional Protocol to the Convention on the Rights of the Child will also begin.

Organized trafficking in human beings constitutes a crime under international conventions. Trafficking in human beings is to a great extent a human rights issue. It among other things violates the victims' right to personal freedom and their economic rights. Human rights of the victims of trafficking must be secured, with special emphasis on the problems of women and children. Finland believes the fight against trafficking in human beings will in the future require more effective implementation of the existing provisions on trafficking, and more intensive exchange of information between the various actors.

The National Research and Development Centre for welfare and Health (STAKES) has launched a Programme for the Prevention of Prostitution and Violence against Women which focuses on providing information on trafficking in women. Also other research projects on this issue have been launched recently. The results of these projects together with information acquired from international co-operation will give the Finnish authorities invaluable information in the fight against trafficking in women particularly.

Research and Media Coverage

Finnish National Programme for Prevention of Prostitution and Violence against Women is part of the Finnish Governmental Plan of Action for the Promotion of Gender Equality. On this occasion, the Ministry of Social Affairs and Health launched the Programme for the Prevention of Prostitution and Violence Against Women, chaired by the Minister for Social Services. The endeavour consists of two sister projects and implemented at the National Research and Development Centre for Welfare and Health (STAKES).

The task of the Project for Prevention of Prostitution is to monitor and follow up prostitution nationally and internationally and to compile and provide information about the phenomena of commercial sex and trafficking in women. The project plays an expert role and disseminates information on questions relating to prostitution. The project develops professional education and requires collaboration between the police, social and health services, the judiciary and service providers. The project goals include the development of research and legislation. One objective of the project is to promote co-operation between the authorities and non-governmental organisations and enhance pilot projects to support victims of prostitution and trafficking in women to find alternatives, to find a way out of prostitution.

The Project for the Prevention in co-operation with Ministry of the Interior co-ordinated two STOP-projects during last three years, financed by EU. The STOP 1-project was the Building up a network between the authorities of Russia, Estonia, Sweden Germany, Denmark and Finland for monitoring, analysing and combating trafficking in women and children. STOP 2 - project was called Minors in the Sex Trade.

The Project has also conducted a research The Finnish Daily Press as a Forum for the Sex Trade on marketing of sex and prostitution services in Finnish daily newspapers. The study examined the volume of sex service advertisement and the marketing strategies utilised by the sex industry. The investigations covered sex service advertisements in 35 different newspapers. The analysed material comprised the 3 500 separate sex advertisements published in the selected newspapers during the ninth week of 1999. As a part of the research a survey was conducted among the editors of the papers.

Second research carried out by the project in 1998, 2000 and 2001 in sex bars and on the streets of Helsinki capital area, in which a total of 254 female foreign prostitutes (all victims of trafficking) were interviewed.

According to a survey conducted in 1998, Russian-speaking prostitutes accounted for 86.6 per cent of the visible prostitution in Greater Helsinki, women from other countries (Ukrainians, Poles, Latvians) for 10.1 per cent, Finns for 2.2 per cent and Estonians for 1.1 per cent. In 2000, the percentage of Estonian- and Finnish-speaking women increased in sex bars and, in 2001, only Russian-speaking prostitutes were interviewed.

According to studies, approx. seventy per cent of the prostitutes interviewed were in Finland on a tourist visa and approx. twenty per cent with a residence permit. The individuals who have a residence permit for Finland are immigrants. In 2000-2001, the situation changed slightly in the sex bars and the percentage of immigrant women increased. According to field interviews, the change in the situation can be explained principally by an increase in the trade in wives and by unemployment among immigrant women in Finland.

Prostitution would not be possible without male customers. Each day, several hundred buyers of sex services visit sex bars. It is evident that more customers are required than sellers of services in order for the activity to be viable. The sex market is open not only to Finns but also to tourists. According to a study from 1995, almost 200,000 Finnish men have sometimes purchased sex in Finland or abroad. According to international studies, the sellers of sex services need approx. 6-8 customers a day in order to secure their livelihood. According to those interviewed in Helsinki's sex bars, prostitutes served an average of 3-4 customers a day. However, the record for one procuring ring was 26 customers a day received by one woman.

It is possible to distinguish at least two different categories of trafficking in women for the purposes of prostitution in Western Europe:

The first and the largest group consists of women who have been brought there by the different types of Mafia networks. This factor can be named organised crime on a macro-level. In Finland, brothels are illegal.

The second group are women who travel independently. These women use a wide variety of ways, legal or illegal, to cross the borders of the European Union. They are recruited by "colleagues", boyfriends, travel agencies or by relatives, sometimes with the assistance of people that may take advantage of their position. This factor is organised crime on a micro level. According to their own statements, these women have arrived in the country "voluntarily" to earn money. In a large part of the cases investigated it has been found that the women have been directed to certain locations and certain addresses. In the countries of origin, they have been reserved accommodation in a centralised way and they have been told in advance the addresses suitable for engaging in their occupation in the locations in question.

The international debate, which has broadened in recent years, on the trafficking in human beings has paid less attention to prostitution falling within the boundaries of states. It is important to note that the trafficking in women and prostitution cannot be separated from each other, any more than child and adult prostitution can. The same violence, exploitation, health risks and exercise of power apply to local prostitutes as to trafficked women and children. Parallel to the phenomenon of the trafficking in women, local sex industry and local prostitution has been visibly growing in the 1990s in Finland.

Of other research projects, one should mention the work of the National Research Institute of Legal Policy (OPTULA). They published in February 2002 a research paper on "Trafficking of women, illegal immigration and Finland". Summary of the report is available in English in www.om.fi/optula/2667.htm

Additionally, the National Bureau of Investigation has prepared an investigation into the issue of prostitution in Finland. The responsibility for monitoring cases of illegal entry and trafficking lies with the National Bureau of Investigation. The National Bureau of Investigation is also responsible for collecting information on trafficking in women.

Awareness raising

In June 2001, at the Women and Democracy conference in Vilnius, Lithuania, the Nordic and Baltic ministers of Gender Equality decided to carry out a joint Nordic-Baltic information campaign against trafficking in women. The objectives of the campaign are to increase knowledge and awareness among the public, and to initiate discussion about the problems surrounding the issue of trafficking in women and children. The Finnish Action Plan for the Nordic & Baltic Campaign on Combating Trafficking in Women is scheduled to take place in late 2002. The campaign is aimed at the general public and it should reach many sectors of civil society.

The aim of the campaign in Finland is:

- To raise awareness among the general public; trafficking in women is a part of the global sex industry, inform buyers and potential buyers of sexual services about the reality of the prostitution
- To develop multi-agency networks; to activate the co-operation between authorities, NGO's and volunteer organisations dealing with women's issues.

Legal framework/legislative review and reform efforts

As a starting point it could be stated that current legislation does not provide adequate instruments to deal with trafficking in human beings. Minister of Justice Johannes Koskinen has at various occasions stated, that a legal reform will take place in the near future in this respect. The Ministry of Justice will start preparing new specific legislation on criminalization and prevention of trafficking. The Palermo agreement has not yet been ratified as also the witness protection laws need to be amended.

The two basic objects of legal protection in regulating trafficking in human beings as well as in its partial phenomena, trafficking in women and children, are human rights of the victims on one hand and public order and safety on the other. For the time being, the focus in national legislation of Finland lies with securing public order.

In 1999 a direction given to the police by the Ministry of the Interior came into effect. This direction states that the police shall make efforts to make the prevention and the clarification of prostitution and trafficking in women as well as the criminal acts tied to these more efficient.

Kidnapping is criminalized by provisions of chapter 25, section 3 of the Penal Code. Regulating prostitution is mainly based on chapter 20, section 9 of the Penal Code criminalizing prostitution and chapter 20, sections 6 and 76 of the Penal Code criminalizing sexual abuse of children. In other relations, general provisions of the Penal Code on violence, sexual abuse, illegal entry and coercive acts as well as provisions of the Aliens' Act are to be applied to prevention of trafficking in human beings, subject to the circumstances and motives of the particular case. It is stated in the alien act of 1999 that foreigners can be turned back at the border if one seriously can suspect that they are selling sexual services.

It can be concluded on the above basis that trafficking in human beings is comprehensively criminalised by our national legislation only in relation to trafficking in children and slavery. The other provisions on offences of illegal entry, pandering and violations of liberty that could be

applied to the activity cannot be considered to meet the needs set by regulating organised trafficking in human beings and women in particular.

Government co-ordination

Finnish National Programme for Prevention of Prostitution and Violence against Women (1998 – 2002) has been the national co-ordinating body in Finland and has taken care of the international contacts. This programme is implemented at the National Research and Development Centre for Welfare and Health until the end of December 2002.

National Plan of action

Currently Finland has no specific national strategy on prevention of trafficking in human beings. The National Project for the Prevention of Prostitution and Violence against Women will prepare a National Plan of Action to Prevent Violence against Women, which will also include actions against prostitution and trafficking as they are closely connected issues. The Ministry for Social and Health Affairs has a working group “Nordic Baltic Campaign Against Trafficking in Women”, which could also be identified as a suitable context to organise a plan of action.

Cooperation with non-governmental and international organisations

International co-operation functions with the UN, Council of Europe and the European Union. A forum for action with NGO's does not currently exist.

The project for the Prevention of Prostitution developed co-operation work with non-governmental organisations. Three Daphne-Foundation projects were supported during the last three years. Project Improvement and Co-ordination of Assistance to the Victims of Violence and Trafficking in Women in the area of Prostitution had partnership with Germany and Austria. Multicultural Women's Association MONIKA in Finland has done outreach work and gathered information of trafficking in women. A central objective of the project was to co-ordinate individual social work of affected women with the method of case management and to help victims of trafficking in finding ways out of prostitution. Also the project involved immigrant women who are victims of violence against women. The aim of Training and Capacity Building Against Trafficking in Women and Girls in the Baltic Sea Region - project has built up a network between Scandinavian and Baltic States. (This project was co-ordinated by Kvinnoforum, Sweden.) The main objective of the project was to enhance the capacity among interested Finnish NGO's to work with women and girls at risk of being trafficked or victims of trafficking in Finland and to set up a National Focal Point - Resource centre for the women.

There should be mutual understanding that the prevention of all kinds of prostitution is necessary before any co-operation is successful. The operations should be government led and especially police and law enforcement are crucial as the issues are sensitive and the work can be dangerous. Municipal and governmental support and co-operation is needed.

The National Bureau of Investigation participates in international co-operation in preventing trafficking in human beings as a member in various international organisations and bodies. These include Europol, Baltic Sea Task Force and ICPO-Interpol.

Training of relevant state authorities

General training programmes across authorities do not exist. Every sector has the responsibility to organise their own training according to their needs.

Project for the Prevention of Prostitution organized three international seminars for authorities and NGOs (Tallinn, St. Petersburg, Helsinki).

The Office of the Prosecutor General organises training for the prosecutors on crime against women and children.

The National Bureau of Investigation is responsible for its part for possible training provided to authorities in relation to illegal entry and prevention of trafficking in human beings in Finland.

Aid and Development programmes abroad

Joint research was carried out during the two EU-financed STOP-projects. Researches in Estonia and Russia got funding to collect information on the local situation.

Bilateral and multilateral Agreements

Finland signed the UN Convention against Transnational Organised Crime on 12 December 2000 in Palermo, Sicily. The aim of the Convention is to make the process of granting legal assistance and extraditing offenders easier and faster. The UN General Assembly adopted the Convention and two accompanying protocols on 14 November 2000. The protocols deal with prevention of trafficking in immigrants and human beings, women and children in particular.

The Ministry of Justice has stated that they will soon begin the ratification process of the Convention and its protocols. The Ministry of Justice will also begin the implementation the Framework Decision of the Council of the European Union of 19 July 2002 on combating trafficking in human beings.

Finland has also ratified the 1026 Slavery Convention and the 1949 UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; both with later amendments and additions.

FRANCE: COUNTRY REPORT ON TRAFFICKING IN HUMAN BEINGS

*Statement made by Ms. Marie Thalabard-Guillot
Department of women rights and equality
French Ministry of Social Affairs, Work and Solidarity*

In the 19th century, while slave trade consisted in sending young European women to procurers who would convey them to south American or north African brothels.

In the 20th century, as communications have improved considerably, the phenomenon became planetary. Nowadays, it concerns women, children from any country and from any race.

More than a hundred and fifty years after abolition of slavery, as the idea of economical and social rights progressively emerged in our occidental democracies, the reality of such situations of slavery is properly intolerable. Worse, it appears as a real failure for our states attached to the principles of liberty and of respect of the human being's dignity. Of course, France is not exempted from this phenomenon of prostitution.

As prostitution is free in France, there are no files and therefore no reliable statistics. The existing figures are established by the OCRTEH (central office for the repression of human being trade) based on the police controls. You can easily understand that they are quite fragmented. Street prostitution could concern between 15,000 and 18,000 persons. About 7,000 of them are located in Paris. This evaluation which has been quite stable for the past few years does not show the turn over taking place in this population. Each year, some 2,000 to 3,000 new prostitutes appear in the streets.

Underground or occasional prostitution is still hardly quantified.

About 80% of the prostitute women in the big urban cities are exploited by a procurer. As it is unconceivable to ignore those too many women standing downtown, in the suburbs, five different reports were written in the past eighteen months on this specific question:

- Ms. Dinah Derycke's report, in the name of the women's rights delegation of the Senat, was devoted to the subject of prostitution (January 2001);
- A very complete report was made by a parliamentary group driven by Ms. Christine Lazerges; it was called "*Slavery in France, today*" (December 2001)
- Ms. Michèle Monrique, in the name of the Economic and Social Council, realized a study on modern slavery in France (December 2001)
- A working group of the National Council for help to victims proposed several measures for contemporary victims of slavery (March 2002)
- A report of the sub-commission on prostitution and human being trade for sexual exploitation, attached to the national commission against violence was written by Malka Marcovich and entitled "*The system of prostitution: a violence against women*" (March 2002)

This sudden speeding up on the subject expresses the trouble felt but also a kind of fear toward the spread of the network of the mafias.

Chinese or Albanian mafias are building up real multinationals exploiting human beings. The extreme violence hurled on their victims is even more systematically used as each of them represents a huge source of money.

Victims are subject to permanent pressures and particularly concerning the amount of money that they are supposed to give to their procurers each day. The mafia insures its ascendancy over its prays by a deep knowledge of their social and family environment. Threatened, violenced, spied on, in irregular situation in a country of which they ignore the language and the habits, victims live in a tragic isolation.

Women, under or over 18 of age, are the most concerned by these traffics.

The reality of these very young women, sold many times between their villages and the streets of our occidental big urban cities, beaten, raped, “conditioned” by the traffickers must cause a reaction. There is a real urgency to stop such dramas.

Of course, the situation that I have just described did not surprise any of you. What is true today in France is unfortunately also true in many other European towns.

I would now like to emphasize on the way this question of prostitution is dealt with in France. First of all, I will expose you the specificities of the French juridical system. In a second part, I will point out the main features of the existing social programs which are devoted to persons in situation of prostitution.

I The French legal approach on prostitution

International law

France is following an abolitionist approach. In this system, procuring, which means sexual exploitation of others even with consent, is forbidden. Prostitution is free. There is neither control, nor penal pursuit.

The French law is based on the United Nations Convention of 1949 for the suppression of the traffic in persons and the exploitation of prostitution of others, ratified in 1960, which affirms that prostitution is incompatible with dignity and value of the human being.

This international basis was reinforced with the signature in Palermo in December 2000 of the United Nations Convention against transnational organized crime and more specifically by the signature of the protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the mere convention.

Criminal law

On the national level, the penal code describes procuring as the fact “*by anyone, by any way, of helping, assisting or protecting the prostitution of someone; of making profit from someone’s prostitution; of sharing incomes or receiving allowance from a person prostituting oneself; of hiring, of leading, of taking off somebody to prostitution or exerting pressure over a person such as she goes to prostitution or goes on with prostitution.*”

Since 15 November, 2001, a new law, called daily security, increased penal condemnation of simple procuring which can be punished by seven years of jail and a fine of EUR 150,000. At the same time the witnesses’s protection was improved. They can be heard and not let their identity appear in procedural file each time their declarations may seriously endanger their life or their physical integrity.

Other articles of the penal code are describing aggravating circumstances with sanctions going up to life prison and a fine of EUR 4.5 million.

Concerning prostitutes, if prostitution in itself is free in France, however, a fifth grade contravention can be applied to the one who “*by any way, is publicly soliciting someone in order to have sexual intercourse*”.

Finally, a new provision in a recent law, effective since 4 March, introduced a specific sentence toward someone who appeals, agrees or gets “*sexual intercourse from a prostitute under 18 years of age in return of payment or of the promise of payment*”.

Aggravating circumstances are specified if the prostitute is under 15 of age, if infringement is usual, if the author of the infringement is abusing of the authority due to his functions or if the prostitute was contacted through a communications network.

Moreover, and as already in effect concerning sexual attempts, these disposals are applied even when the infringement is committed by a French citizen outside the national territory.

I should finally mention that a recent bill aiming at strengthening the fight against the various forms of slavery was examined by the French National Assembly on 24 January, 2002. The creation of an incrimination of trafficking in human beings, the very heart of this text, ensues from the report according to which the existing incriminations in the French penal code remain widely insufficient to deal with the complexity of the observed phenomenon of modern slavery.

The work of the police forces in charge of the repression of procuring

In pursuance of the UN Convention of 1949, the central office for the suppression of the traffic in persons (OCRTEH) was created in 1958 and placed under the authority of the Ministry of the interior.

This office centralizes, on a rational scale, all the information concerning prostitution and procuring; it coordinates different police forces, and cooperates with other European countries, especially as part of Interpol or European Union programs. The office leads investigations each time the case is involving international procuring or complicated questions on the national level.

The OCRTEH is composed of 15 investigators.

Each year, around twenty to thirty networks of prostitution are broken up. All kinds of procuring merged (i.e. direct, indirect, hostelry, massage rooms, ...), around 500 persons are pursued annually among which almost 25 % are women. Judiciary statistics confirm the low rate of legal proceedings taken and of the sentences pronounced by jurisdictions.

In 2001, out of 393 persons convinced of procuring, 362 were sentenced to jail penalties but 129 of them were granted a suspended sentence. The average of prison sentences is of 21.8 months against 15.6 months ten years ago. In 23 cases, the fine requested reached EUR 5,000.

II The social background

Today, no real status exists in France for the victims of trafficking in human beings. Solutions are determined considering the reality of each case.

When social or associative workers are willing to help a woman to go out the sexual exploitation sphere, they require, if necessary, from the prefectural authority to deliver a humanitarian residence permit.

At the same time, the urgency accommodation system can be used. Two enactments in force since 1960 organized the creation in each département of a SPRS, service for prevention and social rehabilitation, which were supposed first, to look for and accommodate persons in danger of prostitution and give required assistance and second, to perform every medical or social action needed in benefit of prostituted persons.

In the beginning, 12 départements created such services. Today, only four of them remain, all far away from Paris and under associative management. These 4 SPRS can be found in the following départements: Bouches du Rhône, Alpes Maritimes, Isère and Haute-Garonne.

Besides, CHRS, centers for accommodation and social reintegration, were created in 1976 and are also open to prostitutes or persons in danger of prostitution as a social assistance when they do not have sufficient income. Some of these centers (about 150) are specialized in receiving victims of violence (conjugal or sexual). Anyway, general CHRS can always receive prostitutes as any person knowing tough difficulties either on a financial, family, medical or rehabilitating plan.

In all, 35,000 places are available, dispatched over 745 geographic unities.

The French government indirectly intervenes by financing associations in charge of the management of these various accommodation centers.

To meet the recommendations formulated in the various reports written on the subject and cited at the very start of my statement, a project is presently at the study in order to create specific and specialized centers, with police officers in place 24 hours a day and to give systematically a residence permit. The object is to offer a better protection to strongly endangered and threatened persons.

Since the beginning of the year 2002, the Ministry of Social Affairs, Work and Solidarity is financing a pilot experimentation aiming at the organization of a secure accommodation for either foreign or French endangered or vulnerable prostitutes. This program offers 20 places and insures a secure home away from the last prostitution site known for any prostitute asking for it. An adapted social and administrative accompanying, an individualized follow-up and if necessary a psychological support are proposed.

Local initiatives are also in process of realization. For example, the local contract of security of the city of Paris has two thematic amendments: one on the violence done to women and one, on the fight against prostitution. Moreover, the creation of a reception center for victims under 18 years old, notably the victims of the prostitution, is foreseen.

III The prostitution, demonstration of a sexist violence

To recognize that the prostituted person is a victim, naturally, leads to condemn the exploitation of this activity by the procurers. But it also supposes to consider the one who lends himself to the offer and demand game, i.e. the customer. Indeed, to maintain the myth of the person freely choosing to prostitute itself is a way for the customer to avoid any guilt and to get away with a too easy justification. There is indeed a kindness and social blindness which tend to underestimate the violence and the visceral infringement on the dignity and on the freedom that prostitution represents.

The customer is practically always a man even when involving male prostitutes. For a long time, any dimension in the feminine sexuality was denied. The woman was above all considered as an object whose first vocation was to satisfy men's desire.

This subject joins the more global problem of the disparity between sexes and the relations of domination and dependence between men and women. The cultural dimension on such a subject is very pregnant. The subject of prostitution deserves to be approached under the more general angle of the fight against the sexist violence. The image of the women, seen as simple objects, exposed on a corner of asphalt, directly delivers a blow at all the efforts engaged in fight against sexist discriminations. To refuse prostitution, is a contribution to convey a new glance on all the women.

The question is also to know whether the more avant-gardist position of Sweden which chose to criminalize the purchase of sexual services should be held.

Some observers notice that the Swedish penal standard intervenes after long years of policies of prevention and information. In France, the subject of prostitution remains still widely taboo.

Others wonder about the perverse effects of a law which tends especially to move the activity of the prostitutes and to relegate them to the underground.

In the light of this experiment, it seems that the question of the customer should at first be the object of an approach in terms of education. Besides, the creation for some months, as I evoked in the first part of my statement, of a new infringement intended to pursue the customers of prostitutes between 15 and 18 years expresses an evolution in the spirits.

Vienna, 2 September 2002

TRAFFICKING IN HUMAN BEINGS COUNTRY REPORT OF GERMANY

Research/media coverage

What information is available about trafficking? Are there any reliable studies or statistics on the issue? How does the media cover the issue?

Reliable data on trafficking in women - as defined by the United Nations - do not exist for all forms of trafficking in women. With regard to the particular area of trafficking in human beings as defined in the German Criminal Code, i.e. for the purpose of sexual exploitation, the Federal Office for Criminal Investigation keeps annual figures on cases involving proceedings for suspected trafficking in human beings. The Office processes the data and analyses them in order to determine trends. The data are then published in the national "Situation Report" on trafficking in human beings, but they cover only detected cases. It is assumed that there are a large number of undetected cases. There are various studies and publications dealing with the problems, for example,

- A study entitled "*Umfeld und Ausmaß des Menschenhandels mit ausländischen Mädchen und Frauen*" from 1999, commissioned by the Federal Government;
- "*Frauenhandel und Prostitutionstourismus - Eine Bestandsaufnahme*" from 1990, also sponsored by the Federal Government;
- "*Frauenhandel(n) in Deutschland*" by the Bundesweiten Koordinierungskreis gegen Frauenhandel und Gewalt an Frauen im Migrationsprozess e.V. (KOK), 2001; the Federal Government also made funds available for this;
- Documentation of the Conference "Europe Against Trafficking in Persons", Berlin, 15-16 October 2001, in co-operation with the OSCE Office for Democratic Institutions and Human Rights;
- The Federal Government's Sixth Report on Human Rights Policy devotes a special section to the subject of trafficking in persons.

In addition, non-governmental organizations (NGOs) and also government agencies frequently publish brochures, reports, etc., on trafficking in women.

Reports on trafficking in women appear again and again in the media. The contributions range from somewhat sensationalist articles to serious reports. This applies to both the print media and television and radio broadcasts.

Awareness-raising

Are there any awareness-raising programmes? What issues are most important to stress in your country? Who is the target audience?

There has so far been no government campaign at the national level on trafficking in women, but poster campaigns and other campaigns have been organized by various NGOs. Thus the NGO Terre des Femmes has conducted a campaign entitled “*Männer setzen Zeichen*” in several cities. The target audience, in this case, was primarily men, including those who patronize prostitutes.

The Federal Government supports the preparation and distribution of publications on trafficking in women financially and in terms of their content. These include the book by KOK already mentioned (the target audience is the general public or those interested in the subject) and an information brochure for potential victims of trafficking, published in 13 languages. This brochure is distributed in the countries of origin and also in Germany.

Legal framework/legislative review and reform efforts

How does the current legal framework prevent and address trafficking and related violations? How are victims identified and how are their rights protected? Has your country ratified the UN Convention Against Transnational Organized Crime and its protocols? Is there review and reform of relevant legislation under way?

The relevant penal provisions are § 180b (“Trafficking in Human Beings”) and § 181 (“Serious Trafficking in Human Beings”) of the Criminal Code. Both provisions have been amended by the 26th Criminal Law Reform Act (Trafficking in Human Beings), which came into force on 22 July 1992, in response to the marked increase in the commercial exploitation of human beings and the new forms in which it is manifesting itself. Under these provisions, trafficking in human beings means conduct aimed, usually in pursuit of profit, at bringing another person, through trickery, threats or force or by exploiting a difficult personal situation, to engage in sexual acts, and particularly to take up or continue prostitution in a foreign country. The provisions read as follows:

“§ 180b

Trafficking in Human Beings

(1) *Whoever, for his own material benefit, exerts influence on another person, with knowledge of a coercive situation, to induce the person to take up or continue in prostitution, shall be punished with imprisonment for not more than five years or a fine. Whoever, for his own material benefit, exerts influence on another person, with knowledge of the helplessness associated with the person’s stay in a foreign country, to get the person to engage in sexual acts, which the person commits on or in front of a third person or allows to be committed on the person by the third person, shall be similarly punished.*

(2) *Whoever exerts influence:*

1. *on another person with knowledge of the helplessness associated with the person’s stay in a foreign country; or*
2. *on a person under twenty-one years of age,*

to induce the person to take up or continue prostitution or to get the person to take it up or continue it, shall be punished with imprisonment from six months to ten years.

(3) In cases under paragraph 2 an attempt shall be punishable.

§ 181

Serious Trafficking in Human Beings

(1) Whoever:

1. with force, threat of appreciable harm or trickery induces another person to take up or continue prostitution;

2. recruits another person through trickery or abducts a person against the person's will by threat of appreciable harm or trickery, with knowledge of the helplessness associated with the person's stay in a foreign country, in order to get the person to commit sexual acts on or in front of a third person, to allow them to be committed on the person by a third person; or

3. professionally recruits another person, with knowledge of the helplessness associated with the person's stay in a foreign country, in order to induce the person to take up or continue prostitution,

shall be punished with imprisonment from one year to ten years.

(2) In less serious cases the punishment shall be imprisonment from six months to five years."

These penal provisions do not cover other forms of trafficking in women under the United Nations definition. Here the application of other paragraphs of the Criminal Code may be possible - for example, the provisions on coercion (§ 240 of the Code), wrongful deprivation of freedom (§ 239), rape (§ 177), etc.

At the present time, the Federal Government is examining the extent to which German criminal law must be amended in order to implement the Framework Decision of the European Union on Trafficking in Human Beings and the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. Preparations are at present being made for the ratification of the latter by the Federal Republic of Germany.

The identification of victims of trafficking proves difficult in the context of police raids, for example. The result is that women are often immediately deported, although they are victims of trafficking, because they are in Germany illegally. In one of the Länder of the Federal Republic, indicators for the existence of trafficking in persons, on the basis of which the police can more easily determine whether women are victims of trafficking, are currently being developed.

Under the General Administrative Regulation pertaining to the Aliens Law, victims of trafficking are given a grace period of four weeks before deportation; during this period they can prepare for their departure or consider whether they wish to give evidence in court.

When a woman has decided to make herself available for the giving of evidence, she may, if she is at risk, be covered by a programme of police protection. However, the strict prerequisites for inclusion in such a programme are not satisfied by the majority of victims willing to testify, partly because they are often traumatized. These psychological problems

call for a form of assistance that cannot be provided by the police. Measures to build the confidence of traumatized women are also needed because the women are often persuaded by their exploiters that the police are co-operating with the traffickers. The Republic-wide Working Group on Trafficking in Women (see further below for a description) has therefore developed an “Outline Plan for Co-operation between Specialized Advisory Agencies and the Police to Protect Victims of Trafficking in Persons who are to Appear as Witnesses”, which is tailored precisely to this target group. In this outline plan, the different competences of the police and the NGOs that advise and assist victims of trafficking are set out. The principle is that the police are responsible for protection and the advisory agency for assistance. The advisory agency decides, in consultation with the police, where the victims concerned are to be accommodated and ensures appropriate accommodation. It ensures continual psycho-social support and arranges for medical care as well as psychological support for the witness before, during and after initial questioning, interrogation sessions and court hearings. Staff of the advisory agency assist during the interrogation of the witnesses if the latter so desire. The advisory agency identifies training and further education possibilities for the witnesses in order to facilitate reintegration.

The German legal system provides for the possibility for victims of trafficking in human beings and serious trafficking in human beings to bring concurrent actions against the defendants in criminal proceedings. If the witness decides to give evidence against the defendant, she can bring a concurrent action. Such a concurrent action has the advantage that the victim does not participate in the hearing merely as a passive witness but has rights of her own. She can engage her own lawyer. The lawyer sees to it that the victim's rights as a witness are safeguarded and:

- Accompanies his or her client during interrogations by the police and/or judges before trial proceedings begin;
- Explains to the witness her rights (e.g., the right to see the documents relating to the proceedings) and duties;
- Pleads on behalf of the witness. The events are described from the viewpoint of the victim and subjected to a legal analysis.

A victim bringing a concurrent action has the right to take part in the whole of the main proceedings. She can, through her lawyer, make applications, declarations, etc. The costs of the legal assistance are borne by the State.

Government co-ordination

Is there a national co-ordinating body within the government to address this issue? Is there a focal point within the government responsible for co-ordinating a response and serving as a liaison for international contacts?

In the spring of 1997, the Federal Government set up a Republic-wide Working Group on Trafficking in Women which meets approximately every quarter. Its composition takes into account the great complexity of the problems concerning trafficking in women and the different policy fields, target groups and problem levels. Alongside the Federal Ministries dealing with the trafficking in women, the Länder, through various conferences of the competent ministers, the Federal Office for Criminal Investigation and non-governmental organizations that advise and assist victims of trafficking are represented in the Working Group.

The tasks of the Working Group include:

- A continuous exchange of information on the various activities in the Länder and in national and international forums between the competent Federal Ministries, the conferences of competent ministers of the Länder, the Federal Office for Criminal Investigation and NGOs;
- An analysis of the concrete problems arising in the efforts to combat trafficking in women;
- The drafting of recommendations and proposals for joint action, where appropriate, to combat trafficking in women.

Major themes up to now have included the attempt to agree on a common definition of trafficking in women, prevention, awareness-raising material, deportation deadlines and procedures, confiscation of proceeds, protection of witnesses, costs of assistance services for witnesses and legal regulations governing prostitution.

The concrete results include:

- The preparation and publication of information material for women in the countries of origin. The relevant brochure has been published in 13 languages and is distributed through NGOs and the German embassies in the various countries;
- The introduction of specific proposals regarding the administrative regulations concerning the Aliens Law that came into force on 9 October 2000, with regard to the treatment of victims of trafficking (e.g., a minimum grace period of four weeks before deportation takes place);
- The development of a model co-operation plan to ensure special arrangements to protect female witnesses who cannot or do not want to be included in the general programme for the protection of witnesses. This Outline Plan for Co-operation has already become the basis for corresponding arrangements in individual Länder;
- The drafting of a recommendation for the authorities under the Law on Benefits for Asylum-Seekers and for the welfare agencies, regarding jurisdiction in the case of benefits for victims of trafficking under the Law on Benefits for Asylum-Seekers and the Federal Social Welfare Law;
- The drafting of a recommendation for the Länder on the scope for the application to victims of trafficking of the Law on Compensation for Victims;
- On 29 May 2001, a special order of the Federal Ministry of Labour and Social Affairs was issued to the Federal Employment Office providing for the possibility for victims willing to testify in the framework of the Outline Plan for Co-operation to be given work permits immediately;
- Special further training courses are organized annually by the Federal Office for Criminal Investigation for the benefit of the police, with individual members of the Working Group being involved.

In addition, preparatory work has been and is carried out by the Working Group for German participation in international conferences and for contributions to the drafting of international agreements on trafficking in persons.

With regard to international contacts in the area of police co-operation, the Federal Office for Criminal Investigation has liaison officers in many of the countries from which victims of trafficking come. These officers organize contacts between the countries.

National Plan of Action

Is there a national plan of action to prevent and combat trafficking? If so, what are the main components and who is responsible? What resources and co-operation are necessary to implement the plan?

There is no action plan concerned exclusively with the question of trafficking in women. As part of the “Plan of Action of the Federal Government to Combat Violence against Women”, which was adopted in December 1999, several measures against trafficking in women are provided for and have in part already been implemented.

The main objective, along with the continuation of the Republic-wide Working Group on Trafficking in Women, is the establishment of closer links between the advisory agencies that advise and assist victims of trafficking. This aim is pursued through the promotion of the “umbrella organization” for advisory agencies, the KOK, and of contact meetings. Over and above this, the Plan of Action incorporates legal improvements (such as the four-week grace period for victims of trafficking as mentioned above) and particularly recommends co-operation between governmental and non-governmental agencies at all levels of the State.

Co-operation with non-governmental and international organizations

How does the government co-ordinate and co-operate with NGOs and IOs to prevent and combat trafficking, as well as to assist victims?

Co-operation and co-ordination with NGOs and international organizations takes place through the Working Group on Trafficking in Women and also through direct contacts between the agencies concerned. Thus, for example, on the basis of co-operation agreements between the police in some Länder and the NGOs operating there (the guiding principles in this connection are provided by the Outline Plan for Co-operation developed by the Working Group), there is a division of work between the institutions for the benefit of victims of trafficking. Similar to the Working Group on Trafficking in Women at federal level, many “round tables” have been set up at the Länder level which concern themselves particularly with trafficking in women. Co-operation is co-ordinated in these working groups.

There have been and are, for example, working contacts between the Federal Ministry for the Family, Senior Citizens, Women and Youth with the International Organization for Migration and also with the Office for Democratic Institutions and Human Rights.

Training of relevant State authorities

Are there any programmes in place to specifically train State authorities on how to prevent, detect and address this problem? Are there programmes in place to sensitize State authorities to the special needs of trafficked persons and victims of violence?

Special courses of further training are continually offered at the level of the Länder. The Federal Office for Criminal Investigation provides further training annually on the relevant problems for officials of the Offices for Criminal Investigation of the Länder, with experts from NGOs participating.

Aid and development programmes abroad

Does your government support anti-trafficking initiatives in other countries? If so, what strategies and priorities are behind these activities?

In the present year (2002), support was given for an awareness-raising campaign on trafficking in women in Lithuania, as part of preventive anti-trafficking efforts.

Bilateral and multilateral agreements and activities

Has your government signed any relevant bilateral or multilateral agreement to address this issue? Does your government promote and engage in joint projects and activities with other governments with the aim of preventing and combating trafficking? How does your government co-operate with other countries to ensure safe repatriation efforts and what mechanisms are in place to protect witnesses during the process of investigation and prosecution?

Victims of trafficking who do not make themselves available as witnesses for court proceedings in Germany are given the possibility, after being apprehended by the police, to organize their return to their country within four weeks. German NGOs help them in this task. A safe return is most likely when contacts exist with an NGO in the country of return which can then concern itself with the victims. Financing of travel costs is possible from the resources of the Reintegration and Emigration Programme for Asylum-Seekers in Germany (REAG programme). The Federal Ministry for Technical Co-operation and Development supports a repatriation project of the NGO Solidarity with Women in Distress (SOLWODI), under which women returning to their home countries receive help with travel and removal costs and bridging funds for the first three months, and measures are financed for assisting them in finding jobs and starting a new life.

The Federal Republic of Germany has concluded agreements on extradition and mutual legal assistance with a large number of countries. There are bilateral agreements with many countries covering police co-operation, extending also to the area of procuring and trafficking in persons. Several additional agreements of this kind are about to be ratified.



**Permanent Mission of Greece
to the OSCE**

Vienna, 29 August 2002

GREECE: TRAFFICKING IN HUMAN BEINGS

A. In Greece criminal offences relating to trafficking in human beings are punishable under the Penal Code (articles 312, 323, 336, 337, 338, 339, 341, 342, 343, 345, 346, 348, 349, 350, 351, texts available in Greek only). These provisions are being supported and in some cases completed by a number of international treaties and conventions as well as covenants that Greece has signed and ratified during the many last decades, thus allowing formation of a comprehensive corps of legal texts for the prosecution of the crime under review.

However, the aforementioned legal provisions do not name "trafficking in human beings" as a particular crime and the currently imperative need of such an innovation in the legislation is reflected into the draft law, which was made public last December, and has actually been introduced to the Parliament for discussion and vote.

The draft law came as a result of a fruitful inter-ministerial cooperation in the framework of a high-ranking Group of specialists (judges, policemen, sociologists, civil servants etc) named OKEA, operating under the chair of National Police's Chief.

Some cardinal points of the draft proceed as follows:

- It amends and augments legal provisions that already punish a wide range of criminal activities relating to trafficking in human beings.
- The henceforth-particular crime falls under the provisions of Law 2331/99 prosecuting organized crime and accordingly provides to some extent for the same special procedures to be applied in cases of terrorism and organized crime, particularly in connection with protection of witnesses.
- The unlawful gains from the crime and its perpetrators will face the severe consequences of the law on money laundering.
- The crime is punishable even if it was committed outside the national borders and is irrelevant for the court if the criminal offence is not being punished in the country it was perpetrated. .
- Last but not least a special care is being taken for punishing pornography of children and immediately assisting its victims.

B. As in the course of the last ten years Greece experienced the sudden impact of a unique flux of immigrants, the draft law pays particular attention to those among them who are victims of such violence.

Notwithstanding the fact that immigrants who are willing to testify as witnesses or to co-operate with law-enforcement agencies, in cases of trafficking of human beings, will be given the possibility either to regulate their situation in Greece or to eventually choose their safe repatriation, the draft law protects equally male and female immigrant victims as well as nationals and provides for all kind of aid they will be in need of (social, legal, psychological etc).

C. Taking into account the fact that in the year 2001 the police have successfully inquired 440 cases of trafficking of human beings with 725 identified victims and arrested 529 perpetrators, either nationals or immigrants, a number of best practices appear on a non-exhaustive list:

- a police effort to inquire an increasing number of similar cases every year, as well as to co-operate closely with Municipalities and local (elected) administration in general, with regard to issuing temporary residence permit cards (green cards) to immigrants.
- a program of permanent education of all civil servants dealing with the problem either directly or with its different parameters leading to the inter-connection of the particular crime with other criminal offences, such as money laundering, blackmail, extortion, bribery, drugs etc.
- a need for international police and judicial cooperation aiming particularly at the creation of data banks, that will provide statistical as well as any other relevant information concerning the hideous crime of trafficking in human beings.

ITALY: COUNTRY REPORT

*presented by Mrs. Tiziana Zannini,
Department for Equal Opportunities,*

In 1948 the Universal Declaration of Human Rights proclaimed that “no-one shall be held in slavery and servitude ...” but the trafficking in human beings is a modern day slave trade that affects many countries and has expanded and evolved beyond his historical origin as the realities of the movement changed.

The Italian Department for Equal Opportunities, within the framework of Prime Minister’s Office, co-ordinates the inter-ministerial Commission responsible for the management and implementation of **Article 18 of legislative decree n. 286/98** (the Italian law concerning the provisions on the immigration). Through the introduction of this law, and in particular the article 18, Italy has tried to respond in a timely and efficient manner to the growing problem created by people trafficking. Article 18 in fact allows **the granting of a special entry permit** for victims of the trade, and provides for their participation in a social and integration assistance programme. Article 18 is therefore a specific tool for action against the trade.

It is important to note that the granting of stay and insertion in a social protection programme does not imply an obligation for the victim to inform the police. This is a very important novelty as it becomes an incentive for consequent co-operation with the authorities. Only if the victims are aware of being the true holders of rights can they co-operate with the authorities by identifying the traffickers.

In the framework of Article 18 there is at national level a financial support to implement the following **two different types of programmes** and, on this matter the above mentioned inter-ministerial Commission, gives the guidelines and the policies to be adopted in order to evaluate and select the projects, which criteria, priorities and methodology are set up in D.M. 23/11/99:

- **Social protection projects** are addressed to foreign women and children victims of trade and the main objective is to provide them with a high level of social protection, like a special entry permit, suitable housing (with unknown address), information about their human rights, social and health services, medical and psychological care, assistance in finding employment, vocational training, legal counselling and the services of a competent translator in the event of legal proceedings. This type of support and protection may encourage the victims to co-operate with the authorities by identifying the traffickers especially through the judicial process. The social protection projects may be submitted by public or private organisations, institutions or associations. The duration of a project is up to one year but in certain cases the activities may be extended to the following year. From 1999 to 2001 the Department for Equal Opportunities co-funded 154 social protection projects distributed in all the Italian regions. According to the data concerning the nationality of the victims it appears that the majority of them are from Nigeria, followed by Albania.

- **System initiatives** aimed at supporting such programmes through awareness campaigns, investigation and research on this field, training activities for public and private operators involved in the social protection programmes, technical assistance and monitoring of the projects.

The most relevant system initiative is the **Free Phone Number**, a fundamental tool which allows the victims of the trade to have a first contact with professional operators who can help them.

The Free Phone Number started in July 2000 and is composed of one national point (with twenty operators working 24 hours) and of 14 local points.

It is useful to mention two other important system initiatives:

- a project co-ordinated by the Ministry of Justice for national monitoring of the activities and their results in the inquiries started off by the reports against traffickers;
- a project co-ordinated by the Ministry of Interior with the help of the IOM (International Organization for Migration) of assisted voluntary repatriation and re-integration of women, victim of trade, in their country of origin.

The project started in July 2001 and assisted 41 cases.

The recent Italian Bill “**Measures against trafficking in Human Beings**” presented by the Minister of Department for Equal Opportunities, Stefania Prestigiacomo (already approved by the Chamber of Deputies and still has to be approved by the Senate) focuses on presenting a new definition of the offence of human trafficking, which is made punishable with eight to twenty years’ imprisonment and gives a new drafting to the article 600 of penal code relating to the reduction or keeping in slavery.

The legal framework used for the new definition of the offence follows on the United Nation Protocol signed in December 2000 in Palermo.

The UN Protocol represents a new approach to trafficking in international law, in fact new forms of slavery are considered and correspond to a variety of acts , like “*recruitment, transportation, transfer, harbouring or receipt of persons*” and the means “*threat or use of force or other forms of coercion, of abduction, of fraud, of deception*” and the exploitative purposes “*forced labour or services, slavery of practices similar to slavery, servitude or the removal of organs*” (art. 3, letter a of the UN Protocol to “Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children”).

The Italian Bill also foresees provisions that are intended to secure that trafficked people are not treated as criminals but as victims and therefore entitled to specific human social protection, like the “status of victim”.

Vienna, 6 September 2002

LATVIA: COUNTRY REPORT ON TRAFFICKING IN HUMAN BEINGS

Institutional Framework

The Ministry of Welfare and Vice Squad within the Ministry of Interior are involved in issues connected with trafficking in human beings. The Ministry of Welfare is engaged in this issue from the point of the gender equality.

In June 2001, at the Women and Democracy Conference in Vilnius, the Nordic and Baltic Ministers on Gender Equality decided to carry out a joint Nordic-Baltic information campaign against trafficking in women. The Nordic Council of Ministers and the Ministry of Welfare from Latvian side are involved in this project (Nordic-Baltic campaign).

Legal framework

Since March 2000 the law has provided for an administrative punishment for violating rules concerning the limitation of prostitution, but in the year from March 2000, administrative punishments were levied against only 79 prostitutes. In 1999 there were 13 administrative cases involving pimping and one about the involvement of minors in sexual activity. One criminal investigation was launched on the trafficking in women in 2000.

In 2000 the Criminal Law was revised to make it illegal to send forcibly a person to a foreign country for the purpose of sexual abuse came into force (Article 165 of the Criminal Law). The liability is envisaged about the trafficking in human beings to a foreign country.

In April 2001 the Cabinet of Ministers adopted new regulations on limiting prostitution. The Vice Squad experts within the Criminal Police Department consider that the new regulations will be a tool in limiting prostitution only if a network of Vice Squad officers is organized in all of Latvia.

The new rules on prostitution say that in local government territories that have more than 20,000 residents, local governments must specify locations at which prostitutes can play their trade.

The Ministry of Interior and other Ministries elaborated in 2000 a programme to limit and control prostitution.

The preparations for signing the UN Trafficking Protocol are underway and it is expected that Latvia would sign the protocol yet in 2002.

Fight against trafficking in human beings

Recognizing the trafficking in human beings as a serious problem in Latvia, with a view to resolve it, the government of Latvia has allocated 16 additional staff units and has allocated the necessary financing for the Vice Police. To suppress trafficking in human beings the following goals have been set up:

- a) harmonization of legislation with EU standards;
- b) establishment of specialized unit;
- c) improvement of international co-operation;
- d) information campaigns with a view to inform potential victims about existent threats;
- e) co-operation with NGO's.

On the operational level the specialised institution – Vice Squad of the Criminal Police Department has been founded in March 1999. Since that time the administrative capacity of the Vice Squad has been strengthened by regional units and enlarged staff of the police officers. It co-ordinates the investigation in all cases of pimping, recruiting and trafficking. The mandate of the Vice Squad includes the fight against following types of crime: child pornography, on-line child abuse in the Internet, pimping, and all kind of human trafficking for sexual exploitation.

Its responsibility is to collect information on persons involved in prostitution, pimping, sale, advertising or distribution of pornographic materials; to create a data base containing information on prostitutes, pimps, persons and companies actively involved in trafficking of human beings, in the involvement of minors in prostitution and in the production and dissemination of pornographic materials; to prepare reports on the situation and an evaluation of the threat;

Vice Squad carries out also information analysis. The results of investigations on suspicious companies and travel agencies, which act as recruiters, are being published. This covers also labour recruitment agencies, which offer fast and easy earnings without identifying concrete work responsibilities as well as prostitutes who have worked abroad and are recruiting women for work abroad. The information is actively disseminated among the public through mass media.

The statistics show that there were 12 criminal cases initiated in 2001. Making use of the new Criminal Law Article 165 “Trafficking in persons for sexual exploitation”, the number has increased by 11 criminal cases in comparison with the year 2000.

The Criminal Procedure Code provides the special procedural protection for witnesses and victims. The Witness Protection Bureau of the Criminal Police Department is responsible for the implementation of necessary protection.

There exists close co-operation among State Police and other state or municipal institutions and non-government institutions (NGO). NGOs participate in training seminars for police officers dealing with investigation of the trafficking cases providing them with knowledge and information gained by working directly with prostitution and trafficking victims. Police on regular basis passes NGOs information about victims, who need help.

Awareness raising campaigns

The Nordic-Baltic campaign on trafficking in women, carried out during 2002 in all Baltic States, is co-ordinated by NGO's and financed by the Nordic Council of Ministers. Each state carries out the campaign according their specific conditions and needs.

Latvian campaign includes a TV programme about human trafficking and youth going to work aboard, production of small calendars with information about what to be aware of before signing employment contracts abroad, a radio program by and for students. The campaign includes also a seminar on trafficking in human beings for government officials, and seminars for students.

The aim of the campaign is to raise the awareness about trafficking and inform adolescents, especially young girls, about trafficking in women.

A TV Programme “Temats” has been created within the framework of the campaign. In this programme you can watch discussions between experts and public about hot problems in the society. There are two experts who illustrate the situation in Latvia and to whom main questions are directed. There are also experts sitting in the public and participate in the discussion. The aim of this programme is to inform the general public about the situation in Latvia and the global tendencies on trafficking in human beings. This programme has been recorded in co-operation with Latvian State Television and Division of Public Relations at the Ministry of Welfare.

Training seminar for governmental working group and NGO’s “Human trafficking: Aspects of the problem, possible solutions and co-operation”

The Minister of Welfare has formed a governmental working group with representatives from the Ministry of Justice, Ministry of Welfare, Ministry of Interior, Ministry of Foreign Affairs, Ministry of Education and Science, NGOs, municipalities, etc. On November 27-29, 2002 a training seminar for the members of this group will take place.

It should be mentioned that stereotypes about human trafficking are still widespread. This is the first seminar in Latvia on trafficking in women, where different officials from different organizations take part, which is organized by Ministry of Welfare in cooperation with NGOs.

Explanation about human trafficking, dimensions of the problem, legal acts, main ways of recruiting and smuggling, portraying of victims and work with victims, international cooperation between police force from Latvian and other countries will be the main themes in the seminar. Concrete cases of trafficking and documentary films will be showed and discussed. At the end of the training seminar there will be the last lecture (group work) on possible measures each institution represented in this seminar could do in the future.

The aims of this seminar are:

- To give knowledge and skills on human trafficking, especially on trafficking in children and women.
- To raise awareness (understanding) about importance of interdisciplinary collaboration in dealing with trafficking.
- To establish network between working group members for more effective cooperation in future.

Partners of this seminar are:

Ministry of Welfare

Youth Health Centre Council of Latvia “Project for Prevention of Adolescent Trafficking” (PPAT). PPAT is being developed in response to a growing body of evidence that indicates that 1) trafficking is a burgeoning problem in Latvia, 2) the problem of trafficking is not being adequately addressed in Latvia, and 3) victims of trafficking in Latvia tend to be under the age of 25.

Latvian Gender problem Centre “Gender” project “Stop II Programme 2001”

Information campaign to raise the awareness of the public opinion to prevent and fight the trafficking of human beings. Dissemination of European approaches to care and support for victims through seminars and a web portal.

Other activities include: seminar for policemen and border guards and seminars in secondary schools.

Involvement of NGOs

There are a few non-governmental organizations in Latvia that are directly related to prostitution or to risk groups.

The “Gender” NGO has the closest links to prostitutes. The NGO provides education to prostitution rights on the street. Prostitutes can receive health check-ups at the centre, as well as help from a psychotherapist. The centre has opened up a well-appointed facility. It is meant for victims of human trafficking when they return to Latvia.

The NGO “Skalbes” provides psychological assistance over the phone to women who have suffered from violence.

International co-operation

Information exchange proceeds mainly through the Interpol Bureaus in the EU Member States as well as in the candidate countries.

Within the framework of the Task Force of the Baltic Sea Region, a special working group has been established to prevent trafficking in women. Representatives from EU Member states, the candidate states as well as from Russia participate in this working group. Such working group gave an opportunity for the Latvian experts to intensify co-operation and information exchange with the colleagues from the so-called destination countries.

State Police have had quite close and successful co-operation with German and Denmark police authorities. As a result several criminal cases were initiated and persons arrested. Though there is necessity to establish close contacts with Switzerland police authorities.

In the framework of the operation *Spanish Route*, which works on Daugavpils - Germany connection, 5 pimps were arrested and charged in Kassel, Germany, several others identified, 6 recruiters charged in Daugavpils, Latvia; approximately 140 victims identified.

In 2001, in Denmark Latvian and Danish joint operation was completed within Baltic Task Force framework, which resulted in arrest of several criminals in Latvia and Denmark. During this operation, based on common agreement approved in Task Force, Latvian Police officer participated as a liaison officer. From 18 prostitutes arrested in Arhus 16 were from Latvia. Danish and Latvian Police exchanged information on possible human traffickers and their victims. In the result of this exchange of information in the beginning of August Latvian police arrested a group of two persons, who was dealing with women recruiting and trafficking for sexual abuse to Denmark and Germany. Responding to the offers of Danish and German pimps, in two years time, both these persons recruited and sent women to the above-mentioned countries.



**LIETUVOS RESPUBLIKOS NUOLATINĖ ATSTOVYBĖ
PRIE TARPTAUTINIŲ ORGANIZACIJŲ VIENOJE**

**PERMANENT MISSION OF THE REPUBLIC OF LITHUANIA
TO THE INTERNATIONAL ORGANIZATIONS IN VIENNA**

Vienna, 16 September 2002

LITHUANIA: COUNTRY REPORT ON TRAFFICKING IN HUMAN BEINGS

Introduction

One of the most important objectives of the Government of the Republic of Lithuania is to implement measures for the prevention of trafficking in human beings, which are the following: complex measures for eliminating the causes of these phenomena, modernisation and strengthening of the system of law enforcement and other state institutions, supporting of activities of non-governmental organisations, and disrupting of networks of criminal structures which are engaged in trafficking in people and organisation of prostitution, child abuse and commercial exploitation.

Legal instruments

Legislation of the Republic of Lithuania stipulates criminal liability for trafficking in people and for other crimes related with trafficking in people (e.g. procuring, illegal transportation of people through the national border).

On 2 July 1998, the Law Amending the Criminal Code of Lithuania was adopted. It supplemented the Criminal Code with the Article 131³, which establishes the liability (from 4 to 8 years of deprivation of freedom) for trafficking in people – selling or purchasing of a person with an aim to sexually exploit him/her, force to become engaged in prostitution or gain personal profit from him/her, as well as smuggling of a person for the purposes of prostitution to Lithuania or beyond its borders (Paragraph 1 of the Article), the liability (from 6 to 12 years) for the same act committed repeatedly or with respect to a minor, or the act committed by a group of people in prior agreement or by an especially dangerous persistent offender (Paragraph 2 of the Article). The said Law also amended Articles 8¹ and 35 of the Criminal Code of Lithuania, according to which trafficking in people is placed under major crimes. According to the Article 131³ “Trafficking in People” of the Criminal Code of the Republic of Lithuania, 3 criminal cases were initiated in 1999, 4 - in 2000, 14 - in 2001, and 18 - during eight months of 2002.

The new Criminal Code of the Republic of Lithuania, approved on 26 September 2001, also stipulates liability for trafficking in people. Procuring is an act, which, according to Paragraph 3 of the Article 239 of the Criminal Code of the Republic of Lithuania, is punished by imprisonment for a term of up to 5 years. The act, which is punishable according to Paragraph 4 Article 239 of the Criminal Code of Lithuania, i.e. engaging a minor or a person who is dependent materially, or based on the position he occupies or in other ways, into prostitution, as well as engaging a person in prostitution by way of blackmailing or deceit or using psychological or physical violence, is punished by a term from 3 to 7 years of deprivation of freedom. According to Paragraph 3 of the Article 239 of the Criminal Code of the Republic of Lithuania, no criminal cases were initiated during 1995 – 1997, in 1998, 4 cases were initiated, in 1998 – 4, in 1999 – 15, in 2000 – 9, and in 2001 – 2 criminal cases.

A number of articles of the Criminal Code of the Republic of Lithuania provide for criminal liability for illegal crossing of the national border and illegal transportation of persons across the national border. Under Article 82 illegal crossing of the border inflicts the following penalties: up to 3 years of imprisonment, and up to 5 years for aggravated circumstances. Article 82¹ sets criminal liability for illegal transportation of persons to the Republic of Lithuania or their hiding and establishes the following penalties: up to 10 years of imprisonment, and up to 15 years for aggravated circumstances.

Enactment on 1 June 1999 of the new Article 82² of the Criminal Code of the Republic of Lithuania was one of the measures to prevent trafficking in people and the spread of illegal work related to it. This Article established criminal liability for transporting a Lithuanian citizen to a foreign country with the purpose of asking for refuge, seeking illegal employment or staying in that foreign country illegally for other reasons or on the grounds of a deceitful promise to arrange a legal status. Penalties range up to 6 years of imprisonment, while in cases with aggravated circumstances – 4 to 8 years of imprisonment.

International Conventions

The Government of the Republic of Lithuania seeks to pool efforts of law enforcement and other state institutions as well as of non-governmental organisations in order to implement provisions of laws and international agreements of the Republic of Lithuania related to trafficking in people. On 3 July 1995, it ratified the UN Convention on the Rights of the Child, and on 10 September 1995 – the UN Convention on Abolishment of All Forms of Discrimination Against Women. According to the Article 6 of the latter Convention, the Government is obliged to take all necessary measures in order to stop all sorts of trafficking in women and the use of women for prostitution.

On 13 December 2000, the Republic of Lithuania signed the UN Convention Against International Organised Crime. Under the decree as of 8 February 2002, the President of the Republic of Lithuania submitted this Convention for the Seimas of the Republic of Lithuania to ratify. On 25 April 2002, the Protocol on prevention, suspension of trafficking in people, women and children in particular, and punishment for the engagement in this activity, which supplemented this Convention was signed.

Moreover, in Lithuania recommendations of the Committee of Ministers of the Council of Europe and other acts of the international law, which primarily served as a basis when preparing the Programme of Control and Prevention of Trafficking in People and Prostitution for 2002 – 2004, are being implemented.

Government Programmes

Taking into consideration the relevance of the problem of trafficking in people and implementing the Law Approximation Action Plan and the ACQUIS Implementation Action Plan of Lithuania's EU Accession Programme (National Programme for the Adoption of the ACQUIS), a Programme on the Control and Prevention of Trafficking in People and of Prostitution for the period 2002 – 2004 was prepared. Trafficking in people and prostitution are social phenomena, thus, it is planned to organise a system of their control and prevention that covers a complex of various measures in the field of education, public health and social-economical area.

Upon implementation of this programme, the fight against specialised criminal gangs will be more effective, a system of social assistance which limits engagement of new persons into prostitution will be developed, conditions for social, psychological, and legal assistance for victims of prostitution and trafficking in people will be created, the search system of missing people will be enhanced, a system of information supply on prevention, research, and disclosure of human trafficking will be developed, international cooperation will be expanded, and non-governmental organisations will be supported. In addition, a programme of preventive education at schools will be carried out, and a computerised data base on people detained with false documents, suspected of procuring, and deported from both foreign countries and the Republic of Lithuania will be compiled at the State Border Guard Service under the Ministry of the Interior, and recommendations of the international legal acts and international organisations in the field of control of trafficking in people and prostitution will be implemented.

Devoting a lot of attention to the fight against causes of trafficking in people, Lithuania has prepared the Poverty Reduction Strategy, for the implementation of which a corresponding programme is being developed and which will cover particular measures. The Government of the Republic of Lithuania has approved the Programme for the Increase of Employment, which is currently being implemented.

In Lithuania the initiative for integrating and reorienting persons who have been subjected to trafficking in people falls to governmental and non-governmental institutions. Aid is provided by the following entities: in social issues (employment, professional orientation) by the Social Security and Labour Ministry; legal and protection issues – by the Police Department under the Ministry of Interior and the Ministry itself; healthcare issues – by the Ministry of Health and the AIDS Centre of Lithuania. Reintegration issues are dealt with by the Foreigners' Registration Centre of the State Border Guard Service under the Ministry of Interior, within the scope of its competence.

Government co-ordination

The co-operation (as well as the exchange of information) within the country takes place between various institutions and organisations on various levels. The direct fight against trafficking in people is carried out by special police divisions (preventive activity is carried out by special divisions of Organised Crime Investigation Service of the Criminal Police Bureau of Lithuania).

The co-operation (as well as the exchange of information) in the field of control and prevention of trafficking in people is as follows: in the police system (between police divisions); between law enforcement institutions (on the basis of the agreement between the Prosecutor's Office, police, the State Security Department, Special Investigation Services, Financial Crimes Investigation Service under the Ministry of the Interior, State Border Guard Service under the Ministry of Interior, customs, and other); among law enforcement institutions and non-governmental organisations;

among ministries (Interior, Justice, Social Security and Labour, Health Care, Foreign Affairs, Education and Science, and other); among institutions of law enforcement and public authority.

Co-operation with NGO's

In Lithuania there is a set of NGOs offering social, medical, psychological and other aid to persons who have become subjected to trafficking. Among them are: the Aid Centre for Families of Missing People, Vilnius Women's Centre, Crises centre, etc.

Awareness raising programmes

Education takes a special position in the system of preventive measures of trafficking in people. All international legal acts dealing with the prevention of trafficking in people highlight education (information) as one of the necessary and the most effective preventive measures against trafficking in people, i.e. informing people about the threats of people trafficking as well as about methods and ways to avoid them makes it possible to minimize engagement of new individuals (minors, unemployed people, girls and women experiencing violence and sexual abuse at home, and others) into trafficking in people and forced prostitution as well as withdrawal of the already involved people from trafficking and forced prostitution.

Acknowledging the importance of education (information) as one of the most significant and effective preventive measures against trafficking in people, a range of various measures is established in Chapter II "Education" of the Annex 1 of the Programme of Control and Prevention of Trafficking in People and Prostitution for 2002 – 2004.

The non-governmental organisation the Aid Centre for Families of Missing People installed a free-of-charge telephone line for potential victims of trafficking in people, gave 23 lectures at the educational institutions of Lithuania as well as for social workers working with people coming from groups of higher risk, prepared and published 32 information posters on the topic "Trafficking in people takes place in Lithuania as well", organised 4 international and 2 domestic conferences on problems of victims of trafficking in people, published and distributed 87,000 information leaflets warning about the threats of looking for illegal work abroad, etc.

In 2001, in Lithuania the International Organisation of Migration carried out an informational campaign during which it tried to warn young girls about potential dangers, inform about safer ways to be employed abroad and to give some advice how to behave when faced with traffickers in people. At the end of January 2002, the International Organisation of Migration, which is constantly consulting those who have any doubts regarding their decision to go abroad to work on the phone, started the second wave of the informational campaign. There is a video ad against trafficking in women broadcasted by the television. Soon similar information will appear on the radio stations, press, and in the public transport. There are plans to distribute specially prepared leaflets and brochures at schools, branches of the Labour Exchange of Lithuania, and border control posts.

International co-operation

The Republic of Lithuania has signed intergovernmental agreements regarding cooperation in the field of crime control and prevention with 19 states. The Ministry of the Interior has signed departmental agreements with law enforcement institution of 13 Countries. The Police Department under the Ministry of Interior communicates with the law enforcement institutions of foreign countries on the issues related to criminals and the search for the missing people via the channels of the National Bureau of Lithuania of the Interpol. Moreover, the countries, which have signed agreements on legal aid with Lithuania are in touch via the Consular Department of the Ministry of Foreign Affairs.



Permanente Vertegenwoordiging van het
Koninkrijk der Nederlanden

**Permanent Representation of the Kingdom
of the Netherlands to the Organisation for
Security and Co-operation in Europe (OSCE)**

THE NETHERLANDS: TRAFFICKING IN HUMAN BEINGS

Legislation

In the Netherlands, trafficking in human beings is forbidden under Article 250a of the Penal Code (see annex for non-official English translation)

At the moment only sexual exploitation of minors and of none-consenting adults, in the sense of forced or involuntary prostitution, the transportation of a person over a national border with the intention of bringing him or her into prostitution in another country (whether consenting or not), as well as profiting from such exploitation, fall within the range of the trafficking provision. An amendment to include other forms of *sexual* exploitation has been adopted and will come into force shortly.

A law is being drafted to bring other forms of exploitation and the removal of human organs within the scope of the penal law as well. A draft law to this purpose is to be presented this summer to parliament for further discussion (no text available yet).

The organisation of prostitution of consenting adults under normal (working) conditions is not punishable.

The available legal penalties are Imprisonment for maximum 6 years and/or a fine of maximum € 45,000,-

When the crime is committed in relation to a minor of less than 16 years of age *or* by two or more persons in co-operation, *or* when it causes serious physical damage: imprisonment of maximum 8 years and/or a fine of maximum € 45,000,-

When the crime is committed by two or more persons in co-operation *and* causes serious physical damage *or* is committed in relation to a minor of less than 16 years of age: imprisonment of maximum 10 years and/or a fine of maximum € 45,000,-

Witness Protection

The position of an intimidated witness is - in general - regulated in the criminal code and further elaborated in instructions by the Public Prosecutor Generals' Office (College van Procureurs-Generaal). (Instructie getuigenbescherming 2001; text available in Dutch only).

Specifically for victims and witnesses of trafficking in human beings the so-called B-9 regulation is in place (text available in Dutch only). The B-9 regulation is based on immigration law and provides shelter and assistance to (possible) victims and witnesses of trafficking.

The - general - instruction on witness protection applies to witnesses and other persons who have co-operated with law-enforcement agencies entrusted with the investigation and prosecution of criminal offences and with regard to whom there exists an ‘urgent necessity’ for protection because of that co-operation or because of action by the government related to that co-operation. It is the Prosecutor Generals’ Office that takes the decision on the granting of protection.

The B-9 regulation is applicable to aliens who are a possible victim of trafficking or who are witness of and report the crime of trafficking. Both victims and witnesses should be co-operating with the law-enforcement agencies in the investigation and prosecution. The decision on the granting of the protection of the B-9 regulation is taken by the (local) chief of police. Under the B-9 regulation the assistance and aid is provided in a joint response between police and NGO’s.

The B-9 regulation seeks to provide shelter and protection to victims as well as facilities for the investigation and prosecution of suspects / perpetrators. In practice, the facilities described in the B-9 regulation are linked to the co-operation of the victim and witness in the judicial procedure. Formally, there is no obligation to provide statements and testimonies, in practice law-enforcement is highly dependent on these statements and testimonies.

As possible forms of assistance and aid to victims and, to a lesser extent, to witnesses, the B-9 regulation includes the provision of assistance such as medical and psychological counselling, legal advice and vocational training as well as protection.

Under the B-9 regulation, the removal of the alien from the Netherlands is postponed during the 3 months reflection period, during which the victim should decide whether or not she wants to file a complaint against her traffickers. A witness is not granted this reflection period. When the alien (witness and/or victim) has decided to co-operate with the law-enforcement agencies, a temporary residence permit is issued.

The temporary residence permit is to be renewed every one year and is granted to victims for maximum the duration of the proceedings in first instance and in appeal, whilst for witnesses it is valid for as long as his presence in the country is deemed necessary by the prosecution.

After the expiration of the temporary residence permit, both victim and witness can apply for a (permanent) residence permit on other grounds, which includes, for the victim, humanitarian reasons.

Best Practice

- Out of a long list of best practice initiatives in this field in the Netherlands, the following may be mentioned:
- The appointment of a national (co-ordinating) public prosecutor in the field of human trafficking.
- The presence of specialised public prosecutors on human trafficking in all regional prosecutions’ departments.
- The existence of a national project consisting of police experts on trafficking and on prostitution issues, who meet in two-days sessions every two months.
- The gathering, every two months, of police-officers on operational questions with regard to trafficking in human beings.
- The appointment of the Dutch National Rapporteur on Trafficking in Human Beings.

- The facilities, assistance and aid provided by the B-9 regulation to victims and witnesses of trafficking.
- The existence and use of a list by law-enforcement agencies, listing possible signals that could be indicators of the presence of trafficking victims.
- The state-financing of the NGO Foundation against Trafficking in Women (STV).
- The state-financing of the international victim-assistance and protection project La Strada.
- The presence within the Immigration and Naturalisation Office of regional contact-officers on trafficking in human beings.
- The installation of a multi-disciplinary monitoring group on the effects of the lifting of the ban on brothels.

ANNEX Article 250a of the Penal Code (non-official translation of 30 January 2001)

Section 1

Any person who:

1. by force or some other physical act, by threats of violence or of any other physical act, by misuse of authority arising from the actual state of affairs or by deception, induces another person to make him/herself available for the performance of sexual acts with a third party for remuneration or, under the said circumstances, takes any action which he or she knows or may reasonably be expected to know will result in that other person's making him/herself available for performing those acts;
2. recruits, takes with him or her or abducts a person with a view to inducing that person to make him/herself available for performing sexual acts with a third party for remuneration in another country;
3. induces another person to make him/herself available for performing sexual acts with a third party for remuneration or takes any action which he or she knows or may reasonably be expected to know will result in that other person making him/herself available for performing those acts when the other person is a minor;
4. wilfully profits from sexual acts of another person with a third party for remuneration, while he or she knows or must reasonably assume that that other person is making him/herself available for performing those acts under the circumstances referred to in para. 1;
5. wilfully profits from sexual acts of another person with a third party for a remuneration, if the other person is a minor;
6. forces another person by violence or some other physical act or threat of violence or other physical act or by misuse of authority arising from the actual state of affairs or by deception to benefit him or her from the proceeds of his or her sexual acts with a third party.
7. shall be guilty of trafficking in persons and as such liable to a term of imprisonment not exceeding six years and a fifth category fine, or either of these penalties.

Section 2

The following offences shall be punishable with a term of imprisonment not exceeding eight years and a fifth category fine or either of these penalties:

1. trafficking in persons by two or more persons acting in concert;
2. trafficking in persons in respect of a person who is under the age of sixteen;
3. trafficking in persons if force or some other physical act as referred to in paragraph 1 results in serious physical injury.

Section 3

Trafficking in persons by two or more persons acting in concert under the circumstances referred to in section 2, para. 2 or 3, shall be punishable by a term of imprisonment not exceeding ten years and a fifth category fine or either of these penalties.



ROYAL MINISTRY
OF FOREIGN AFFAIRS

Vienna, 10 September 2002

NORWEGIAN REPORT ON ANTI-TRAFFICKING ACTIVITIES

This report is written by the Ministry of Foreign Affairs, with contributions from the Ministry of Children and Family Affairs and the Ministry of Justice and the Police.

The Norwegian government attaches great importance to preventing trafficking in human beings, criminalizing all aspects of trafficking, and supporting and protecting the victims. We are currently working on a plan of action to prevent and combat trafficking in women and children, which will be launched by the end of 2002. Our report to the OSCE will be coloured by the fact that we are still in the process of exploring the challenges involved and working out a system of coordinated measures. Hence, many questions raised by the OSCE country report template cannot be fully answered at the moment.

Research/media coverage/information

Norway is mainly a country of destination for trafficked persons. The main focus in Norway has been on trafficking in women and children in connection with sexual exploitation. National reports on prostitution show a significant increase in the number of non-Norwegian nationals involved in prostitution during the 1990s, and an even more dramatic increase during the last few years. The majority have come from or via the Russian Federation, the Baltic countries and other Eastern and Central European countries. There are also women from Thailand and Latin America. We have indications that organized crime groups are involved to an increasing degree, although information on many aspects of trafficking is still not available.

The lack of information is partly due to the clandestine nature of the sex trade (e.g. brothels, which are illegal, are known to be an important destination for trafficked women and girls).

Another important aspect of trafficking is the demand that creates the market. A health survey on sexual conduct carried out in 1997 showed that a relatively high proportion of Norwegian men reported to have bought sex (12.8 per cent). During the last five years special attention has been paid to the situation in the county of Finnmark in northern Norway, where there has been a marked growth in prostitution, reflecting the fact that an increasing number of Norwegian men are buying sex from women coming from or via the Russian Federation. Some of these women are assumed to be victims of trafficking.

Some aspects of forced marriage may be relevant to trafficking. Such marriages often involve non-Norwegian nationals who come to the country in order to marry. In such cases one or both parties may be victims of threats or the use of force or other forms of coercion.

Some women are recruited through marriage agencies, e.g. on the Internet, and get into situations where they are exploited in Norway. Some of them even have children who are exploited.

In recent years some research, mostly qualitative, has been conducted on various aspects of trafficking, but this has not been systematized. The need for systematizing our knowledge and for further research will be taken into account in the forthcoming action plan.

Awareness raising

There has been an increased focus on trafficking and organized prostitution involving trafficked persons in the Norwegian media. However, there is relatively little knowledge about the problem, and the action plan will have to pay attention to awareness raising in Norway.

Awareness raising on the following issues will have to be addressed: the blatant violations of the human rights and human dignity of the victims of trafficking, factors that create the demand for services that traffickers supply, sex trafficking across borders and Norwegian men's visits to less affluent countries for purposes of sex, the gender perspective of trafficking, and the difference between the traffickers and their victims when it comes to criminalization.

Legal framework/legislative review and reform efforts

Sanctions

The Norwegian Penal Code dates from 22 May 1902. Sexual crimes are regulated in chapter 19, most recently amended in August 2000. The Penal Code does not have any specific provisions prohibiting trafficking in human beings, but the amendment of August 2000 has strengthened the protection of victims of sexual crimes.

It is now prohibited to *purchase* sexual services from persons below 18 years of age (section 203 of the Penal Code). The penalty is a fine or up to two years' imprisonment. Ignorance of the age of the person concerned does not exclude liability, unless the person has acted in reasonable good faith.

According to section 202 of the Penal Code, the *promotion* of prostitution by others is also prohibited. Misleading anyone into engaging in prostitution, exploiting such acts or providing housing or accommodation (on condition that the person concerned knows how the room will be utilized, or shows gross negligence in this regard), may be subject to a fine or up to five years' imprisonment.

Persons in prostitution who are subjected to violence or abuse from their pimps are eligible for free legal aid if they make a complaint. Free legal aid is extended to include compensation claims.

Finally, it is also prohibited to offer, arrange or request sexual services by *public notice* (section 202 of the Penal Code). The penalty is a fine or up to six months' imprisonment.

In Norway the *acts of persons in prostitution* are not punishable.

The Ministry of Justice will in the near future consider a *general* prohibition against purchasing sexual services, based on the experience of Sweden, where such a prohibition came into force on 1

January 1999. However, the consequences for those engaged in prostitution will be considered carefully, especially with regard to their need for protection and support if such provisions are introduced.

The legal implications of cases where victims of trafficking are subjected to treatment amounting to slavery or rape will also be further considered.

Government coordination

The Ministry of Justice and the Police is responsible for coordinating all government efforts to prevent and combat trafficking in women and children.

National plan of action

The Norwegian plan of action to combat trafficking in women and children will be launched by the end of 2002. The action plan will take into account the complexity of the problem and the coordinated and interdisciplinary response that will be required. Efforts are being made to ensure that it is compatible with international strategies and to take into account international instruments and recommendations, including Norway's OSCE commitments.

The action plan will have to consider the whole range of aspects of trafficking all along the chain, thus covering supply, transit and demand. Some issues are, however, of special importance to Norway since it is mainly a country of destination:

- 1) Protection and support for the victims, including the right to seek asylum and shelter, protection of witnesses, etc.
- 2) The criminal aspects of involvement in trafficking, including prosecution.
- 3) Border control, e.g. the training of border guards.
- 4) Prevention, e.g. focusing on the demand that creates a market in Norway, and on programmes to promote development in countries of origin.

Cooperation with non-governmental and international organizations

Cooperation with NGOs is essential on several of the aspects of trafficking mentioned above. NGOs have a very important function as mediators between the government and civil society. Their involvement is crucial if we are to succeed in, for example, establishing functioning systems of protection and support for victims. Many NGOs and other organizations are involved in the preparation of the plan of action. On a general level efforts are being made to start a dialogue with partners who have knowledge and/or experience that will be relevant for the plan.

A Nordic-Baltic campaign against trafficking in women is being carried out in 2002. Norway has suggested making protection and support for victims the subject of a seminar that will take place in Vilnius on 20–22 October 2002. A Norwegian organization, FOKUS, which is a resource centre for women, gender and development that is affiliated with 58 women's organizations in Norway, was asked by the government to be responsible for mobilizing its Baltic and Nordic sister organizations and for coordinating their involvement in the planning process for the seminar.

Training of relevant government authorities

Measures to educate and inform all relevant personnel will be included in the plan of action.

The Norwegian armed forces have a code of conduct for personnel posted abroad, and we are currently discussing the implementation of ethical rules of conduct for government employees that prohibit the purchase of sexual services, especially when travelling abroad.

This will be further outlined in the action plan.

Aid and development programmes abroad

We know that poverty and conflict are part of the problem of trafficking. The reduction of poverty is the main aim of Norwegian development policy. Poverty and conflict make people vulnerable, particularly women. Organized crime, like trafficking, thrives under such circumstances. In order to prevent trafficking in countries of origin, special aid programmes must be designed for this purpose.

Norway supports the efforts to combat trafficking financially through development programmes, direct support to the UN Centre for International Crime Prevention, and the OSCE and the Stability Pact for South Eastern Europe. Regional cooperation with Asia in this field will be increased. Financial support is also given to those of the development banks' activities that are relevant to trafficking.

Bilateral and multilateral agreements and activities

Norway has signed the Palermo Convention (the UN Convention Against Transnational Organized Crime) and the three protocols. Preparations for ratification have begun.

Norway has ratified the UN Convention on the Elimination of all Forms of Discrimination against Women.

Norway is also involved in anti-trafficking programmes through Interpol.

Through an association agreement with Europol, Norway has participated in the efforts to combat organized crime, included trafficking in persons, more efficiently.

Norway is a member of the Task Force on Organized Crime in the Baltic Sea Region (established in 1996). In 2000 an operating committee on trafficking in women was set up to explore the extent of the problem and to implement suitable initiatives within the task force cooperation.

Norway is taking part in the Nordic-Baltic Campaign against Trafficking in Women 2002, which was initiated by the Nordic and Baltic ministers for gender equality and the Nordic ministers of justice in 2001. Each country carries out local activities in pursuit of this aim. The Norwegian campaign will be carried out when the action plan is launched in late 2002.

Under the Nordic Council of Ministers, activities are being carried out in different sectors of Nordic cooperation, such as gender equality, legislation, and cooperation with the adjacent areas.

In its capacity as chair of the Nordic Council of Ministers in 2002, Norway has invited all the Nordic and Baltic Ministers involved in the Nordic-Baltic campaign to a meeting in Riga on 28

November 2002 in connection with the end of the campaign. The aim is to promote commitment and to build an even more solid foundation for cooperation on combating trafficking in women and children in our countries in the years to come.

Norway also takes an active part in Children at Risk, which is a programme under the Baltic Sea cooperation. Norway has, among other things, contributed to an information network on the Internet.

Norway participates in the EU programme DAPHNE (2000-2003) for combating violence against children, young people and women, which includes trafficking.

Vienna, 9 August 2002

PORTUGUESE REPORT ON TRAFFICKING IN HUMAN BEINGS

Introduction

The right to liberty, in its widest sense, was one of the first human rights to be recognised and protected worldwide. In the nineteenth century, there was already an international consensus regarding the abolition of slavery and trafficking of persons: Portugal was one of the first countries to abolish slavery in its colonies (in 1878), shortly followed by the rest of the European colonial powers. Despite this legal evolution, trafficking in human beings (the new designation for the well-known reality of slavery) remains one of the most profitable forms of international commerce.

Nowadays trafficking is still mainly directed towards obtaining profit from illegal labour force and sexual exploitation; however, it has recently acquired new and unthinkable dimensions, like trafficking for trade of human organs and illegal networks of children adoption and sexual abuse of children.

We all know that liberty is one of the fundamental human rights, enshrined in various Treaties and Pacts. The Universal Declaration of Human Rights (1984) - one of the basic texts in the human rights field - defended the abolition of any kind of servitude, torture and inhuman or degrading treatment and proclaimed the right to liberty, personal safety and juridical personality. When it comes to trafficking in human beings all these rights are violated.

Trafficking in human beings is, consequently, an abhorrent form of disrespect for human dignity; it is also a very complex issue, linked to terrorism and organised crime. Therefore, it must be addressed with courage and determination, by both individual Nations and the international community.

Situation in Portugal

Portugal was, for centuries, a country where most of its population was forced to emigrate in order to survive, something which, to a lesser extent, still happens nowadays. However, in the last twenty years, Portugal has also become an attractive country for immigrants from all over the world, especially from the Portuguese speaking countries (former colonies in Africa and Brazil) and Eastern Europe.

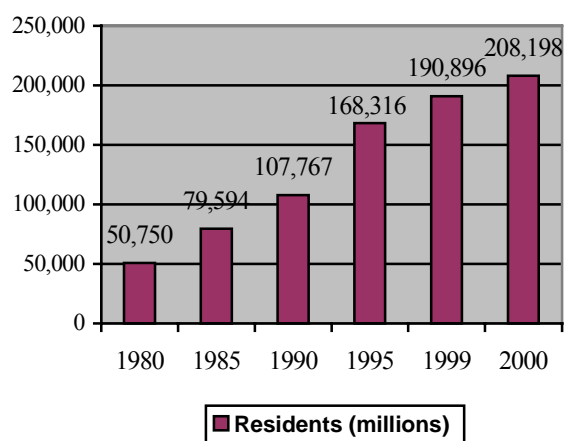
Portugal has indeed an inviting situation: geographically, it is located in one of the extremities of Europe, forming part of the Schengen space's border; culturally, it is a welcoming country with a strong tradition in migration, understanding and easily accepting foreigners; in addition the cost of

life is low. It has also an inefficient fiscal system, opening breaches for the operation of illegal immigration and trafficking networks.

In Portugal, emigration fluxes were particularly important between 1965 and 1973, for economic reasons, with more than 100 thousand workers emigrating every year. From 1974 on, due to the political evolution in Portugal and to restrictive immigration policies adopted by the some destination countries, the emigration flux decreased substantially. Still, in 1997, the number of Portuguese emigrated all over the world was higher than 4 million.

From country of emigrants Portugal has, in the last decade, become a country of immigrants. Until 1980, immigration was never superior to 50 thousand residents; between 1986 and 1997, the number of foreigners living in Portugal almost doubled, rising from 87 thousand to 175 thousand (statistics given by SEF- Serviço de Estrangeiros e Fronteiras).

<i>Year</i>	<i>Residents (million)</i>
1980	50.750
1985	79.594
1990	107.767
1995	168.316
1999	190.896
2000	208.198



Statistical evidence shows that most of the illegal immigrants living in Portugal come from Eastern Europe, Africa and (to a lesser extent) Brazil, while legal immigrants are for the most part nationals of other European Union countries (notably the United Kingdom, Spain and Germany).

There is a significant difference in nature between these two types of immigration. The *legal immigration* from the European Union is closely related to the development of foreign investments in Portugal but there is as well a flux of retired persons who come to enjoy our climate and geography.

Most of those who enter *illegally* the country end up working in the civil construction or underpaid jobs. We have not enough data concerning sexual exploitation of illegal immigrants; the number of women, normally an indicator of the presence of sexual exploitation networks, is not very significant. It is also true that some of the persons who enter the country illegally see Portugal as a passage point between their countries of origin and the rest of the European Union space and do not remain in Portugal for long. Even among the illegal immigrants, there is a difference between those who come from the PALOP's (African Countries which have Portuguese as the Official Language)– with a low level of education who will mostly serve as unqualified workers in the civil construction – and those who come from Eastern European and usually have a university degree. Still they anyhow work as unqualified workers in the civil construction and cleaning services.

Immigration to Portugal has developed positively in a systematic way, due to various factors, inter alia, the economic growth our country has experienced in the last years and the relatively low capacity of our labour market to respond to the crescent demands of our rising economic productivity. This weakness in our labour market is aggravated by: 1) a low birth rate; 2) a secular

tradition in emigration, 3) low productivity and innovation capacity by state companies, and 4) a high rate of unemployment affecting especially unqualified old workers. For all these reasons, if it were not for the immigrants, many of the Portuguese productive activities would be already experiencing recession (or would have even completely disappeared) with unthinkable consequences for the Portuguese economy.

In 2001, a detailed study - published in *Diário da República* in November 2001- indicated that there was an important need of foreign workers, especially to work in the areas of civil construction, cleaning systems and agriculture.

The total number of legal immigrants living in Portugal in the year 2000 was over 200 thousand; this number is expected to have risen to 350 thousand during 2001. As we have already seen, most of these immigrants come from Eastern Europe, while the number of immigrants from Africa and Brazil are losing relevance.

However, this data does not give us the complete picture of the immigration scenario in Portugal. The specialisation and complexity of the trafficking networks' operations make it difficult to effectively arrest the traffickers and have a reliable estimate of the number and objectives of illegal persons who enter the country every year. Data available from the Ministry of Justice concerning the crimes of trafficking in human beings and procurement indicate that, in the year 2000, 21 criminal proceedings were tried and finalised, though leading only to eight convictions. This low figure reveals the current inefficacy of our judicial and fiscal system in combating these complex trafficking networks while at the same time it indicates that there must be many more persons involved in trafficking than those who are arrested and convicted. The total number of immigrants today in Portugal is undoubtedly higher than the figures on the number of legal persons entering the country annually.

Immigration Legal framework: Portuguese Legislation

The *Decree Law 244/98* of 8 August has instituted a new juridical statute of immigration policy; it sets the conditions of entry, residence and expulsion of foreigners from the Portuguese territory. This diploma was created because of the innovations brought by the Schengen Agreements in the field of border control; the main objective of this new legal framework was to adopt a policy promoting the integration of immigrants and the defence of their fundamental rights. It should also allow to regulate the admission of foreigners according to the needs of the Portuguese labour market.

The evolution of the immigration scenario in Portugal has lead, in the last years, to the introduction of amendments in this legal diploma, by means of Act 04/2001 of 10 January. This Act, usually called "Immigration Law", determines that the Government must, every year, elaborate a report on the annual working needs and sectors where they are more striking, so that the immigration flux can be controlled depending on the demand. On the other hand, the Government clearly gives priority to the legal immigration channels by means of granting working permits and visas of one renewable year, and by establishing immigration agreements with foreign countries (ex: Agreements with the Russian Federation, Slovene, Ukraine and Bulgaria, among others).

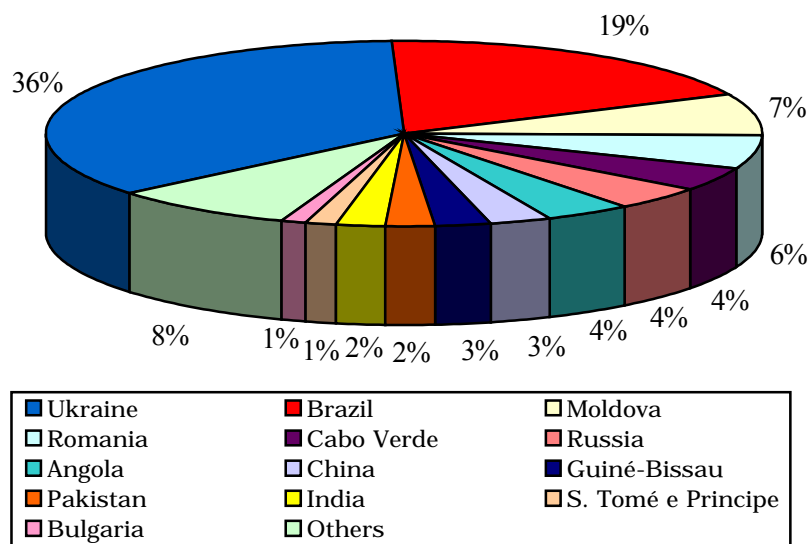
Furthermore, *Decree-Law 244/98* of 8 August, amended by Act 97/99 of 26 July and *Decree-Law 4/2001* of 10 January, established that aiding illegal immigration is a crime. This crime is punished with imprisonment of up to 3 years, or from 1 to 4 in cases where the agent acts with the intent of profit. The members of groups, organisations or associations whose activity aims at aiding illegal

immigration are more heavily punished, with imprisonment of 1 to 5 years, or 2 to 8 years in the case of the heads/ chief co-ordinators of such associations.

The publication of these diplomas led to a huge legalisation operation in 2001, through the granting of residence permits and authorisations to foreigners with working contracts in Portugal. The table below shows the number of residence authorisations given in 2001:

<i>Country of origin</i>	<i>Total</i>
Ukraine	42.252
Brazil	22.426
Moldova	8.404
Romania	6.926
Cabo Verde	5.174
Russia	4.777
Angola	4.723
China	3.203
Guiné-Bissau	3.082
Pakistan	2.784
India	2.670
S. Tomé e Príncipe	1.506
Bulgaria	1.465
Others	9.789
Total	119.181

Source: SEF



Anti-trafficking: legal framework

Trafficking in human beings for sexual exploitation ends is considered a crime according to *Article 169 of the Portuguese Criminal Code*, recently amended by Act 99/2001 of 25 August 2001. Whoever by means of violence, serious threat, deceive, fraudulent manoeuvre, or by taking advantage of any situation of particular vulnerability, attracts, transports, accommodates, receives

or creates the conditions for the practice, by a certain person, in a foreign country, of prostitution, will get two to eight years of imprisonment. The wording of the amendment act has enlarged the original scope of Article 169, enabling the prosecution and punishment of all those who are involved directly or indirectly in trafficking in human beings.

Children are covered by a special protection framework, defined in *Article 176 of the Criminal Code* (also revised by Act 99/2001), according to which of all those who attract, transport, provide for the accommodation or reception of a child under 16 years old, or make arrangements for the child to practice, in a foreign country, prostitution or relevant sexual acts are sentenced from 1 to 8 years of imprisonment. The new *regime* - defined by the Act of revision of 2001- now provides for the punishment of all those who, directly or indirectly, are involved in trafficking in children for sexual exploitation ends. The provisions of Article 176 apply regardless of the perpetrator resorting or not to violence, threat, fraud or deceit (although these are aggravating circumstances and thus raise the time of imprisonment from 2 to 10 years). Other aggravating circumstances include the victim being under 14 years of age or the perpetrator acting professionally or with the intent of profit.

Other situations described as trafficking in human beings for other purposes than sexual exploitation can be punished under the provisions on slavery and slave trade from *Article 159 of the Criminal Code*, which sets the possibility of 5 to 15 years of imprisonment. The Criminal Code also punishes the crime of threat, coercion, abduction and kidnapping.

Finally, the *Decree Law 325/95* of 2 December establishes the legal regime to prevent and combat money laundering, according to which those who convert, transfer or dissimulate assets deriving from, or products of, certain crimes are punished. Act 10/2002 of 11 February recently introduced amendments to this Decree/Law, with a view to explicitly including in that group of crimes the trafficking in human beings.

In the investigation for the crimes supra mentioned, it should be underlined that the Constitution of the Portuguese Republic was subject to its 5th. revision on 12 December 2001 (Constitutional Act 1/2001), and this revision allowed for some exceptions to the general prohibition of entering a person's home during the night – one of them concerns the cases of particularly violent or highly organised criminality, including trafficking in persons.

Furthermore, Act 5/2002 of 11 January established measures for combating organised and economic crime, setting up a specially enlarged legal regime (allowing for the breaking of the professional confidentiality and loss of assets to the State) for the gathering of evidence in relation to several crimes, among them the crime of trafficking in children.

In what concerns the protection of victims, Act 61/91 of 31 August 1991 has provided for a number of measures to protect women victims of violence in general; Act 107/99 of 3 August 1999 created a national network of support centres for women victims of violence, though none of those centres is specifically targeted at women victims of trafficking.

Finally, Act 93/99 of 14 July ensures the protection to witnesses in the proceedings concerning, inter alia, trafficking in human beings; its provisions apply to anyone who is aware of relevant facts, including the victims themselves. It should also be noted that Article 87 paragraph 1 of the Decree Law 244/98 foresees the possibility of waiving the visa necessary to obtain a residence permit to those foreigners who co-operate with the investigations into organised crime, including trafficking in human beings. Thus, victims of trafficking can obtain a residence permit if they co-operate with justice in the investigations and not fear being forced to go back to their country of origin (where they would be exposed to threats and menaces of various kinds).

Despite the existence of this enlarged system of combat against trafficking and other forms of organised crime, breaches in the juridical system persist and undermine its efficiency. The Portuguese legal system was finding it troublesome to keep pace with the evolution on the forms and objectives of trafficking in human beings, leaving without punishment many crimes due to the absence of legal provisions regarding them.

Therefore new legislation is currently under preparation and discussion: the Council of Ministers has approved a bill to be submitted to the National Parliament, which foresees the punishment of those who assist not only the entry and permanence in Portugal but also the transit of illegal migrants. Two other bills are currently under consideration by the Portuguese Parliament: one further amends the provisions of the Criminal Code concerning trafficking in persons; the other aims at establishing measures for the protection of victims of trafficking.

On 25 June 2002, the Government announced the creation of a National Immigration Plan which will entail amendments to the legal framework presently in force; a survey of the foreigners in Portugal and the definition of a framework policy to determine the conditions (labour market, health, education) Portugal can offer to immigrants. In this regard it is the government's intention to interact with regional organisms and NGOs in order to combat the illegal trafficking networks.

Action against trafficking in human beings

Governmental action

Portugal has yet to elaborate a specific and organised plan of action to prevent and combat trafficking in human beings, although the fight against trafficking is one of the objectives of the Global Plan for Equal Opportunities, approved by Cabinet resolution 49/97 of 24 March 1997. The implementation of measures involve the Ministries of Finance, Justice, Home Affairs and Solidarity and Social Security in co-ordination with national and international non-governmental institutions. Spontaneous action are undertaken, but with a relatively low degree of co-ordination between them.

In 2001 a major step towards an organised action on combating terrorism and organised crime was made with the Great Planning Options for 2002 (Act 109-A/2001). This Plan foresees the implementation of an information-sharing Unit, in which all security forces and services are represented, which is of fundamental in co-ordinating an integrated intervention in combating illegal migration and trafficking in human beings. It also foresees a closer co-operation of the "Foreigners and Border Office" with working groups of the European Union and international organisations which work towards combating illegal migration, within the fight against networks assisting illegal migration and trafficking in human beings.

Co-operation with NGOs and International Organisations

The efforts of the Portuguese Government to prevent and combat trafficking, and to assist its victims are undertaken in close co-operation with national and international NGOs as well as with several international organisations which Portugal is a party to.

In this area of co-operation, the European Union plays a key role. In fact, European Institutions develop an important work in the fight against trafficking in human beings. Since 1996, the European Union has established a large number of programs against trafficking in human beings and sexual exploitation of children, inter alia programs STOP and STOP II (to prevent and combat trafficking in human beings and all forms of sexual exploitation of children, including child pornography), and DAPHNE (to protect children, adolescents and women against violence). A number of initiatives undertaken by the Portuguese civil society and private institutions have been financed through these programs.

One of the most important and active bodies in the area is the Commission for Equality and Women's Rights (CIDM), which co-ordinates a working group composed of 14 public and private institutions and services –including security forces and NGOs- working with prostitutes. One of its projects -*Projecto de Rua em Rua*- was developed in 2001 in partnership with public and private, national and international entities (namely the Ministries for Home Affairs, Health and Employment and Social Security, municipalities, NGOs and academics). The project was funded by the European STOP initiative and had two main trends: investigation and training. The investigation component was carried out by the University of Porto (Psychology and Educational Sciences Dep) and aimed at gaining a better and deeper understanding of the female population of prostitutes, with emphasis on the working of trafficking and sexual exploitation networks, and at studying the adequacy of institutional responses (the results of this study are due to be published soon).

CIDM has recently submitted a new application (for financing under the EU initiative Interreg III) to develop a project to be undertaken at the national level and more directly related to the question of trafficking and aimed at creating adequate social responses to this problem.

Regarding field work, several Portuguese NGOs carry out an important work concerning the protection of victims:

- The NGO “*O Ninho*” provides assistance to prostitutes.
- The “*Women's Association against Violence*”, a women's NGO, also has a welfare and legal support service for women victims of violence; it runs a shelter in the Lisbon area, set up with the support of a private company and the Commission for Equality and Women's Rights.
- The Portuguese League for Social Prevention (*Liga Portuguesa de Profilaxia Social*) currently develops the VAMP project aimed at providing social and medical support to prostitutes of both sexes through a mobile unit which undertakes three missions a week.
- The Association for Family Planning runs “*Espaço Pessoa*”, a program for supporting victims of prostitution.
- The “*Portuguese Association for Victim Protection*” (APAV), a NGO based in Lisbon with branches in other Portuguese towns develops an important work concerning victim protection by providing psychological assistance and counselling to victims. In 2000, APAV ran a campaign to stop violence against women - co-financed by the European initiative DAPHNE and with the support of the Portuguese government, namely through the involvement of security forces, which comprised an awareness-raising campaign and the publication of a handbook targeted to professionals dealing with women victims of violence.
- The Portuguese Committee for the Refugees develops projects in the area of asylum seekers' and refugees' integration, co-financed by the European initiative EQUAL, the European Fund for Refugees and the Operational program for Lisbon and Tejo Valley Area (PORLVT).
- The High Commissariat for Immigration and Ethnic Minorities has promoted various important campaigns and projects. One of the most relevant in the area was “*Projecto Em Cada Rosto...Igualdade*”, financed by the European Social Fund and in partnership with the Portuguese Mission under the International Migration organisation (IMO). This project aimed at promoting the integration of immigrants and ethnic minorities. It also created a Permanent Information Centre, where interested people can find all the information needed regarding immigration and integration in the destination society. The Centre collects and gives information about immigrant communities and ethnic minorities in Portugal; co-operates with other national and international organisations to promote the integration of these communities

and combat all forms of racism and exclusion and helps immigrants and ethnic minorities in better understanding their rights and duties in Portugal.

The creation in February 2002 of *Eurojust* (an European unit, in which Portugal co-operates aimed at reinforcing legal co-operation with the view of fighting the most serious forms of criminality, inter alia trafficking in human beings, and facilitating the co-ordination of the investigations and criminal proceedings in several Member States) should be underlined. Portugal had already ratified the Convention establishing an European Police Service (*Europol*), among others aimed at preventing and fighting the trafficking in human beings. All these European structures are of the utmost importance as Portugal is part of the Convention implementing the Schengen Agreement and must therefore act in co-ordination with the rest of the European structures in order to effectively control the movement of persons across the European borders and within its territory. The recent EU Seville Summit has further defined a new strategy to assist third countries in co-operating with the EU migration policy, in order to control migration flows and fight trafficking in human beings.

On the other hand, Portugal is party to a number of instruments which, directly or indirectly, address the issue of trafficking in human beings.

Most recently, Portugal ratified the Rome Statute of the International Criminal Court (Decree of the President of the Republic n.º 2/2002 of 18 January 2002). According to its article 7 the tribunal is competent to judge crimes against humanity, and includes in the definition of slavery the trafficking in human beings, in particular women and children.

Besides this recent ratification, Portugal had already ratified:

- Convention on laundering, Search, seizure and Confiscation of the Proceeds from Crime (1997);
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1992);
- International Convention for the Suppression of the Traffic in Women of Full Age Geneva (1937);
- International Convention for the Suppression of the Traffic in Women and Children (1921);
- International Convention for the Suppression of the White Slave Traffic (1910);
- International Convention on Civil and Political Rights (1978) and additional protocols thereto;
- International Convention on the Elimination of All forms of Racial Discrimination (1982)
- Convention on the Elimination of All Forms of Discrimination against Women (1980);
- Convention on the Rights of the Child (1990);
- ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (whose article 3 a) determines that the concept of worst forms of child labour comprises namely all forms of slavery or practices similar to slavery, such as the sale and trafficking of children;
- ILO Convention 29, on Forced Labour;
- ILO Convention 105, on the Abolition of Forced Labour;

The *United Nations Convention against Transnational Organised Crime*, and the Protocols to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and against the Smuggling of Migrants by Land, Sea and Air thereto, of 5 November 2000, were signed by Portugal on 12th December 2000. The process of ratification of both instruments is near completion.

Bilaterally, on 29 May 2000, Portugal signed a co-operation agreement on criminal matters with the Russian Federation, which foresees the co-operation between the competent authorities of both countries, inter alia, on the fight against trafficking in persons, exploitation of prostitution and, in particular, the sexual exploitation of children.

The Friendship and Co-operation Agreement signed between Portugal and Ukraine on 25 October 2000 also provides for mutual co-operation concerning trafficking in persons.

Training programs of relevant State authorities

Most of the training programs that are held in Portugal are work of NGOs with the financial support of the government or European initiatives.

As mentioned before, project “*De Rua em Rua*” had a training component and aimed as well at sharing examples of good practices. For such purposes, 19 technicians working with or for prostitutes (like social workers, nurses, magistrates and law enforcement officials) were given 126 hours of training. This training comprised visits to the national institutions working in the field of assisting victims of prostitution, three workshops and visits to the transnational partners involved (Association “On the Road” – Italy, and Servicio Galego de Igualdade – Spain).

This project “*De Rua em Rua*” was run in partnership with the Home Affairs Ministry’s project “*INOVAR*”, which aims at providing police forces with adequate training and resources so as to improve their capacity to assist victims in the best possible manner. The INOVAR mission group was established pursuant to cabinet resolution 6/99, of 8 February 1999, and it goes in line with efforts undertaken by the Portuguese authorities to put an emphasis in the protection of human rights in police training.

It should further be added that the by APAV, in partnership with the Ministry for Home Affairs and co-financed by the European initiative DAPHNE, issued a handbook aimed at professionals dealing with women victims of violence, including advice and examples of good practices in the reception, attendance and treatment of these victims.

In what concerns awareness raising programs most of the work is done by the Commission for Equality and Women’s Rights (CIDM). This Commission has published material aimed at raising public awareness (for eg. a compilation of legal texts and international instruments on prostitution and trafficking in women and children (2000), a book on stories of prostitutes, entitled *Histórias da Vida* (2000), a pamphlet with information about support services and facilities available for male and female prostitutes (2001).

Besides these publications, the CIDM also organised an international seminar on 6-7 December 1999, co-financed by the European Commission’s STOP programme, on Trafficking in and Sexual Exploitation of Women, addressing issues such as the role of different legal systems and their harmonisation in combating trafficking networks, the impact and use of media either to promote or curtail sex trade and the rehabilitation and “building” of a new image for women. This was an awareness raising seminar for governments, non-governmental organisations and the public at large more

Other awareness raising campaigns have been conducted on the issue of preventing and combating violence against women, using brochures, TV spots and pamphlets. The High Commissariat for Immigration and Ethnic Minorities has taken part in many of these campaigns by producing TV spots and issuing pamphlets.

Research /Media Coverage

Trafficking in human beings is not a taboo subject in Portugal, but the truth is that “television only picks up the theme (...) when the daily news and bulletins, in relation to very particular situations, dedicate to them headlines and leading stories, which as a rule only happens when scabrous or particularly shocking details are combined with the subject of the sex trade itself”, as one can read in the conclusions of the 1999 above mentioned seminar.

Although this tendency is changing towards a more systematic approach of the problems, the basic trend persists. Special relevance has been given to the issue during the recent Seville Summit, where the migration problem was discussed in great detail.

**MINISTRY OF FOREIGN AFFAIRS
COUNCIL OF EUROPE AND HUMAN RIGHTS DEPARTMENT**

Vienna, 2 September 2002

FIGHTING AGAINST TRAFFICKING IN HUMAN BEINGS IN ROMANIA
Joint actions of the governmental agencies and international cooperation

General considerations

Like other Central and Eastern European countries, Romania is currently facing the challenge raised by the trafficking in human beings.

Romania shares the international community concern over illegal migration and trafficking in human beings taking place throughout Europe. The Romanian authorities consider that involvement in fighting against trafficking in human beings represents not only a national responsibility, but also a regional one.

In tackling this issue a number of external and internal factors are to be taken into consideration:

- In former Yugoslavia, latent internal conflicts, resulting in violent confrontation during the 90ties, produced an ongoing and extensive deregulation in the field of public order that favored the development of numerous flourishing prostitution networks;
- In the space of the former Soviet Union, easy access across the borders between the ex-soviet states, neighboring Romania, facilitated the activity of other numerous trafficking networks operating in the territories of these states;
- Within Romania, the presence of a significant number of foreign nationals from migrant-producing countries led prospective migrants into believing that Romania is a propitious area to target and a freeway to the Western part of the European continent. They are taking advantage of the fact that certain Romanian nationals, particularly some inhabiting border areas, who are confronted with low living standards and poor perspective to ameliorate their economic and social condition, are always ready to perpetrate illegal acts, such as dispersing emigrants who may or may not have fallen victim to trafficking.

Assessment

Victims

Romania is both a country of origin and transit for internationally trafficked women and girls. National statistics referring only to identified victims indicate that 20% of the victims are aged between 13 and 15 years; 33% age 18-20; 23% age 21 –23; 12% age 24–26. Women aged between 18 and 26 and girls aged between 13 and 15, irrespective of their ethnicity, are more at risk to be trafficked. The overwhelming majority of the victims are coming from Romania, Ukraine, Republic of Moldavia, Russian Federation. They are trafficked to Bosnia-Herzegovina (29%), FYROM (26%), Albania (17%), Kosovo – FRY (14%), Italy (6%), Cambodia (2%), Others (6%). Trafficker's main target is female population aged 13 to 26.

It is estimated that about 30% of the trafficked persons in Bucharest are less than 18 years. 23% of IOM assisted trafficked persons were teenage girls less than 18 years.

Traffickers

Individuals or small groups of individuals, jobless males (sometimes working with women, former prostitutes, as intermediary). Most of them have been previously involved in other criminal activities such as stealing, smuggling, pimping, illegal border crossing etc. In the majority of the cases, victims are offered, via public advertising, lucrative jobs abroad (dancing, domestic service, and serving in restaurant), in Western countries, or friends of friends directly approach them with the same type of offer. Employment, travel, tourism agencies or marriage brokers have been detected as fronting for traffickers or crime groups to traffic individuals.

Authorities's response

Adoption of legislative measures

Domestic legislation

- Law no. 678 on preventing and combating trafficking in human beings¹;
- National Action Plan against trafficking in human beings, enforced by the Government Decision no. 1216/2002²;
- Law no.27/2001 for ratification of the Penal Convention regarding corruption;
- Law no.61/2001, for the approval of Government Emergency Ordinance no.89/2001 for modifying and completion of Several Penal Code disposals concerning sexual life offences;
- Law no.81/2002 for the approval of Government Emergency Ordinance no.104/2001 for organisation and functioning of the Romanian border Control;
- Law no.243/2002 for the approval of Government Emergency Ordinance no.105/2001 regarding State Border of Romania;

Law no.252/2002 for the approval of Government Emergency Ordinance no.112/2001 regarding the sanctioning of acts committed abroad Romania by the Romanian citizens or stateless persons having the residence in Romania;

¹ Under the provisions of the Law 678/2001 various forms of trafficking in human beings are incriminated, as well as the exploitation of persons, by providing heavy sanctions, much increased in the case when the trafficked persons were minors or when the trafficking offences had as a result the victim's suicide or death; the deeds of the organizers, guides and carriers were incriminated, as well as the situations when the offences were committed by persons organized in groups especially formed for this purpose; special provisions were included regarding the physical and psychological protection, recovery and social integration of the trafficked persons; procedural issues were regulated, including those regarding the use of modern investigation techniques, necessary for discovering offences related to trafficking in human beings.

² Under the provisions of the National Plan different actions are to be carried out, aiming at: informing the population and raising awareness about the forms and the danger of trafficking in human beings (by organizing lectures in less favored areas, in schools and community level); improving the social and economical situation of persons with high risk of being trafficked (periodical job fairs, a market of job offers and requests); drafting a strategy of communication with a view to preventing trafficking in human beings; returning, assisting and socially reintegrating victims of trafficking; protecting the victims; enforcing the related legislation; international co-operation at regional level, with the European Union, the Candidate Countries, as well as with all the other countries involved in a way or another in countering the phenomenon.

- Law no.230/2002 for the approval of government Ordinance no.12/2002 for the ratification of the Agreement established between the Romanian Government and Government of the Republic of Hungary regarding own citizens and other persons readmission, signed on December,10, 2001 in Bucharest;
- Law no.218/2002 on the organisation and functioning of the Romanian Police;
- Law on the status and regime of the policeman was promulgated and is pending to be published in the O.J.
- Emergency Ordinance no.43/2002 regarding National Anti-corruption Prosecutor's Office.

Ratification of the main international legal instruments;

- UN Convention on organized transnational criminal activities;
- Additional Protocol to the Convention on the prevention and punishment of human trafficking, especially women and children;
- Optional Protocol to the Convention on children rights, regarding children trading and infantile prostitution and pornography.

Border control

General Inspection for Border Police (GIBP) is responsible for border monitoring, including immigration and emigration patterns for evidence of trafficking.

GIBP has been established in 1993 as a specialized unit activating under the direct supervision of the minister of interior. New specific competencies have been given to the structure, under the provision of the Governmental Ordinance no. 105 / 2001 regarding the regime of the state border of Romania. The Law establishes the legal regime of the state border, introduces new and strict regulations for the border crossing, access, circulation and performing activities in the border zone and at the border checkpoints. The Law establishes also the National System for Information concerning the access Circulation of Persons and Goods through the Border.

The human resources management system within the Border Police is being restructured in accordance to European models. Funds totaling approximately 22 million Euro have been allocated by the Government for the procurement of border policing equipment and the creation of a computerized system of the Border Police.

Monitoring of the border has improved in the last year (see figures below, for the period 01.01. – 31.05.2002):

Operative Situation on the Borders and Illegal migration

Along this period, a number of 2.155.505 persons presented themselves at the border checkpoints in order to exit the country. Among those who intended to exit the country, 557.247 persons declared that they intended to travel in the Schengen area. Because not all of them did not fulfill the whole pack of legal conditions, the exit from the country has been forbidden to 137.996 persons.

The traffic on the borders was as it follows:

- at the border with **Hungary**: 117 009 Romanian citizens presented themselves to exit;
- at the border with **Serbia**: 13.997 Romanian citizens presented themselves to exit;
- at the border with **Bulgaria**: 326413.997 Romanian citizens presented themselves to exit;
- at the border **air check points**: 1593 Romanian citizens presented themselves to exit

The number of the Romanian citizens returned on the basis of readmission agreements was 4221 persons, comparatively with 7872 persons returned in the similar period of last year.

At the green border, in the same period, 212 Romanian and 28 guides that tried to pass illegally the state border through other places than those for specific control were traced. Compared to the same period of 2001, when 8824 Romanians and 63 guides were retained, we can notice a significant decrease of illegal attempts to cross the green border.

The main reasons for the decrease of the illegal crossings at the green border are:

- For the Romanian citizens-the lifting of the visa regime for the Romanian citizens I the Schengen area
- For foreigners-the improvement of the security measures at the Romanian Northern and Eastern borders and the firm measures of control undertaken by the Border Police.

When facts leading to an assessment of a trafficking case are disclosed, information is instantly transferred to the respective Zonal Center of Anti-Trafficking Unit. Case is investigated together by both agencies.

International co-operation

Active participation in the SECI Regional Anti-Crime Center, which processed almost **750 cases of information requests in 2001** and dismantled, through Romanian-Bulgarian-Greek cooperation, a **regional network having trafficked around 1000 people**. Within Bucharest-based SECI Center for Combating Transborder Crime it has been established an international Task-Force (TF) dealing with trafficking in human beings, composed of specialized officers from SECI member states Albania, Bosnia-Herzegovina, Greece, Republic of Moldavia, Slovenia, Hungary, Bulgaria, Croatia, FYROM, Turkey and Romania (Germany, Italy, Ukraine, France and Austria are observers). TF is coordinated by Romania and divided into three working groups: one for the Southern border (with Bulgaria, Turkey and Greece as partners), one for the Eastern border (with Moldavia and Ukraine as partners) and one for the Western border (with Hungary, the Federal Republic of Yugoslavia and FYROM as partners).

Romanian specialized structures co-operate also on a permanent basis with liaison officers seconded to Bucharest (from Germany, France, Great Britain, Belgium, Italy, Spain, Austria, Japan, USA and Ukraine). Relevant reports, statistics and information on the trafficking in human beings are circulated between agencies at national and international level mainly using the channel of communication offered by SECI Center for Combating Transborder Crimes.). With this aim, it has been recently established a Focal Point in order to facilitate the exchange of information. In the same time, an Action Plan for strengthening the co-operation with Republic of Austria in the field of combating illegal immigration and trafficking in human beings was adopted an a mixed working group with Great Britain has already started to work. The institution of home affairs attaché and liaison officer has been put into place. There is already a home affairs attaché in Brussels and liaison officers have been seconded to Germany, Austria and the Czech Republic.

The hosting on 21 May 2001 in Bucharest of the *Regional Conference on Fighting against Trafficking in Human Beings and Illegal Immigration*, organized by the OSCE Romanian Chairmanship-in-Office at that time, in collaboration with the South-Eastern Cooperation Initiative Center, has offered an important opportunity to approach these issues, at a regional level, in a more systematic way.

With the support of the Council of Europe, the Ministry of Foreign Affaires of Romania organized in Bucharest (24-26 October 2001) a regional seminar on bilateral cooperation between Romania and Republic of Moldova for prevention and combating the human trafficking, specially dedicated

for the representatives of the law enforcement agencies and the NGO's involved in these specific activities.

Romanian-American Co-operation in Combating Trafficking

\$300,000 assistance provided by the US for public awareness campaign and prevention of trafficking in persons.

Assistance for setting up an NGOs network in Romania – **FamNet** – meant to ensure coordination among NGOs and protection for victims;

A two-year program “**National Action for the Prevention and Elimination of the Child Labor in Romania**” (starting with March 1, 2000) has been run with financial support from the US Government (technical and financial assistance to prevent and eliminate child labor both in urban and rural areas, conduct quantitative and qualitative research to assess the extent and nature of child labor; raise public awareness on the child labor issue, strengthen governmental and NGOs institutional capabilities to fight child labor).

Excellent law enforcement cooperation with the FBI Office in Bucharest in conducting investigations of human trafficking cases.

Assistance provided by US (FBI) to the Anti-Organized Crime Brigade will increase the efficiency of the Romanian Police actions against trafficking (3 Toyota cars, 10 computers worth of approx. US \$15,000).

A seminar on “ **Combating trafficking in Women** “ was held November 5-8, 2001 in Bucharest, attended by 45 students (prosecutors, police officers from the Special Task Force, representatives of the Justice Ministry and of the Non Governmental Organizations) and focused on analysis of legal framework, inter-agency approach to fighting human trafficking and government cooperation with NGOs.

A follow-up on – site assistance program for anti-trafficking task forces in 4 cities in Romania (Bucharest, Iasi, Drobeta Turnu Severin, Alba Iulia) is conducted between April 14 – 26, 2002 by two Assistant US attorneys under coordination of the US Resident Legal Advisor in the US Embassy in Bucharest, with the aim to ensure better police-prosecutors coordination at local level.

With support of the FBI Office in Bucharest, a **seminar for police officers, prosecutors and border police** took place in Romania in January 2002 to review 2001 results in the fight against trafficking, exchange experience, and further learn techniques and best practices in combating this phenomenon.

A **Center for Training and Empowerment of Women** will be set up in Bucharest through collaboration of the US Department of Labor and IREX, as part of a regional initiative in Eastern and Southeastern Europe. The Center will provide marketable job skills, training to vulnerable women and girls, job placement services; raising awareness activities among women and girls; identify legal aide and psychological support services and provide referral services to victims; small grants to promote entrepreneurship.

A **roundtable on the Romanian Government efforts to counter trafficking in persons** was held in Washington on April 3, 2002 with participation of the Romanian Foreign Affairs Minister, Mr. Mircea Geoana, and of US officials with the State Department, Labor Department, USAID and US Helsinki Commission.

International Organisations

International Organisation for Migration (IOM) is the most active of all international agencies. It has taken an active part in all the anti-trafficking initiatives, organised by the Government, started prevention campaigns and assistance activities and initiated co-operation with the NGOs which were already actively involved in assistance work. Acting on the basis of the Memorandum of Understanding, between IOM and the Romanian Ministry of Interior, signed in March 2001, a shelter for trafficked persons was opened in Bucharest on 1 November 2001. The shelter, managed by an NGO, the *Estuar Foundation*, provides assistance services on a 24h basis.

In 2001, IOM also supported the organisation of a network of 24 local NGOs that will co-operate in the field of victims assistance and reintegration, named "Interagency Cooperation in Fighting and Prevention of Trafficking in Women"

IOM also organises training for NGOs, on the social and psychological assistance services, provided to trafficked victims; the result of these workshops will be a guide containing the principles of the assistance provided to trafficked persons, the minimum standards of reintegration services provided by NGOs and other agencies and a collection of case studies. The guide will serve as a written reference in terms of know-how and best practices in the field of assistance for trafficked persons.

UN AIDS is supporting programs on HIV/AIDS prevention and since 1999 UNDP/UNAID has supported a health project for commercial sex workers, in Bucharest, implemented by a local NGO, ARAS.

UNICEF provides support for programs for children in institutions and for those leaving these institutions. It also supports local NGOs to do outreach work on HIV/AIDS prevention with sex workers.

USAID is the main donor for the anti-trafficking work and supports initiatives by IOM, UNDP and local NGOs in the area of trafficking prevention and victim assistance.

OSCE organized various round tables on trafficking and initiated a dialogue among the government, international organisations and NGOs. It also supported local NGOs to work on the elaboration of the Romanian National Plan of Action.

NGOs

Until recently, the only institutions directly involved in assisting and reintegrating trafficked women and children were the NGOs. The first NGO to start work with trafficked persons, in 1998, was *Reaching Out* from Pitesti. Reaching Out has an on-going training program for 10 social workers working in their shelter for trafficked women and children, and has achieved an 84 percent rate of reintegration. They have also prepared "Standards to work with the victims of trafficking".

Before 2001, the Romanian NGOs operated as a network of organisations and shelters, which could provide trafficked persons with basic assistance and support. The shelters, which operate in three towns outside of Bucharest (Timisoara, Pitesti, Constanta), are small and designed in the first place for victims of domestic violence. They are used for trafficked women and children as an emergency solution (with the exception of the Reaching Out shelter). Prior to 2001, neither NGO staff nor shelter personnel, with a few exceptions, had been trained to assist trafficked persons. They have developed skills and expertise in the course of their work and at resent are able to continue their activities and share their experience with others, but are not in a position to provide long-term support and run reintegration programs without additional training and support, including financial support. These women's organisations and shelters for victims of violence were supported mainly

by the Soros Foundation and have not benefited from the funding designated for anti-trafficking activities in the region.

Since 2001, IOM has started to build a new network of NGOs.

The “old” NGOs working on trafficking have also started to organise them-selves, but separately from the IOM network. The *FAMNET* coalition of 13 local NGOs is a network working in the field of victim assistance and reintegration. Their activities include prevention campaigns, a hotline and website for organisations within the network, shelters for trafficked women and children (in Timisoara, Pitesti, Constanta) and reintegration programs, including training, schooling and job training. Reaching Out has started training social workers from *FAMNET*, according to their “Standards” document.

The local NGO *Centre for Legal Resources* is co-ordinating efforts to create new anti-trafficking legislation and operates as the secretariat for the inter-agency working group that worked on the new Bill on Prevention and Combating Trafficking in Human Beings. The Centre managed to secure the cooperation of governmental and international organisations and cooperates closely with all of them. Other activities of the Centre include:

- Organisation of the Regional Forum to discuss the phenomenon of trafficking between Romania and FRY Serbia;
- Establishing an inter-ministerial expert group (2 representatives from the Ministry of Justice, and one from each of the ministries of the Interior, Labor and the Centre for Legal Resources) to work on the draft legislation);
- Preparing a draft Bill on Prevention and Combating Trafficking in Human Beings

Prevention

Ministry of Education and Research of Romania and International Organization for Migration's Office in Bucharest concluded a Protocol of cooperation which is meant to provide for educational programs in favor of vulnerable categories to trafficking. At the same time a number of seminars took place, covering all the regions of the country, and numerous professors received training. Subsequently, around 20 information events on trafficking took place in schools, using videotape and Anti-trafficking manual.

Romanian Ministry of the Interior, in cooperation with IOM's Office in Bucharest and USAID, launched the public awareness campaign on human trafficking, involving all the concerned Romanian institutions with abilities in informational activities. This campaign included:

- advertisement on national coverage TV stations;
- distribution of informative materials (posters, leaflets, brochures);
- organizing seminars for policemen, teachers, social assistants;
- distribution of a video tape containing testimonies of female victims of human trafficking;
- informational activities of the population on the job offer abroad;
- public awareness campaign run in schools and colleges on the realities of the human trafficking and illegal migration.

Law enforcement

During year 2001, police investigated 391 persons (158 for pimping, 217 for prostitution, 16 for other crimes) in cases related to trafficking. It has been established that persons investigated had perpetrated a number of 336 crimes, out of which 161 pimping (108 abroad), 126 prostitution (95 abroad) and 49 others. One prostitution network has been identified and dismantled in Italy.

In 2001, 128 persons were convicted for pimping (1 fined, 127 sentenced to prison) and 148 persons were convicted for prostitution (7 fined, 141 sentenced to prison). These sentences are currently served.

At operational level, action is focused on “undercover” trafficking perpetrated by some businesses, travel agencies and art/modeling management companies. 368 international carrier agents were controlled, and 115 offences were discovered. Also, by monitoring of the announcements in the newspapers, regarding offers as baby sitter, modeling activities, artistic impresario, 430 persons involved in trafficking were identified and several networks operating in Republic of Moldavia or Cyprus were dismantled.

The Romanian MFA is working on a joint project with the government of the Republic of Moldova- the Criminal law Reform in Trafficking". It includes sharing information and experience in creating legislation for preventing trafficking and creating an institutional network to combat trafficking, international co-operation and training for law-enforcement officials.

***Note:** Taking into account the fact that one of the causes of the traffic in human beings is a rise in the request of prostitution services within the destination zones, either in Western Europe or in the Balkans, the local authorities must initiate more definite actions for reducing the "offer" and punish those who benefit from the presence of trafficked women. On the other hand, it is necessary to develop the exchange of information between the authorities of source, transit and destination states; only thus the authorities of the states which bring the crime to trial may produce evidence before the court. Accordingly, Romania proposed that all counties involved agree on a standard set of questions to be answered by the victims. The forms, after being filled in, will be made available for the authorities of the victim's source country. The data from the forms could be introduced into a database that will serve for enhancing the efficiency of the undergoing activities of the police, for elaborating strategic analyses and for foreseeing the evolutions of the phenomenon. Romania has already transmitted its proposal for the set of questions, via the SECI Center in Bucharest.*

Assistance and protection of victims abroad and after repatriation

Between January 2000 and July 2001 484 trafficked women and girls were returned in Romania, assisted by IOM and by local NGOs. The majority of these women (48%) were from the region of Moldova and 23% were children under 18 years.

Embassies and consulates in countries known as destination for trafficking victims received appropriate instructions (methodology) about how to implement the provisions of the Law 678/2001, referring especially to:

- displaying informative materials on rights of trafficked persons;
- informing Romanian nationals, through appropriate means, on the domestic legislation of the host state and provide the necessary assistance and protection for victims of trafficking;
- repatriation of victims of trafficking;

Embassy and consulates are currently working closely with NGO's and other international organizations involved in combating trafficking in order to assist Romanian nationals victims of trafficking³

³ Embassy of Romania in Sarajevo assisted for repatriation 60 victims in 2000 and 58 in 2001, working closely with IOM in Sarajevo and with International Police Task Force in Bosnia-Herzegovina. Embassy of Romania in Skopje assisted for repatriation 86 victims in 2001 and 22 since the beginning of the year 2002. In this respect, the embassy is working closely with IOM's Office in Skopje and IOM agencies in Kosovo (FRY).

The return procedure involves IOM and local police. Women and girls are met at the airport in Bucharest by IOM staff and transported to the shelter. Usually, the next day they have a meeting with an IOM social worker who interviews each one, in order to find out details of their economical, educational and family situation and to present the possibilities for assistance. If the trafficked person agrees, the Romanian police will interrogate her in the presence of an IOM representative. There are no special IM procedures or services offered for children, but minors are referred to the Romanian branch of Save the Children or Service Social International (the Italian branch). Assistance provided by IOM includes transporting persons from the airport to a shelter, providing them with a small allowance of US \$ 150 in total, addresses of NGOs and information about the possibility of having a medical check-up and some help from NGOs in cases of emergency.

Under the provisions of the Law 678/2001, assistance and protection is granted also to returned victims and include:

- special physical, psychological and social protection (including for minors and women)⁴;
- protection of private life and identity, under the terms of the Law 677/2001 on the protection of persons concerning automatic processing and free circulation of personal data);
- physical, psychological and social recovery programs;
- physic protection to victims of trafficking, during the trial;
- Facilitated the return of trafficked foreign citizens to their countries of origin without any unjustified delay and safe transportation to the border Trafficked foreign citizens may be accommodated in specially organized centers; the applicants of a special form of protection in Romania may be accommodated in other specially organized centers. according to Law no. 323/2001, waiting for the refugee status according to Governmental Ordinance no 102/2000.
- protection of victim's rights, which means that person subject to trafficking, which has committed the crime of prostitution will not be hold responsible for this if she/he has informed the authorities about it before trafficking have been perpetrated or if the person has facilitated the arrest of the perpetrators once they have been captured and prosecuted. Persons subject to trafficking have also the right to receive ex office judicial assistance, in order to follow his/her rights during criminal procedures stipulated by Law, in all the phases of prosecution, as well as the right to seek reparation from the persons that trafficked them and have brought damaged to them. Victims, irrespective of their nationality, are informed in a language they understand, about the administrative and legal procedures that are being applied to them and they have free access to the national health system in the same conditions as any Romanian citizen.
- Victims of trafficking may be accommodated, at their demand and on a temporary basis, in centers of assisting and protecting victims of trafficking. The law provides for the creation of 9 centers, under the jurisdiction of local council of 9 counties, but the actual setting up of the centers is delayed because of budgetary constraints. However, in co-operation with local NGO's 2 shelters have already been opened and are currently functioning in Bucharest and Pitesti (dep. of Arges); other NGO's dealing with victims of trafficking are providing similar assistance in rented houses and apartments⁵.

⁴ The establishing of a hotline for victims of trafficking is underway, sources of financing are yet to be identified.

⁵ Within the framework of the **project "Assistance for victims of trafficking and prevention of trafficking in Romania", financially supported by USA**, it has been concluded an Agreement between the Ministry of Interior and IOM's Office in Bucharest concerning the establishment of a center of reception and temporary hosting, granting medical assistance and counseling for women repatriated victims of the trafficking.

- Ministry of Labor and Social Affairs elaborates and apply specific measures for the integration in the working field of persons with high risk of being trafficked or having been trafficked. The National Agency for Employment (NAE) runs information programs on the labor market, employees' rights, as well as training programs. Specific measures will be taken for stimulating economic agents to employ persons with high risk of being trafficked, as well as victims of trafficking, who have followed professional training. These measures are under implementation.
- There are only a few NGOs in the country (*Reaching Out* in Pitesti, SCOP in Timisoara, *Pro Familia* in Bistrita and *Artemis* in Cluj) with the capacity to offer more long-term support in reintegration.

**DELEGATION
OF THE RUSSIAN FEDERATION**

Vienna, 10 September 2002

RUSSIAN FEDERATION: COUNTRY REPORT ON TRAFFICKING IN HUMAN BEINGS

Trafficking in human beings has become a relatively new phenomenon for the Russian Federation. Only several years ago non-governmental organizations started to accumulate information on trafficking and elaborate measures for its prevention and protection of its victims. Today we can confirm that the Russian Federation has officially recognized trafficking in human beings as one of modern forms of slavery and abhorrent human rights violation. And we fully acknowledge the significance of international co-operation in combating this form of a trans-border organized crime spreading within the OSCE area and beyond.

Legislation

The Criminal Code of the Russian Federation contains a provision "Trafficking in Minors" (Art.152) raising the responsibility for such crimes up to 3-10 years of custody. Other provisions in the Chapter "Crimes against the individual" provide responsibility for combined actions related to illegal trafficking of women and imposing forced prostitution. Art. 240 imposes responsibility for inducing into prostitution, and Art. 241 – for holding brothels. Unfortunately, it cannot be assessed as sufficient for addressing the contemporary situation and globalization of trafficking.

In 2001 the Commission on status of women acting under the Government of the Russian Federation held a special meeting on measures to address trafficking in persons. The Commission recommended governmental bodies to draft necessary amendments to the legislation. As a first step forward a draft law introducing relevant amendments to the Criminal Code and Criminal Procedure Code of the Russian Federation has been elaborated by the Ministry of Justice and the Federal Migration Service of the Ministry of Interior (these amendments are related to the illegal transportation of a person over a national border with the aim of exploitation).

Other governmental and parliamentary bodies, following the instructions of the President of the Russian Federation to eliminate collisions in the legislation in order to enhance prevention and efficiently combat trafficking in human beings, also started to draft amendments which would introduce the definition of trafficking in human beings, clarify the difference between trafficking and smuggling of migrants, tighten control over commercial agencies, potentially involved into relevant illegal activities. As it was confirmed at a briefing held by the Ministry of Interior on 27th of August, 2002, one of the most important goals of future amendments would be to exclude the prosecution of victims for their illegal entry into the country and/or residence due to consequences of trafficking. As well new provisions should define measures aimed at protection of victims.

Besides the above mentioned amendments to the existing legislation, legal experts of the two Committees of the State Duma – Committee on Legislation and Committee on Issues Related

to Women, Family and Youth, with the assistance of experts from the US Ministry of Justice - have started to draft a separate law on trafficking in human beings.

We have to underline that international obligations of the Russian Federation are recognized in our country as having a priority over national legislation. Accordingly we may say that as early as in 1954, after its ratification, the UN Convention for the Suppression of Trafficking in Persons and of the Exploitation of the Prostitution of Others became part and parcel of the Russian legal system. Two years ago, 12 December, 2000, Russia signed the Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. At present we have started the process for its ratification, as well as for the ratification of the Optional Protocol to the UN Convention on the Elimination of All Forms of Discrimination against Women (the protocol was signed by the Russian Federation May 8, 2001). In January 2002 the UN Committee on the Elimination of Discrimination against Women studied the 5-th periodical report of the Russian Federation related to the implementation of this Convention and made recommendations to activate measures with regard to the prevention of trafficking. Definitely, we will take them into account.

Measures taken by State authorities

In 2001 the Commission on the status of women also recommended to launch awareness raising campaigns, enhance control over the activities of travel agencies, marriage agencies and firms offering job opportunities abroad. The Commission advised law enforcement bodies to analyze activities of companies potentially involved in trafficking in human beings. For example, after these instructions the Department of Tourism in the Ministry of Economics started to regularly check licenses of existing travel agencies. The Ministry of Interior has begun collecting statistics coming from different sources of information, including NGOs.

In April, 2002, by an order issued by the Minister of Interior, a special Working Group was established at the Ministry, with the participation of the Interpol, for drafting recommendations on addressing domestic violence, combating trafficking in human beings and child pornography and prostitution.

A similar group started its work in the office of the Ombudsman of the Russian Federation.

The Commission on Human Rights working under the President of the Russian Federation recently declared its strong intention to enhance efforts in combating trafficking and to protect its victims.

National Plan of Action

The National Plan of Actions to improve the status of women and to raise their role in the society for 2001-2005, adopted at the State level, though it does not specifically address trafficking in human beings, remains a valuable instrument for eliminating root causes of trafficking – feminization of poverty, domestic violence, lack of opportunities for women, gender inequality, etc.

Research

The main body conducting studies on socio-economic causes of trafficking and the problem of “demand” is the Institute of Social-Economic Population research, the Academy of Sciences. Similar activities are held in the Scientific Research Institute of the Ministry of Interior.

Measures taken by non-governmental organizations

Since mid-90s, many NGOs, which emerged on the basis of crisis centers, created to render assistance to victims of violence, approached the other related criminal issue - trafficking. Those were the centers in Moscow, Saint Petersburg, Cheljabinsk, Perm, Irkutsk and other cities, by now most efficient and experienced in combating trafficking and offering assistance and advice to its victims. Among them - "Sisters", "Angel", "Alexandra", "Anna" and others. For instance, "Angel" is a coalition of 43 organizations.

Their input in preventing trafficking and addressing its root causes cannot be overestimated. Many of them, while capable to work efficiently on their own, have established fruitful cooperation with international institutions and other NGOs. For instance, with the assistance of the well known organization, Winrock International, 28 NGOs in 12 cities of Russian Far East and Siberia provided economic empowerment training in an effort to prevent trafficking to almost 900 women in June and July 2002. These NGOs are participants in the Winrock International Trafficking Prevention Program. In May 2002, in the course of similar training, 19 trainers were trained to conduct Professional Skills Building and 19 trainers - to conduct Business/Enterprise Development for women and girls at risk of being trafficked. The goal of this Program is to enhance the competence and capacity of NGOs to provide high-quality job skills training and entrepreneurship development programs that decrease the economic factors behind trafficking. Such training sessions are held in Khabarovsk and in other cities for hundreds of women and include research and technical assistance encouraging the development of economic opportunities for young women and girls as well as educating them on the potential risks involved in seeking work abroad.

Many Russian NGOs are active partners for the International Organization for Migrations in implementing "harm reduction" programs for groups at risk. They fully participate, or initiate themselves, in publications, radio and TV-programs, printing books and guidance, making research and conducting interviews. Together with the American Bar Association and other foreign partners Russian NGOs successfully assist former or potential victims of trafficking by consulting on legal issues, etc.

Awareness-raising

Paying due tribute to the role of awareness raising campaigns, two main Russian TV channels (ORT and RTR) started these campaigns in forms of documentary movies and shop-talks on trafficking issues. These channels transmits its' programs through the whole territory of the Russian Federation and abroad.

One of such programs, a popular one, is called "Independent investigation"- it is the investigation held by journalists and devoted to the most urgent issues in the criminal sphere, usually with the participation of representatives from governmental bodies, NGOs and the society as a whole. For example, in April 2002 the audience discussed all aspects of this grave crime. Its participants were victims, who had voluntarily addressed the Media. Their names were changed, they had wigs and a make-up, changing their appearance, but they were brave enough to tell their stories from the very beginning to the end.

There were representatives of state institutions - the Ministry of interior and its Federal Migration Service, which had been established to address not only illegal migration and smuggling of migrants, but trafficking as well, the Ministry of Justice, which has elaborated a joint project with the Interior. These officials gave their telephone numbers, names of contact persons. There was a

representative of the International Organization for Migration branch stationed in Moscow who gave the list of telephone numbers in Germany, the Netherlands, Italy and Macedonia - these numbers were for immediate assistance and protection of victims. The IOM official also informed the audience on peculiarities of legal aspects- for instance, types of visas, clauses of contracts, legal status of migrant workers in the country of destination, etc.

Russian journalists presented filmed evidence of a travel agency in Moscow and its owner hiring young women for a job in Cyprus and giving fake information on salaries and other job descriptions. The TV showed traffickers-mediators (one of them was a legal advisor serving in some legal consultative institution and a good friend of a future victim) promising a fairy-tale future. The journalists presented a recorded conversation with an owner of a strip-bar in Cyprus - journalists pretended to speak as potential clients trying to make an order in advance. The whole situation was monitored from the very first step.

This program was a real example of awareness raising campaign which could destroy illusions of groups at risk and mobilize the public opinion. It contained important information, it highlighted the role of the individual in decision-making, his or her personal responsibility, it demonstrated that the state bodies started to address the issue though the situation was far from satisfactory.

We have to admit that the role of the Media in the prevention of trafficking by awareness raising campaigns still has to be increased not only in countries of origin and transit, but in countries of destination as well aimed at introducing a strong human rights approach to the protection of victims and at enhancing zero public tolerance to any forms of exploitation of others – be it in sex industry, servitude, or other spheres.

Statistics

The accurate statistics does not exist and is difficult to be obtained. On one hand, victims are afraid to start a criminal procedure due to a potential threat from the perpetrators. On the other, institutions of social protection have no right to publicize the information about persons seeking their assistance due to the existing regulations. So the State agencies can count only by the data obtained from the Federal Border Service and NGOs. The figures that we have say that within 2 years approximately 5 thousand women were stopped at the border checking points due to the lack of documents or papers being in disorder. 30 women tried to leave the country illegally, through the so called green border. Their destination countries were Turkey, Italy, Germany, Bulgaria, Finland and China. On the other hand, tens of thousand of women leave the country quite legally - being “married” to a foreigner, as a tourist, with a work permit, etc.

Figures which we have from our consulate divisions show that only a very small number of victims seek assistance. In 2000 we had 102 cases of Russian women had approached our embassies requesting to help in repatriation (70 - in Germany, 20 in China, 5 in Czech Republic, 4 in Bosnia, 3 in Hungary). There were several other cases when our embassies assisted in the return of victims from Portugal, Turkey, and other countries.

As it was mentioned above, data collection has been acknowledged by the Ministry of Interior as a significant factor of combating trafficking and due attention is paid to the implementation of this task.

International co-operation

We believe that co-operation among participating States and international organizations, besides measures taken at the national level, is the answer we can propose to address and combat organized transnational crime, to assist its victims and to prosecute its perpetrators. The Russian Federation and its law enforcement bodies coordinate activities in this field at a bilateral, as well as multilateral levels – in the UN, OSCE, Council of Europe, Council of Baltic Sea States, the Interpol, the IOM, UNHCR. Recent examples of such co-operation have given positive results in the USA, France, Portugal, and other countries. In 2002 the Department on Combating Organized Crime together with the French law enforcement institutions has succeeded in breaking the channel of transportation of Russian young women to France. Several perpetrators of trafficking, citizens of the USA and the Russian Federation, recently were arrested in the United States of America. Other measures are being taken to prevent trafficking of women and girls to European and Asian countries and to prosecute those responsible for modern slavery.

SLOVAK REPUBLIC

Legal Regulation of the criminal offences in relation to the trafficking in human beings in the Criminal Code

No. 140/1961 Coll. as amended

The National Council of the Slovak Republic adopted on 19 June 2002 the re-codification Amendment to the Criminal Code. This Amendment has introduced a new wording of the criminal offence of trafficking in human beings and implemented the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

As a reaction to the current situation, the wording of the crime offence - trafficking in women, has been modified as from 1st September 2002 with the purpose to encompass the trafficking in human beings with the intent to engage such persons in sexual intercourse or in other form of sexual abuse, irrespective of the gender of the victim. This modification ensures equal legal protection for all people regardless of their gender in line with the Articles 1 and 3 of Declaration of Fundamental Rights and Freedoms and the Article 12 of the Constitution of the Slovak Republic.

Selected provisions of the amended Criminal Code of the Slovak Republic and “Statistics on a number of convicted offenders for the offences in relation to trafficking in human beings (1996-2001)” are attached.

Trafficking in human beings – selected provisions of the Criminal Code of the Slovak Republic

The legislation valid as of 1 September 2002

Traffic in children Section 216a

(1) Any person who for a reward places a child under the control of another for the purposes of an adoption, shall be liable to a term of imprisonment of up to three years or to a pecuniary sanction.

(2) The offender shall be liable to a term of imprisonment of two to eight years

- a) if he commits the offence referred to in paragraph 1 as a member of an organised group, or
- b) if he gains considerable profit by such an offence.

(3) The offender shall be liable to a term of imprisonment of three to ten years if through the commission of the offence referred to in paragraph 1 he causes serious bodily harm, death or any other particularly serious consequence.

Section 216b

(1) Any person who for a reward places a child under the control of another for the purposes of exploiting child labour or other purpose, shall be liable to a term of imprisonment of three to ten years.

(2) The offender shall be liable to a term of imprisonment of five to twelve years

- a) if he commits the offence referred to in paragraph 1 as a member of an organised group, or
- b) if through the commission of such an offence he gains considerable profit for himself or for another person.

(3) The offender shall be liable to a term of imprisonment of eight to fifteen years

- a) if he causes serious bodily harm, death or any other particularly serious consequence by the offence referred to in paragraph 1,
- b) if he gains for himself or another an extensive profit through commission of such an offence or,
- c) if he commits such an offence in connection with an organised group operating in several countries.

(4) The offender shall be liable to a term of imprisonment of twelve to fifteen years or the exceptional sentence if he commits the offence referred to in paragraph 1 as a member of a criminal group or he causes the death of several persons.

Section 246 **Traffic in human beings**

(1) Any person who entices, enlists, transfers or receives another person to or from abroad with the intent to engage such person in sexual intercourse or other form of sex shall be liable to a term of imprisonment of three to ten years.

(2) The same sentence shall be applicable to any person who entices, enlists, transfers or receives another person to or from abroad with the intent to exploit the person in forced labour, involuntary servitude, slavery or other similar forms of exploitation or wrongful taking of organs or tissues.

(3) The offender shall be liable to a term of imprisonment of five to twelve years

- a) if he commits the offence referred to in paragraphs 1 or 2 against the will of another person,
- b) if he commits such an offence with the intention to engage another in prostitution,
- c) if he commits such an offence against a person younger than eighteen years of age,
- d) if he commits such an offence as a member of an organised group, or
- e) if he gains for himself or another a considerable profit.

- (4) The offender shall be liable to a term of imprisonment of eight to fifteen years
- a) if through the commission of the offence referred to in paragraphs 1 or 2 he causes serious bodily harm, death or any other particularly serious consequence,
 - b) if through the commission of such an offence he gains for himself or for another an extensive profit, or
 - c) if he commits such an offence in connection with an organised group operating in several countries.
- (5) The offender shall be liable to a term of imprisonment of twelve years to fifteen years or an exceptional sentence of imprisonment if he commits the offence referred to in paragraphs 1 or 2 as a member of criminal group or he causes death of several persons.

Section 204 **Procurement**

- (1) Any person, who negotiates, incites or seduces another person into prostitution, or who makes profit from the prostitution of another person shall be liable to a term of imprisonment of up to three years.
- (2) The offender shall be liable to a term of imprisonment of one to five years, if he commits the offence referred to in paragraph 1 by using violence, threat of violence or other serious harm or by abusing distress or a subordination of the other person.
- (3) The offender shall be liable a term of imprisonment of two to eight years:
- a) if through the commission of the offence referred to in paragraphs 1 or 2 he gains considerable profit,
 - b) if he commits such an offence as a member of an organised group,
 - c) if he commits such an offence against a person younger than eighteen years of age, or
 - d) if he commits such an offence abroad.
- (4) The offender shall be liable to a term of imprisonment of five to twelve years, if he commits the offence referred to in paragraphs 1 and 2
- a) against a person younger than fifteen years of age, or
 - b) in a connection with an organised group operating in several countries.

Section 209a

Wrongful removal of organs and tissues

- (1) Any person, who wrongfully removes a living person an organ or a tissue, shall be liable to a term of imprisonment of one to five years.
- (2) The same sentence shall be imposed on a person who procures such an organ or tissue for himself or for another person.
- (3) The offender shall be liable to a term of imprisonment of two to eight years, if through the commission of the offence referred to in paragraph 1 he causes serious bodily harm.
- (4) The offender shall be liable to a term of imprisonment of five to twelve years, if through the commission of the offence referred to in paragraph 1 he causes death.

Section 209b

Any person who illegally procures for himself or for another person an organ or a tissue from a dead body shall be liable to a term of imprisonment of six months to three years.

Section 215

Torture of a close person or a person in charge

- (1) Any person who tortures a close person or a person in his care or education by causing him physical or mental suffering in particular by:
 - a) beating, kicking, hitting, causing wounds and burns of different kinds, by degrading, spurn treatment, permanent watching, undue fear or stress, forced isolation, emotional intimidation or other conduct endangering his physical or mental health or limiting his safety,
 - b) wrongful denial of food, rest or sleep or denial of necessary care, clothing and hygiene, health care or housing, training or education,
 - c) forcing to beggary or to a performance of activity requiring his undue physical or mental strain in view of to his age or health, or capable of damaging his health,
 - d) exposure to the effects of substances harmful to his health,
 - e) unjustified restriction of access to property he has the right to use,

shall be liable to a term of imprisonment of two to eight years or a ban of activity.

- (2) The offender shall be liable to a term of imprisonment of three to ten years
 - a) if, through the commission of the offence referred in to paragraph 1, he violates a specific obligation resulting from his employment, occupation, position or function or an obligation he specifically undertook,
 - b) if he commits an offence in spite of being already convicted of such an offence within the last two years or released from serving the imprisonment sentence for such an offence,
 - c) if he commits such an offence against several persons, or
 - d) if he continues committing such an offence during a longer period of time.

(3) The offender shall be liable to a term of imprisonment of five years to twelve

- a) if he commits the offence referred to in paragraph in a particularly brutal manner, or
- b) if through the commission of such an offence he causes serious bodily harm.

(4) The offender shall be liable to a term of imprisonment of ten years to fifteen years if through the commission of the offence referred to in paragraph 1 he causes serious bodily harm to several persons or death.

(5) The offender shall be liable to a term of imprisonment of twelve to fifteen years or exceptional sentence of imprisonment if through the commission of the offence referred to in paragraph 1 he intentionally causes death.

**Statistics on a number of convicted offenders for specific crime offences
in relation to the trafficking in human beings
(1996 – 2001) in the Slovak Republic**

	1996	1997	1998	1999	2000	2001
Section 216a	0	0	0	0	0	0
Section 246	4	10	10	3	13	6
Section 204	X	X	7	1	4	6
Section 209a	X	X	1	1	0	0
Section 209b	X	X	0	0	0	0
Section 215	X	X	18	11	33	23

Section 216 a *Traffic in children*

Section 246 *Traffic in women*

Section 204 *Procurement*

Section 209 a, b- *Wrongful removal of organs and tissues*

Section 215 *Torture of close person or a person in charge*



**PERMANENT MISSION OF
THE REPUBLIC OF SLOVENIA
TO THE OSCE**

Nibelungengasse 13/II 1010 Wien
Tel. 585 27 08, Fax 585 27 08 44

Vienna, 12 September 2002

**TRAFFICKING IN HUMAN BEINGS
COUNTRY REPORT OF THE REPUBLIC OF SLOVENIA**

1. Research / media coverage

The information about trafficking relates only to women for the purpose of prostitution. According to the data available, no traffic in children for the purpose of sexual exploitation and forced labor has been detected.

The available information of each case are data of suspects and convicted persons which collection is under responsibility of the Slovenian police and the Ministry of Justice.

One of the main objectives of Slovenian anti trafficking work is the national study related on trafficking of human beings.

2. Awareness raising

In order to raise awareness on the part of the general public of problems associated with the trafficking in persons, proper and timely information is necessary. This issue addressed in co-operation with the media, resulting in continuous public awareness campaigns, where the target group is the public in general, as well as specific groups at risk.

The preventive measures include continuous activities taking place in education institutions, particularly in primary schools, and the preparation of informative brochures and folders which help getting in touch with potential victims and raise their awareness about the threats of the traffic in persons. These materials target:

- Slovenian juvenile females and female students as potential victims of the white-slave trade. Informative materials are distributed and lectures are held in secondary schools and at universities.
- Females from East-European countries who come to Slovenia to work in nightclubs and are later forced into prostitution. Materials are distributed at Slovenian embassies, border crossings, job centers, administrative units etc. Included in these materials are posters with relevant content, which are also being distributed to all embassies in East Europe and ex-Yugoslav countries.

3 Legal framework

International convention on slavery and trafficking in person that are in force in the Republic of Slovenia use terms prostitution and slavery to describe illegal dependence and/or subordination of people. The Penal Code of the Republic of Slovenia recognizes this phenomena as crime, i.e. as criminal offences of:

- Criminal offences, incriminating sexual exploitation of adults and children and restricting or denying of freedom:
 - *Pimping, Article 185 of the Penal Code,*
 - *Presenting Persons for Prostitution, Article 186 of the Penal Code,*
 - *Enslavement, Article 387 of the Penal Code.*

The criminal offences of pimping and presenting persons for prostitution relate to sexual exploitation of juvenile and adult persons are the most common type of criminal offence that occurs in the Republic of Slovenia.

The worst form of the traffic in persons is the criminal offence of enslavement. A victim is deprived of freedom for the purpose of sexual exploitation.

- The criminal offence, incriminating illegal smuggling of other persons:
 - *Illegal Crossing of State Border, Article 311 of the Penal Code.*

Slovenia is a signatory to all important international documents regulating the issue of the traffic in persons. Among these documents are the UN Convention against Transnational Organized Crime and the Protocol on the Prevention, Suppression and Punishment of the Traffic in Persons and women and children in particular, which is expected to be ratified in 2002.

Articles of the existing Penal Code which cover the offences of “Trafficking in Persons” have to be applied so far.

A victim protection act is now being prepared in the Republic of Slovenia, which will cover the field of criminal offences cited above, and which would enable the victims of such offences to testify against the perpetrators. Their examination will be modified – video conferences. In such cases the Foreigners Act should enable temporary stay for victims, which would be willing to testify before the Court and thus ensure their presence until the conclusion of the court proceedings.

4. Government co-ordination

An important step forward in this field was the establishment of an inter-departmental working group at the end of the year 2001 and the nomination of the national co-ordinator for this filed of work. Within the frame of this group are now running the preparations of new legislation, education and operative co-operation. The purpose of the Working Group is to harmonize and co-ordinate activities relating to the issue. Special programs to help victims and projects that will raise the awareness of the general public are currently being drafted.

5. National plan of action

The above mentioned inter-agency working group has prepared an action plan, based on the directives of the Stability Pact in SE Europe and on the commitments arising from the signing of the UN Convention on transnational organized crime with its Protocols. This gives ground also to numerous activities of the working group and its members.

6. Co-operation with non-governmental and international organizations

There is a very good co-operation between governmental institutions, NGOs and IOs. The co-ordination and co-operation is based on above mentioned inter-agency working group, which has adopted a manual to assist the victims of trafficking. The co-operation is most frequent between police as part of law enforcement, social institutions, NGO's and medical institutions. The co-operation takes place when the police discover a case of trafficking in human beings, presenting persons for prostitution and/or pimping where the victims are mostly women.

7. Training of relevant state authorities

Regular conferences, seminars and training are organized, both on the level of police operative work as on the level of other law enforcement authorities. The NGO's and the IO's are also included in these training.

8. Aid and development programs abroad

Slovenia supports anti-trafficking initiatives in other countries. This is inter-alia confirmed with its active role in Stability pact task force for South-Eastern Europe.

9. Bilateral and multilateral agreements and activities

The international police co-operation in this field is running on the base of bilateral agreements concluded with various States for the fight against organized crime, readmission of persons and police co-operation. The co-operation with neighboring States is therefore very much stressed, particularly with the Republic of Italy (the agreement o close-border co-operation) and with the Republic of Croatia.

Slovenia has also signed:

- the UN Convention on Trans-national Organized crime (Palermo 2000) with its Protocols, including the Protocol on Prevention, Suppression and Penalization of Trafficking in Human Beings, especially with women and children, signed in November 2001.
- the Anti-trafficking declaration of south eastern Europe (Palermo 2000)
- the agreement on combating trans-border crime – SECI agreement (Bucharest 1999)

Vienna, 30 August 2002

SWEDEN: COUNTRY REPORT ON TRAFFICKING IN HUMAN BEINGS

1. Introduction

The Swedish National Police Board has estimated that during the year 2000, between 200 and 500 women were trafficked to Sweden. Most of the women are believed to come from Eastern Europe and the Baltic Countries. The police has noticed several factors indicating an increase in this activity, which was relatively unknown only a few years ago. The police investigators report that the organisers of trafficking in human beings into Sweden seem to use the same channels as those used for other illegal trafficking, for example that of drugs.

Media in Sweden is giving increased attention to the occurrence of

- trafficking in human beings. For example, there have been recent media
- reports about suspicions that a number of larger international sports events have been fraudulently used by traffickers in order to deceive authorities to
- grant visas to young women that were not participating in the events.

2. Legislation

Legislation against Trafficking in Human Beings

In 1998, a Parliamentary Criminal Law Committee on Sexual Offences was established. It was instructed to undertake a complete review of the legal provisions on sexual offences and to consider whether Sweden's legislation needed to be made more stringent. Following the Committee's proposal, the Government submitted a bill to Parliament, focusing on the question of trafficking in human beings for sexual purposes. In June 2002, Parliament passed a law, which specifically makes trafficking in human beings for sexual purposes a separate crime. The **"Prohibiting Trafficking in Human Beings for Sexual Purposes Act"** entered into force on 1 July, 2002.

The new law concentrates on trafficking in human beings for sexual purposes, but the new provision should be seen as a first step towards future extended penal legislation covering all forms of trafficking, such as trafficking for other forms of exploitation. The need to introduce specific provisions on other forms of trafficking is considered in the process of ratification and implementation of international instruments in this field (see below).

The new law has been introduced in the Swedish Penal Code in section 1 a of chapter 4 on Crimes against Liberty and Peace. It covers all cross-border trafficking for sexual exploitation in which the perpetrator exploits the vulnerability of another person. The new provision states that:

Responsibility for the crime of trafficking in human beings for sexual purposes will apply to anyone who

- 1) by the use of unlawful coercion, deception or of any other similar improper means, induces another to go to or to be transported abroad for the purpose of sexual offences, prostitution or other forms of exploitation for sexual purposes,
- 2) for such a purpose and by the use of such improper means as mentioned transports, harbours or receives someone who has arrived to a country under such conditions, and
- 3) commits any such act against a victim who has not attained 18 years of age, even if no improper means have been used.

Attempts, preparations and conspiracy to trafficking in human beings for sexual purposes, as well as failure to reveal such activity, have also been defined as criminal acts (chapter 4, section 10 and chapter 23, section 6).

The punishment shall be imprisonment for a minimum of two and a maximum of ten years or, in less serious cases, imprisonment for a maximum of four years. By Swedish standards this penalty scale is quite severe.

In the past, trafficking in human beings was penalised under different penal provisions. Depending on the individual case, provisions on kidnapping, unlawful deprivation of liberty, placing a person in a distressful situation, coercion, sexual exploitation and procuring have been applicable. It was possible to take legal proceedings against trafficking already before the new law came into being. Now, it will be possible to deal with all the different stages in trafficking as one crime. Another reason for the adoption of a specific law was to highlight the present increase in trafficking in human beings. It is also believed to facilitate international co-operation against trafficking, which Swedish authorities see as the only way to effectively address the problem.

Other Relevant Legislation

According to chapter 6, section 8 of the Swedish Penal Code, a person who promotes or improperly financially exploits casual sexual relations for payment of another person shall be sentenced for *procuring* to imprisonment for a maximum of four years. If the case is particularly serious, imprisonment for at least two and a maximum of six years shall be imposed for *gross procuring* (chapter 6, section 9).

Swedish penal legislation is directed not only against the traffickers that are offering human beings to others for sexual exploitation, but also against the demand for such exploitation. A person who, by promising or giving recompense, obtains or tries to obtain casual sexual relations with someone under eighteen years of age, shall be sentenced for *seduction of youth* to a fine or imprisonment for at most six months (chapter 6, section 10). Furthermore, *obtaining casual sexual services against payment* from adults is prohibited in the **Act Prohibiting the Purchase of Sexual Services**, which came into force on 1 January, 1999. The punishment for the offence is fines or imprisonment for a maximum of six months. This law states that:

"A person who obtains casual sexual relations in exchange for payment shall be sentenced – unless the act is punishable under the Swedish Penal Code – for the purchase of sexual services to a fine or imprisonment for at most six months. Attempts to purchase sexual services is punishable under Chapter 23 of the Swedish Penal Code." (Unofficial translation.)

The attempted offence is, thus, also punishable. The offence comprises all forms of sexual services, whether they are purchased on the street, in brothels or in so-called massage institutes, etc. The legislation is a reflection of an attitude towards prostitution as an undesirable phenomenon. The law focuses on the buyer of sexual services, rather than on the prostitute. The legislator has not considered it reasonable to punish the person who sells a sexual service. In the majority of cases, this person is the weaker person. Another important consideration is that prostitutes may be more motivated to seek help from the society if they do not run the risk of being prosecuted.

3. Police Work

National Rapporteur

Following a joint declaration of the European Union, all its member states will appoint a national rapporteur on trafficking in human beings. In Sweden, the National Police Board, assisted by the National Criminal Investigation Department (NCID), has been appointed. Its duty is to collect and process information about trafficking in Sweden and between Sweden and other countries. The work of the NCID involves large-scale efforts to monitor relevant international criminal contacts, which has resulted in an accumulation of increased knowledge. Since the NCID started its work against trafficking in women, the amount of tip-offs and intelligence information has steadily increased. The NCID regularly reports to the Government.

National Plan of Action

When the NCID was commissioned by the Government in 1997, a national plan of action to prevent and combat trafficking was drawn up. According to this plan, the NCID shall:

- identify and assess the character of the occurrence of the trafficking,
- map out the connection between trafficking in human beings and other gross criminality,
- collect and analyse the police reporting on prostitution, and
- work out a programme to prevent the trafficking.

The following measures and routines have also been initiated:

- A national network with two contact persons in the police services in every administrative province has been established. The network reports to the NCID about possible occurrence of trafficking in women and children. It also includes experts on questions of child pornography.
- The NCID and the National Police Board will organise annual seminars about illegal migration, with participation of the police, coast guard, prosecutors, the migration and customs authorities, the Ministry of Justice and others.
- The above-mentioned authorities are establishing a network for information exchange.

Police Commission against Trafficking

In April of 2002, a special operative police commission with the task to investigate and to take action against trafficking crimes was established within the County Police in Stockholm. The commission consists of some 10 - 15 policemen working full-time with questions of this kind of criminality. Similar commissions will be established in Gothenburg, the second city of Sweden, and in the southern part of the country in the autumn of 2002.

International Police Co-operation

Today, Swedish police is operating internationally through the Interpol, the Europol and the Baltic Sea Task Force. During its chairmanship of the Baltic Sea Task Force, Sweden highlighted the issue of trafficking in women and suggested that it should be dealt with by the Task Force's Operative Committee (OPC). The OPC has decided to appoint an expert group, which will establish liaison with the member states as well as with the Interpol and the Europol. Sweden leads the expert group, which consists of representatives from the police, border control and the public prosecution authorities of the Baltic Sea countries. The experts meet two or three times annually in order to discuss implementation of agreements and decisions made in the Task Force and the OPC. Operational and general information will be exchanged in order to accelerate legal actions.

The NCID will produce proposals for further operational co-operation within the Baltic Sea Task Force. The issues to be investigated and studied include existing legal possibilities for Swedish police to request assistance from the police in other countries and to use them as consultants in Sweden.

An analysis of the scope and nature of trafficking in women in the Baltic Sea Region has recently been initiated.

4. Victim Assistance

Generally

Sweden is working intensively to improve the support to victims of crime, both nationally and internationally. During the Swedish Presidency of the European Union, a framework decision on the standing of victims in criminal procedure was adopted (2001/220/JHA). It obligates the member states to ensure that victims of crime have access to information of relevance for the protection of their interests. It also stipulates that victims shall be ensured a suitable level of protection and that contact between victims and offenders within court premises may be avoided, unless criminal proceedings require such contact. Each EU member state shall also ensure that victims of crime giving evidence in open court will be given adequate protection when necessary.

Victims of Trafficking in Human Beings

On 27 August 2002, a Parliamentary Committee on certain aspects of Swedish immigration policy presented a report entitled "The Smuggling of Humans and Victims of Trafficking in Human Beings". The report (which is available in Swedish, with a summary in English, at www.sou.gov.se) includes a number of considerations on the question of assistance to victims of trafficking. The Committee proposes, inter alia, that temporary residence permits may be granted when this is deemed necessary in order to carry out investigations or court proceedings. Taking into account the importance of the work against trafficking in human beings, the committee found that in cases of serious transnational criminality, there is a need to allow people whose evidence is required to remain in Sweden in order to assist the police and the prosecutor in their investigations. This is proposed to be made possible through the incorporation of a special provision in the Aliens Act. Furthermore, regulations proposed by the Committee would make it possible to issue a *shorter term residence permit* to a victim who is in an acute and trying situation, and who needs a certain amount of time in order to consider whether to co-operate in a criminal investigation for a longer period of time.

The Committee also found that, given the situation in which some of the victims of trafficking find themselves, there may also be cases in which the granting of a *permanent residence permit* could be considered. It is noted that it should be possible to grant such a permit with the support of existing provisions in the Aliens Act.

Those foreigners who apply for a residence permit on the above-mentioned grounds, or who are granted such permits, may be in need of assistance during their sojourn, in the form of medical attention, a dwelling and general living expenses. The Committee proposes that such a person shall be entitled to the same health care and medical attention as that enjoyed by other foreigners seeking asylum.

The Parliamentary Committee concludes by stating that it believes that these proposals, if they are adopted, could take effect on 1 July 2003.

5. Information Campaigns

In the spring of 2002, a Campaign against Trafficking in Women was launched throughout the Nordic and the Baltic States. In May 2002, the Nordic and Baltic ministers responsible for equality issues met in Tallinn for the first of three planned joint seminars under the campaign. (For further information, see www.nmr.ee/women.)

The aim of the campaign is to improve the knowledge and consciousness about trafficking in the population at large and to initiate discussions about the problems of trafficking in women for sexual purposes. The participating states see the campaign as the beginning of an organised and long-term co-operation in combating trafficking.

6. Aid and Development Programmes Abroad

Sweden, as a participant of the Stability Pact for South-Eastern Europe, supports the Stability Pact's Task Force against Trafficking in Human Beings. Through the Swedish International Development Co-operation Agency, a major grant was recently given in support of the regional programme against trafficking, which is pursued by the International Organisation for Migration (IOM) within the framework of the Stability Pact's Task Force. The programme involves protection, support, return and reintegration of the victims of trafficking, as well as preventive education and information. Sweden has also decided to sponsor one staff member to the Stability Pact Task Force on Trafficking of Human Beings.

On June 28, 2002, the Swedish Government decided to grant 9 million SEK (approximately one million Euro) to SIDA in order to strengthen Swedish efforts in combating trafficking in human beings in Central and Eastern Europe. The contribution is primarily to be used for preventive measures, rehabilitation and reintegration programmes for the victims of trafficking and for legal system support in this region. Sweden has also contributed to the ODIHR Anti-Trafficking Project Fund.

The Ministry for Foreign Affairs is financially supporting a project in the Baltic states, led by the foundation "Kvinnoforum" ("Forum for Women"). The aim of this project is to identify volunteer organisations, public authorities and existing networks, which can assist in the prevention of trafficking in women and provide support and rehabilitation for those who have fallen victims.

In the autumn of 2000, Sweden took the initiative to further co-operation between the EU and the ten states in East- and South Asia which participate in the ASEM, aiming at the joint combating of trafficking in women and children. At the ASEM meeting of Ministers of Foreign Affairs in Beijing in May of 2001, a joint plan of action against trafficking in women and children was adopted. The plan focuses on prevention, protection and law enforcement, and on rehabilitation, return and reintegration of the victims. As a part of the plan, the Swedish Ministry for Foreign Affairs has under-taken a study about the demand for trafficking in human beings. The study includes pilot studies in India, Italy, Japan, Sweden and Thailand. It will be published in the autumn of 2002.

7. International Commitments

As noted in section 2 above, the need to introduce legal provisions also on other forms of trafficking will be considered in the process of Sweden's ratification and implementation of international instruments in this field.

Sweden has signed the UN Convention Against Transnational Organised Crimes and its additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. A report is currently being prepared on the legislative amendments and other measures needed for Sweden to be able to ratify and fulfil the obligations established in the Protocol, as well as in the Optional Protocol to the Convention on the Rights of the Child, and to implement the EU draft Council Framework Decision on combating trafficking in human beings. This report is expected to be finalised in the autumn of 2002. It will first be submitted to the relevant authorities and organisations for comments. Subsequently, the Government is expected to submit a bill to Parliament on ratification and the necessary legislative measures.

Vienna, 30 July 2002

TURKEY: COUNTRY REPORT ON TRAFFICKING IN HUMAN BEINGS

Introduction

Organized criminal groups have increasingly taken advantage of technological developments and globalization during the past decades and have expanded their activities worldwide by employing sophisticated strategies. Accordingly, organized crime activities, including human smuggling and trafficking in human beings, have become more transnational and complex in nature. In combating these activities, firm and effective international co-operation and co-ordination, as well as comprehensive strategies dealing with prevention, prosecution and victim protection, rehabilitation and reintegration have become necessary.

Organized crime activities are interrelated. Criminal networks behind human smuggling and trafficking in human beings are also involved in drug trafficking, document fraud, money laundering, arms smuggling and other transnational crimes. It is particularly recognized that human smuggling and trafficking in human beings are now rivaling drug trafficking and other forms of organized crime activities in higher profitability for lower risk. A firm distinction should however be made between human smuggling and trafficking in human beings.

Trafficking in human beings and human smuggling cannot totally be prevented only by establishing a penal and law enforcement regime. A multi-disciplinary approach is required, including appropriate social and economic measures which will address their root causes such as poverty, economic disparities and unemployment. Collective efforts by origin, transit and destination countries are also necessary.

This report deals only with trafficking in human beings.

Situation in Turkey

Turkey, at the cross-roads of Asia, Middle East and Europe, bordering eight countries and lapped by 5,000 miles of coastline, has seriously been confronted with various forms of transnational organized crime, which pose a threat to its social order and human and democratic values.

In recent years, Turkey has become a destination country for nationals of transitional democracies, who are in search of better living conditions and job opportunities abroad in the face of conflicts or economic and social hardships prevailing in their own countries. Unlike other European countries, flexible visa and travel regulations in Turkey enable them to enter Turkey easily on an individual basis, without particular assistance from organized groups or agencies. While their presence in Turkey is generally voluntary, their illegal work and resident status, nevertheless, make them vulnerable to exploitation. Some of them acquire Turkish citizenship through arranged marriages and correct their illegal status in Turkey. Some others end up in small workshops or in private households, working illegally without any job security, insurance or administrative and judicial

safeguards. Those who are employed in tourism and entertainment sector become also vulnerable to sexual exploitation, trafficking and incitement to or forced prostitution.

The situation in Turkey *vis a vis* human smuggling and trafficking in human beings is most often confused with each other. Although Turkey is a transit country for ‘migrant smugglers’, no particular link has been discovered as to the existence of organized transit trafficking activity or trafficking networks on Turkish territory. Turkey’s mere geographical location and large transport connections however allow victims of trafficking to travel through the country to other destinations.

Due to their strict immigration regulations and visa regimes, victims traveling to other European destinations need persons and agencies –criminal trafficking networks- to apply for and obtain a fraudulent visa and it is usually this need and link which make them fall into the trap of trafficking. In Turkey, flexible entry and visa regime for the countries known to be the source of trafficking leads to individual rather than organized cases of trafficking.

In most cases illegal work or residence in Turkey is the personal choice of the individuals themselves. These people are not considered victims of human trafficking, as trafficking occur when coercion, threat and deception are involved.

International obligations

In addition to many longstanding international instruments dealing with ‘white slave trade’ and ‘trafficking in women and children’, Turkey is a party to the Convention on the Rights of the Child. According to Article 34 and 35 of the Convention, States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse and to take all appropriate national, bilateral and multilateral measures to prevent the inducement or coercion of a child to engage in any unlawful sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices, the exploitative use of children in pornographic performances and materials and the abduction of, sale of or traffic in children for any purpose or in any form.

On 9 May 2002, the Turkish Grand National Assembly also adopted the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

In Palermo, on 13 December 2000, Turkey was among the initial signatories of the UN Convention Against Transnational Organized Crime and of its two additional Protocols including the Protocol to Prevent, Suppress and Punish Trafficking, especially women and children. The ratification process for the Convention and its additional protocols are underway.

By adopting these international instruments Turkey clearly indicates her political will to combat against trafficking in human beings in co-operation with the world community and commits herself to translate the provisions included therein into its own legislation.

Legal framework

While individual prostitution is not punishable in Turkey, incitement to prostitution and trafficking in human beings are described as crimes and are punishable through the Penal Code and the Law on Combating Benefit-Oriented Criminal Organizations. Additionally, the Passport Law and the Law on the Prevention of Money Laundering of Turkey, as well as certain administrative decrees and regulations contain provisions that apply to trafficking cases as well.

Incitement to prostitution and women trafficking are described as crime under the Turkish Penal Code. Irrespective of the nationality of the perpetrators and of the place of offence, both crimes are to be investigated *ex officio* and punishable in Turkey.

While Article 435 of the Penal Code applies to incitement to prostitution, Article 436 deals with cases of trafficking. These two articles together cover various ways of incitement or force into prostitution of children, minors, women and men alike.

According to Article 435, punishment for incitement to prostitution ranges from six months to three years imprisonment or a fine depending on the age of the person incited or the level of acquaintance of the perpetrator of the act to the victim.

If the person incited is under the age of 15, imprisonment is no less than two years and a heavy fine. If the inciter is a relative of the minor, or adopted the minor, or is a parent, teacher, guardian, governess or servant, then the punishment is no less than three years.

If the person incited is between the ages of 15 and 21, then the inciter is sentenced to imprisonment of 6 months to two years and a heavy fine. If the inciter is a relative, or has adopted the person, or is a parent, teacher, guardian, governess or servant, or husband, then the punishment is no less than two years imprisonment and a heavy fine.

If the girl or women incited is over 21 and the inciter is her husband or relative, then the penalty required is between six months and two years.

According to Article 436, a person who rapes, or provides for, or sends, or transports for a third person a girl or a women under the age of 21 irrespective of her consent or who rapes, or

provides for, or sends, or transports for a third person a girl or a women over the age of 21 by use or threat of force, violence or by trickery or influence is to be sentenced from one year to three years imprisonment and a heavy fine.

If this crime is committed against a girl or a women under the age of 21 by rape, use or threat of force, violence or by trickery or influence or by her husband, her relative, the person who adopted her, her parent, teacher, guardian, governess or servant, the sentence shall be between 2 and 5 years of imprisonment.

Under Article 313 of the Penal Code, which deals with organized crime activities, the traffickers can be sentenced to heavy imprisonment when they are involved in organizing a network in order to commit the above mentioned crimes.

The Law on Combating Benefit-Oriented Criminal Organizations, on the other hand, criminalizes establishing, promoting, leading or participating in benefit-oriented criminal organizations with a view to carrying out organized crime activities, which could include, *inter alia*, trafficking in human beings. In order to combat criminal organizations, the law empowers the investigative authorities with special procedural techniques such as tapping or intercepting telecommunications, clandestine surveillance, reviewing records and data, employing secret agents. However, to safeguard respect for human rights, judicial decree is sought before implementing such measures. Protective measures are available for witnesses.

In trans-boundary and organized cases of trafficking in human beings, like in any other organized crime activities, perpetrators are tried before the State Security Courts, whereas individual cases of incitement to prostitution fall under the jurisprudence of the courts of justice.

Article 8 of the Passport Code prohibits foreign traffickers from entering Turkey. Among other groups listed in the same article, those who are engaged in prostitution, or earn their living by

inciting women into prostitution, and those involved in trafficking in women are also prohibited from entering the country.

Article 19 of the Code on Residence and Travel of Foreigners in Turkey states that ‘foreigners considered a threat to public safety, or through political and administrative necessity, are invited to leave the country within a determined period. At the end of this period, those who have not left can be deported.’ Girls under 18 can travel to Turkey only when accompanied by their parents or legal guardian, or with their permission.

Legislative review

In fulfillment of the provisions of the UN Convention Against Transnational Organized Crime and its additional protocols, a draft law on additional articles to the Penal Code and on amending the Law on Combating Benefit-Oriented Criminal Organizations has been prepared by the Ministry of Justice and submitted to the Prime Ministry. Early adoption of the bill is among the priorities of the Government.

This draft law, among its other provisions, introduces the definition of the trafficking in human beings into Turkish legal system and criminalizes the act of trafficking as such. The draft law brings heavier penalties for the traffickers, including 5 to 10 years of imprisonment.

The draft law on Working Permits for Foreigners includes provisions permitting foreigners to work in private households and thus legalizing their status in such services. As such they will be protected from exploitation and receive legal and administrative safeguards in their work places.

National coordination and international cooperation

Turkey actively supports counter-trafficking efforts and activities of the OSCE and the Stability Pact Task Force on Trafficking in Human Beings and adheres to the norms and standards developed in these fora for the prevention of trafficking, the prosecution of traffickers and the protection of victims. Turkey also co-operates with IOM, SECI and EUROPOL in these areas.

In Turkey, the Director General of Consular Affairs of the Ministry of Foreign Affairs is the focal point for international contacts in counter-trafficking efforts. Internal co-ordination is provided by the Directorate General of Security of the Ministry of Internal Affairs in terms of security and organized crime and by the Directorate General of the Status and Problems of Women (Prime Minister’s Office) in terms of protection. Prime responsibility for observance of international instruments and their implementation in the field of trafficking in human beings lies with the Department of International Development and Foreign Relations of the Ministry of Justice. The links with foreign prosecutors’ offices are also provided by this department.

The Ministry of Internal Affairs of Turkey has appointed national contact points to cooperate with the Stability Pact Task Force in areas of awareness raising, exchange of expert information, law enforcement and victim protection, whereas the coordinator of the Ministry of Justice has assumed the role of the contact point for legal reform.

A working group established by the Ministry of Internal Affairs has concluded an assessment report on trafficking in human beings. Recommendations include legislation review, preparation of a National Plan of Action and training programs on protection of victims, repatriation,

psychological treatment, awareness raising and training of law enforcement authorities. Joint training programs are organized for the country of origin as well.

The work on the draft Turkish National Plan of Action is based on the model National Plan of Action proposed by the Stability Pact Task Force, which already conforms with the existing practices in Turkey in many respects.

Current activities and needs for improvement

- Prosecution of Traffickers

Under certain conditions prostitution is legal and not punishable in Turkey. It is however prohibited for foreigners. In general terms, prostitution is an individual and personal matter.

Victims of the involuntary prostitution tend to hide or deny their cases due to traditional and ethical reasons. This tendency makes it hard to identify the procurers and organizers of prostitution. When no complaint is lodged by the victims of forced prostitution, legal action against organizers is not possible.

- Victim Protection

Major difficulty is experienced in the area of victim protection and rehabilitation. There is yet no legal arrangement addressing the particular needs of the victims of trafficking. The Turkish Government, within its limited resources provides, if necessary, emergency health service including psychiatric services out of national budget and funds. Victims are provided with free accommodation in various facilities, although there are no officially designated shelters for foreign women. In case of need, they may be placed in shelters for battered women or in student dormitories, hotels and government guesthouses.

They also go through a practical screening process, which involves thorough compulsory medical check at the hospitals. Tests are completed within one day and if no sexually transmitted disease is found repatriation procedures start immediately. Multiple tests are conducted to confirm the diagnose in cases of infection. Final test results should be available before repatriation. In curable cases like syphilis, treatment is also concluded.

Although victims of forced prostitution are identified during medical examinations, the Ministry of Internal Affairs is recommended by the national coordinators to set up a system of interviews in order to specifically identify trafficking victims and to provide psychological and physical rehabilitation.

- Repatriation

Certain difficulties are experienced in the safe return of victims to their countries of origin. It takes between 10 days to 2 months to obtain necessary travel documents. Difficulties are also encountered in covering travel expenses due to lack of special funds.

International assistance is required to establish proper shelters for victims of trafficking initially in İstanbul to be followed by in İzmir, Antalya, Trabzon and Ankara. Special return and reintegration funds are also necessary. Turkey is prepared to co-operate with international organizations and donor countries to develop projects to address these needs.

In situations where personal security considerations prevail, measures such as “humanitarian visas” to enable them to stay in Turkey for a certain period of time before repatriation are also among recommendations extended by the national coordinators.

- Researches and Statistics

Since a full definition of trafficking in human beings is not yet covered by the Penal Code, there are no statistics available in the Department of Judicial Registry and Statistics on trafficking cases. Preparations are underway for detailed data collection regarding trafficking cases. Data collected by the Directorate General of Security on Turkish citizens and foreigners arrested for incitement to prostitution or mediation and on foreigners subjected to administrative action due to prostitution are available in Annex. The Directorate General of the Status and Problems of Women is to expand statistical surveys in an effort to cover data available for trafficked foreigners.

- Awareness Raising/Media Coverage

The Turkish media is sensitive to criminal and humanitarian aspects of trafficking in human beings. Trafficking cases and international developments are reported widely in the media. However, no specific media campaign has so far been undertaken.

Awareness raising activities have focused on official targets such as law enforcement authorities, mainly through training programs. Positive results have been achieved. National coordinators have recommended to the Ministry of Internal Affairs to launch a public awareness campaign to raise sensitivity towards victims of trafficking.

Enlarged Council of the International Women Lawyers Federation, which was held in Turkey on 1 September 2001 had trafficking in human beings as the special topic on its agenda. This civil society event which was opened by Prof. Dr. Hikmet Sami Türk, Minister of Justice, received positive interest by the media.

- Training

Anti-trafficking training is an integral part of the general professional training in the Turkish International Academy Against Drugs and Organized Crimes. During the 4 week basic training program a full day is allocated to special training on trafficking issues. Participants include police officers as well as other national and regional law enforcement officials. Various seminars have been organized by the Ministry of Internal Affairs and the Ministry of Justice to address different aspects of trafficking. Turkish experts join training seminars organized by the Stability Pact Task Force. Special training needs, including the proposal by the Justice Ministry to hold a training seminar in Turkey for judicial personnel have been communicated to the Stability Pact Task Force.

ANNEX

Turkish citizens and foreigners arrested for incitement to prostitution or mediation

	2000	2001	2002*	Total
Incitement to prostitution	249	760	397	1406
Mediators	411	2392	772	3575
Total	660	3152	1169	4981

Foreigners subjected to administrative action due to prostitution

	1996	1997	1998	1999	2000	2001	2002*	Total
Infected by STD	1234	907	847	1212	1677	1225	236	7038
Prostitution	5065	6080	4920	5642	3529	3441	738	23442
Total	6299	6987	5767	6854	5206	4666	974	304480

** January-May 2002*



United States Country Report on Anti-Trafficking Activities

Vienna, 12 September 2002

The United States Government (USG) is undertaking wide-ranging activities, both domestically and internationally, to combat the scourge of human trafficking. The USG has begun aggressive implementation of a newly-adopted law, "The Trafficking Victims Protection Act of 2000", which combats human trafficking by addressing law enforcement and prosecution, victim protection, and prevention needs. In detailing the many activities currently undertaken by the USG, this paper is organized as follows:

1. Overview of the legislative framework of the USG's comprehensive anti-trafficking statute, including its establishment of the USG's equivalent of a national action plan;
2. Government coordination of the five federal agencies primarily responsible for implementation of the U.S. legislation;
3. Training of relevant state authorities;
4. Awareness-raising activities of all the federal agencies;
5. Research projects and media coverage;
6. Aid and development programs; and
7. Bilateral and multi-lateral agreements and activities.

I. Legal Framework and National Action Plan

1. Overview of the Trafficking Victims Protection Act of 2000

The *Trafficking Victims Protection Act of 2000* ("TVPA"), Pub. L. No. 106-386, (effective October 28, 2000) was enacted to combat trafficking, to ensure the just and effective punishment of traffickers and to protect victims. The TVPA added new federal crimes, strengthened pre-existing criminal penalties, afforded new protections to trafficking victims, and made available certain benefits and services to victims of severe forms of trafficking. The Act defines "severe forms of trafficking in persons" as: "(a) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (b) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery." Whether or not an activity falls under the TVPA's definition of trafficking depends not only on the type of work victims are made to do, but also on the use of force, fraud, or coercion to obtain or maintain that work. There is one exception,

however: trafficking covers the use of minors (under age 18) for commercial sexual activity even if there is no force, fraud, or coercion.

Traffickers convicted of certain federal offenses under the TVPA and other statutes may receive prison sentences of up to twenty years for some offenses and up to life for others, they may be required to pay substantial fines, and must provide restitution to victims. They may also be subject to forfeiture of their property used in the commission of the crimes or obtained with proceeds from the criminal enterprise.

The Thirteenth Amendment to the U.S. Constitution outlaws slavery and involuntary servitude (holding another in service through force or threats of force), and provides a basis for criminal statutes. In addition to the trafficking offenses listed in the TVPA, there are other existing federal statutes that may be applicable in particular cases. These include the crimes of 1) human smuggling, 2) kidnapping, 3) transportation for prostitution or any criminal sexual activity (Mann Act), and 4) importation of aliens for unlawful activities, including prostitution, organized crime and racketeering, fraud and false statements, money laundering, and visa fraud.

Under the TVPA, federal criminal offenses that may apply to trafficking in persons include slavery and peonage, sex and labor trafficking in children and adults, and the unlawful confiscation of a victim's documents. The law applies to victims physically present in the United States, American Samoa, or the Commonwealth of the North Mariana Islands, or at a port of entry thereto on account of having been trafficked. The TVPA also establishes new tools and resources to combat trafficking in persons, including an array of services and protections for victims of severe forms of trafficking. With this comprehensive approach to the problem, the TVPA created significant mandates for several federal government agencies, including the Departments of State, Justice, Labor, Health and Human Services and the U.S. Agency for International Development.

2. *Victim Services and Protection*

A federal regulation implementing section 107(c) of the TVPA went into effect on August 23, 2001. It establishes overall implementation procedures and assigns responsibilities for the Departments of State (DOS) and Justice (DOJ) to identify and protect victims of severe forms of trafficking in persons. Specifically it addresses: the identification and protection of victims of severe form of trafficking in persons; access to information and translation services for these victims; legal mechanisms for allowing victims of severe forms of trafficking in persons, who are potential witnesses, continued presence in the United States as well as the right to work; and development of appropriate training by DOS and DOJ.

Section 107 (b) (2) of the TVPA authorizes the Attorney General to make grants to States, Indian tribes, units of local government, and nonprofit, nongovernmental victims' service organizations to develop, expand, or strengthen victim service programs for victims of trafficking. In fiscal year 2002, Congress appropriated 10 million dollars for this new grant program and is administered by the DOJ's Office for Victims of Crime.

3. *Immigration Relief Possibilities for Qualifying Victims of Severe Forms of Trafficking in Persons*

Victims of severe forms of trafficking in persons may be eligible for some types of immigration relief. Availability of relief will be determined by the individual circumstances surrounding the victimization and the specific eligibility requirements of the type of relief sought.

While other immigration relief exists for qualifying aliens in the United States, the following options relate specifically to victims of severe forms of trafficking in persons.

- *Continued Presence*: In order to effectuate the prosecution of traffickers, eligible victims who lack legal immigration status but who are potential trafficking witnesses may receive temporary immigration relief under the continued presence provisions of Section 107(c) of the TVPA. Only a federal law enforcement agency may petition the Immigration and Naturalization Service (INS) for continued presence. INS has the discretion to utilize one of several statutory and administrative mechanisms to authorize the continued presence of victims of severe forms of trafficking. Some of the mechanisms available to the INS for this purpose include parole, stay of removal, and deferred action.
- *T Status*: The TVPA created a new non-immigrant category for victims of a severe form of trafficking. To establish eligibility for “T status” a victim of a severe form of trafficking must demonstrate that he or she has complied with any reasonable requests for assistance in a federal investigation or prosecution of acts of trafficking, is physically present in the United States, American Samoa, or the Commonwealth of the North Mariana Islands, or at a port of entry thereto on account of such trafficking, and would suffer extreme hardship involving unusual and severe harm upon removal. Minors under the age of 15 are not required to comply with requests for assistance in the investigation or prosecution in order to be eligible.
- *U Status*: Non-immigrant “U status” may be available to aliens who have suffered substantial physical or mental abuse as a result of victimization of certain crimes designated by the Violence Against Women Act of 2000 - including trafficking - that violate the laws of the United States, or occurred in the United States (including in Indian territory and military installations) or localities under U.S. jurisdiction. Certain additional other criteria must be met for eligibility.
- Recipients of both the T and U statuses are eligible for employment authorization and may be eligible after three years to adjust their status to that of lawful permanent resident in accordance with federal law and INS regulations. By statute, up to 5,000 T and 10,000 U statuses may be issued to victims annually. Eventually recipients may be eligible to adjust status to that of lawful permanent resident.

Note: Pertinent information on the T status can be accessed by going to the Department of Justice's website at <http://www.ins.usdoj.gov>. Click on the Immigration and Naturalization Service to access: forms and instructions (I-914); the regulation, including a description of eligibility, the application process, its duration (three years), the possibility of recipients to adjust to permanent resident status at the end of the 3 years; and a fact sheet. The form can be found at: <http://www.ins.usdoj.gov/graphics/formsfee/forms/i-914.htm>. The law and regulations can be found at <http://www.ins.usdoj.gov/graphics/lawenfor/interiorenf/antitraf.htm#law>.

4. National Action Plan

The TVPA establishes the U.S. Government’s framework for inter-agency cooperation and the responsibilities of the DOS, DOJ, Department of Health and Human Services (HHS), the INS, the United States Agency for International Development (USAID) as well as other offices and agencies. It also allocated funds to be used for victim assistance. As such, the national framework for action is written into the TVPA. The following section explains the U.S. federal government coordination in detail.

II. Government coordination

The USG has created several interagency structures to ensure it has efficient and effective coordination in combating trafficking and implementing the TVPA.

1. *President's Interagency Task Force to Monitor and Combat Trafficking*

Pursuant to the TVPA, President Bush established the President's Interagency Task Force to Monitor and Combat Trafficking in Persons. This Task Force is chaired by the Secretary of State and is made up of Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Director of Central Intelligence, the Director of the National Security Council, the Director of the Office of Management and Budget, the Administrator of the U.S. Agency for International Development, and other officials as designated by the President. The Task Force's responsibilities include overseeing the development of strategy, planning and implementation of domestic and international policies to combat trafficking in persons. Secretary of State Colin Powell chaired the first meeting of the Task Force in February 2002.

2. *Senior Policy Advisor Group*

Created by the President's Interagency Task Force to Monitor and Combat Trafficking, this interagency group of senior level policy-makers assists the Task Force in overseeing the implementation of the TVPA, coordinating USG actions and programs, and providing policy oversight.

3. *The Department of State's Office to Monitor and Combat Trafficking in Persons*

As authorized by the Act, the Department of State established the Office to Monitor and Combat Trafficking in Persons (TIP Office) in October 2001. The TIP Office leads the development and implementation of U.S. international policy and engagement on trafficking in persons and provides assistance to the Task Force. It prepares reports and analyses on trafficking, including the annual Trafficking in Persons Report. This global report provides the TIP Office with a particularly effective tool to raise awareness of the international trafficking phenomenon, and to begin widespread dialogue on the issue. The TIP Office also coordinates international programs to prevent trafficking and aid victims, and conducts outreach efforts to the public, non-governmental organizations (NGOs), international organizations (IOs), Congress, and the media. In addition, other federal agencies represented on the President's Interagency Task Force provide working level experts to the TIP Office in order to strengthen interagency coordination and assist with Task Force activities. More information about the TIP Office can be found on its website at www.state.gov/g/tip

4. *Trafficking and Worker Exploitation Task Force (Co-Chaired by Departments of Labor and Justice)*

In addition to the Task Force and the Senior Policy Advisory Group, a Trafficking in Persons and Worker Exploitation Task Force meets to coordinate the investigation and prosecution of domestic trafficking cases. This working-level task force also supports a toll-free complaint line for trafficking victims and has produced brochures for law enforcement agents to give to victims. The DOJ plans to devote particular attention this year to developing regional task forces to investigate and prosecute trafficking cases.

III. Training of Relevant State Authorities

All federal agencies charged with TVPA implementation are pursuing aggressive policies to prevent trafficking, to prosecute traffickers and to protect and assist victims domestically and internationally. The success of these policies depends on active training programs reaching working level personnel. These agencies have worked together to create informational brochures on trafficking for victims, NGOs and law enforcement personnel; to conduct training programs for U.S. Government officials; to issue regulations and establish guidelines regarding the protection and assistance for trafficking victims; and to fund anti-trafficking activities in the United States and throughout the world. (Please see section VI on Aid and Development Programs Abroad.) A chronicle of U.S. Government efforts to implement the Act is contained in the document "Overview of the Administration's Implementation of the Trafficking Victims Protection Act," which can be found on the TIP Office's website. In addition, some of these training programs are highlighted below.

1. Foreign Service and Consular Officers

Through lectures at the National Foreign Affairs Training Center (NFATC), Department of State officials from the Office to Monitor and Combat Trafficking in Persons (TIP Office) regularly brief Foreign Service Officers, including Consular and Officers and Ambassadors, on trafficking in persons and visa fraud. This training provides them with substantive knowledge of the nature and scope of the problem; how to identify and assist victims; and how to work with host governments to improve their efforts to combat trafficking. The TIP Office also regularly meets with leadership and officers in bilateral policy offices on trafficking-related issues in their regions.

2. Civilian Police in International Missions

The TIP Office conducts a one-day training for civilian police (Civpol) officers before they are posted in international policing missions. The training covers the trafficking phenomenon and the USG's zero tolerance policy for U.S. personnel involvement in trafficking and trafficking-related activities.

3. INS Personnel

In general, INS conducts trainings on the issue of trafficking for new and advanced immigration officers, including Border Patrol agents, criminal investigators, inspectors, adjudicators, as well as district counsels, new and advanced attorneys, and asylum officers. Some programs are highlighted below:

- In January 2002, the INS together with the Department of Justice's Civil Rights Division and Office for Victims of Crime (OVC) conducted training for staff at its Vermont Service Center on the adjudication of T- status applications.
- INS Training created and distributed an internal training video for all INS personnel with an overview of INS duties and responsibilities under the TVPA.
- INS trains Victim-Witness Coordinators in each district and border patrol sector on the dynamics of trafficking, how to identify a trafficking victim, and benefits and services available to trafficking victims.
- The INS Office of International Affairs is creating a training film on "Trafficking of Women and Children" in coordination with the INS Training Academy.

- Through the INS Internet site, at <http://www.ins.usdoj.gov/graphics/lawenfor/interiorenf/antitraf.htm> and Intranet websites, the INS provides employees and the public with information, forms, and procedural guidance related to the provisions of the TVPA.

4. *Training for Federal Prosecutors and Law Enforcement*

The DOJ has already conducted trainings and will continue to do so for the following audiences:

- Federal prosecutors, law enforcement agents, and victim-witness coordinators at the Department's National Advocacy Center (NAC);
- Staff in U.S. Attorneys' offices through the Justice Television Network, a satellite television network broadcast to these and other offices of the Department of Justice.
- Training program topics have generally covered the following subject matter:
- The various responsibilities under the 107(c) regulation (codified at 28 C.F.R. part 1100), which imposes obligations on all federal law enforcement personnel to identify and protect victims of severe forms of human trafficking, and to provide victims with access to information and translation services.
- The criminal statutes under the TVPA and the related statutes in the U.S. Codes.
- Law enforcement investigative techniques related to trafficking.
- The multi-disciplinary and multi-pronged approaches used in trafficking cases.

5. *Training of Local Law Enforcement on Youth Exploitation*

The DOJ's Child Exploitation and Obscenity Section of the Criminal Division (CEOS) will collaborate with police departments and federal law enforcement to provide training on the trafficking of American youth for exploitation. For instance, CEOS will offer programs through two children's advocacy centers and police department's annual programs in Texas and Alabama.

6. *Directive to Department of Labor (DOL) Field Offices on Victim Services*

The DOL's Employment and Training Administration (ETA) sent a Directive to its field offices outlining the provisions of the TVPA allowing victims to receive job-training and other services without regard to their immigration status. The services provided at ETA One-Stop Career Centers, such as job search assistance, career counseling and occupational skills training, may be of significant value to trafficking victims.

7. *The Health and Human Service' Office of Refugee Resettlement Training Sessions*

The ORR is responsible for certifying victims and ensuring they receive their benefits. In order to inform ORR field staff and NGOs, ORR staff members have held numerous training sessions and seminars, reaching out to approximately 2,000 people since March 2001. These sessions focused on the problem of trafficking, the roles and responsibilities of the HHS within the law, the role of benefit-issuing offices in the HHS certification process, and the services available to certified/eligible trafficking victims.

IV. Awareness-Raising Activities

In addition to the numerous overseas projects and assistance activities mentioned throughout this paper, the U.S. Government would like to highlight some specific awareness-raising efforts conducted from the United States and benefiting foreign and domestic victims.

1. *Enhancing awareness about the TVPA*

Enhancing awareness is a central tenet to the U.S. Government's approach to effectively protecting victims and combating trafficking. The TVPA is a relatively new law and because it offers so many unprecedented rights to victims, including temporary legal status through the T and U statuses, all federal agencies involved in implementing the TVPA conduct outreach to NGOs, law enforcement agencies, legal organizations, student groups and media outlets.

2. *Permanent Funding to the Federal Complaint Line*

To enhance outreach efforts, U.S. Attorney General Ashcroft announced permanent funding for DOJ's Trafficking in Persons and Worker Exploitation Task Force's toll-free complaint line. He also announced the creation of a community outreach program to bolster coordination with local community groups, victims' rights organizations, immigrants' rights organizations, shelters, and other interested groups.

3. *Awareness-raising in foreign posts*

The Department of State created an informational brochure that is targeted to potential victims entitled "Be Smart, Be Safe." It describes the tactics criminal groups use to coerce and traffic women, the risks of trafficking, victims' rights in the United States, and how women can get help while in the United States. The brochure is currently available at 27 U.S. embassies in 24 different languages.

4. *Comprehensive Information for NGOs*

In an interagency effort, the United States produced another brochure, this time for NGOs, entitled "Trafficking in Persons: A Guide for Nongovernmental Organizations." This brochure is available on the web at: <http://www.dol.gov/wb/media/reports/trafficking.htm>.

V. Research and Media Coverage

1. *Current and Ongoing Reports and Studies*

The United States places a high level of importance on trafficking research and information-collection. As such, the government has commissioned various studies by federal agencies, and has supported or commissioned other study projects to be carried out by academic and non-governmental organizations. Some of the ongoing and published research studies, both governmental and non-governmental, are listed below.

- *Trafficking in Persons Annual Report:* The TVPA directs the Department of State to prepare an annual global Trafficking in Persons Report (TIP Report) for Congress, as mentioned earlier in Section II. The first report was issued in July 2001, the second in June 2002. The report

presents information gathered from 186 embassies and consulates, as well as nongovernmental organizations and press reports. It assesses the efforts of the governments of 89 countries determined to have a significant number of victims of severe forms of trafficking. Leveraging the attention generated by its Trafficking in Persons Report, the State Department continuously engages with foreign government officials to promote cooperation and enhanced anti-trafficking campaigns, both regionally and on a per-country basis. Moreover, the report is used as a basis for potential sanctions for governments that are not meeting the TVPA's minimum standards for the elimination of trafficking. The Trafficking in Persons Annual Report can be accessed at www.state.gov/g/tip.

- *Human Rights Reports.* The Department of State continued to expand its reporting on trafficking in persons in the [2001 Country Reports on Human Rights Practices](#), a comprehensive annual report which is produced by the Bureau of Democracy, Human Rights, and Labor. The Human Rights Report contains additional information on all forms of trafficking in persons, with an emphasis on conditions into which victims are trafficked, as well as governmental efforts to assist victims and to protect their rights.
- *Studies by the National Institute of Justice.* The National Institute of Justice (NIJ), the research and development branch of Department of Justice, has provided grants to study the following substantive areas related to trafficking in persons:
 - The commercial sexual exploitation of children in the United States, Mexico and Canada;
 - Sex trafficking of women in three regional U.S. cities and the links between international and domestic sex industries. The study follows the path of a trafficked woman from her point of entrance into a U.S. sex industry to her current status;
 - Trafficking in women from Ukraine. This study developed a database regarding trafficking from Ukraine to various destinations throughout the world;
 - A study of victim service providers that will provide three "snapshots" of how victim services agencies are coping with demands that may be placed on them by the special needs of trafficking victims;
 - NIJ is also hosting a visiting scholar from Rutgers University who is conducting research that focuses on three particular dimensions of trafficking: the profitability of the trafficking business, the organization and structure of the criminal groups involved, and the process or modus operandi of trafficking.
- *International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime.* This research project summarizes the findings of a State Department researcher who conducted an independent study while on a one-year government fellowship. The report can be found on: www.cia.gov/csi or <http://usinfo.state.gov/topical/global/traffic>.
- *The Protection Project:* Implemented through John's Hopkins University School of Advanced International Studies and commissioned by the U.S. government, this provides a database on U.S. and foreign national legislation protecting women and children from commercial sexual exploitation, as well as international treaties, conventions, bilateral and multi-lateral agreements and other regional legal and law enforcement efforts. The database includes comparative analysis of laws and penalties, situation reports on each country, maps illustrating documented trafficking cases and routes, case studies and victim testimonials

2. *Media Coverage*

Because of the open media tradition in the U.S., the media report frequently on the human trafficking phenomenon, both internationally and domestically. There are several non-governmental trafficking-related distribution lists and websites which are widely distributed in the U.S., and the federal agencies maintain updated information on their websites regarding trafficking developments in their relevant service areas.

VI. Aid and Development Programs

The TVPA mandates the U.S. Government increase its activities against trafficking both internationally as well as domestically. As such, the U.S. sponsors numerous international programs which focus on prevention, protection of victims and prosecution of traffickers. Below is just a sampling of some of these international anti-trafficking programs.

1. *Department of State Program Activities:*

- *Support for Non-governmental and International Organizations'(IO's) Activities:* The State Department is actively engaged in extensive cooperation with NGOs and IOs, given their invaluable practical experience in anti-trafficking activities. Such cooperative efforts include substantially increased funding for NGO and IO capacity-building, including strengthening the capacity of women's and anti-trafficking NGOs to assist victims. Programmatic emphasis targets women and children, the primary victims of both sexual and labor exploitation.

The types of State Department-funded programs include: economic development and education programs for both victims and victim prevention; establishment and renovation of shelters, crisis centers, and safe-houses; a wide range of victim assistance providing for their protection, reintegration and resettlement; technical assistance and training for government officials, including promoting sensitivity to the special needs of victims; the promotion of anti-trafficking awareness campaigns; and support for legal, medical and psychological services for victims provided by NGOs and IOs. One specific example of such assistance is through the State Department Bureau of Population, Refugees and Migration which supports shelters for returning victims in Moldova, Ukraine, and Romania.

Another example is the State Department's Bureau of Educational and Cultural affairs (ECA), which sponsors a variety of training and exchange programs for foreign participants who are working to combat trafficking in their respective countries. The ECA's Office of Citizen Exchanges is funding two training programs designed to educate and train media representatives in Southeastern Europe on trafficking issues. The ECA's Office of International Visitors also sponsors three-week US-based programs that address trafficking in persons. Some of the program topics have included: anti-terrorism and international crime issues; "Refugees and Trafficking"; and "Trafficking of Women and Children". Department of Justice attorneys in the Civil Rights and Criminal Divisions have frequently participated as experts in the international visitors programs, meeting with visiting law enforcement officials from various countries visiting the United States to discuss federal anti-trafficking initiatives, enforcement and prosecution.

- *Department of State's International Law Enforcement Trainings:* The State Department also provides funding for training and technical assistance programs to improve the capacity of criminal justice institutions in emerging democracies to address trafficking in persons as a

transnational organized crime. The Department's implementing partners include the Department of Justice and IOs, such as the U.N. Center for Crime Prevention. In these programs, where appropriate, the USG encourages increased cooperation between NGO communities, law enforcement and the courts.. Below are some highlights of specific programs:

- Resident Legal Advisor programs in Romania and Bulgaria also worked on developing effective anti-trafficking legislation, conducted informational and skills development workshops and will continue to work with host governments in the implementation of this legislation and in the area of task force development and prosecutorial skills development. DOS support, provided through UNDP, to the Center for the Prevention of Trafficking in Women in Moldova has been instrumental in allowing to the Center to operate and expand its activities into the provinces.
- In Russia, the Department is funding the creation of a U.S.-Russia Law Enforcement Task Force to Combat Trafficking in Persons. This funding will support the development of a network among relevant Russian law enforcement officials and NGOs, U.S. advisory services, and the procurement of equipment and relevant materials.

2. *Department of Justice Activities*

The U.S. Department of Justice conducts numerous programs both in the U.S. and abroad, all of which stress: legal reforms such as legislation, investigative techniques, appropriate penalties for traffickers; protection of victims and witnesses; the benefits of multi-agency approaches to trafficking in persons; and outreach to NGOs.

- *Overseas Prosecutorial Development Assistance and Training*: Recent programs by this training unit include: 1) Technical assistance programs, with State Department funding, to establish anti-trafficking task forces, for example, in Bulgaria, Romania, Bosnia, Albania and Kosovo; 2) Anti-trafficking seminars, for example, in five Central Asian republics; 3) A series of anti-trafficking roundtables in Armenia; 4) Two programs on child exploitation in India and Sri Lanka.

Attorneys in both the Criminal Division and the Criminal Section of the Civil Rights Division participated in assistance and training in Poland, Bosnia-Herzegovina, Bulgaria, Kosovo, Macedonia, Romania, Greece, Thailand and former Soviet republics

- *International Collaboration*

- In 2003, the U.S. Government is planning to bring together international government officials and NGO representatives for an international conference on combating sex trafficking. The conference will aim to increase dialogue with foreign government officials about sex trafficking and the responsibilities to combat it, foster government-NGO cooperation, and encourage the building of regional and international strategies.
- The U.S. Government actively participated in the Second World Congress on Commercial Sexual Exploitation of Children. The eight-member U.S. delegation participated in workshops and meetings with representatives of other countries on strategies to address law enforcement, prosecution and victim services aspects. A review of U.S. government anti-child exploitation programs can be found at www.usdoj.gov/criminal/ceos/internat.

- Attorneys in the Department of Justice also contributed to the drafting and negotiations for the Protocol on Trafficking for the United Nations Transnational Crime Convention.
 - Attorneys from the Child Exploitation and Obscenity Section of the Criminal Division participate on the Interpol Specialist group on exploitation of children.
- *Additional programs:* The Immigration and Naturalization Service (INS) conducts workshops overseas for immigration officials and border guards.

3. *Department of Labor, Bureau of International Labor Affairs (ILAB) Activities*

- *Regional Economic Empowerment Initiatives for Women:* ILAB negotiated a cooperative agreement with the IREX, a nongovernmental organization, to conduct a two-year anti-trafficking project in Eastern Europe. Started in November 2001, this program aims to prevent the trafficking of women by creating viable economic alternatives for at-risk women in seven major cities.
- *Projects with the International Program on the Elimination of Child Labor.* ILAB has supported projects through the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC) to address child trafficking in 17 countries around the world. These projects rescue children from trafficking and exploitative work situations and provide them with rehabilitation services and educational opportunities. They also undertake efforts to prevent children from being trafficked in the first place.
- *Office of Foreign Relations International Technical Assistance:* ILAB's numerous technical assistance projects under the program objectives 'Improving Economic Opportunities and Social Safety Nets' and in 'Protecting the Basic Rights of Workers' combat trafficking in persons. Projects promote workforce development and employment creation, strengthen unemployment insurance and pension systems, develop reliable labor market information systems, and improve workplace safety and health. Other projects work with developing countries to establish basic labor protections so that workers everywhere can enjoy the fundamental principles and rights at work, including preventive measures to end child labor, forced labor, and discrimination.

4. *United States Agency for International Development (USAID)*

USAID plays an important role within the USG anti-trafficking effort. USAID's mandate and expertise lie primarily in prevention of trafficking, and protection and assistance to victims. The Agency also addresses aspects of enforcement and prosecution through training, advocacy, administration of justice and anti-corruption programs. Policy dialogue with governments in transit and destination countries is an important element of the overall strategy.

The Agency's comparative advantage in addressing trafficking lies in its field missions and their experience with related development activities. A significant part of USAID's development assistance helps create conditions that reduce the vulnerability of women and children to traffickers, including: poverty reduction, girls' education, rule of law, equal rights and economic and political opportunities for women. These development activities in themselves are not sufficient to eliminate trafficking, but they provide an important platform of support and reinforcement for activities specifically targeted at the prevention of trafficking and protection for its victims.

USAID's anti-trafficking strategy emphasizes countries and regions where there is a significant level of severe forms of trafficking, particularly those that are included on the DOS's Annual Trafficking in Persons Report. At the heart of USAID's anti-trafficking efforts are partnerships with international, regional and local organizations including NGOs, Private Voluntary Organizations and faith-based organizations that are fighting trafficking and assisting the victims of prostitution, child labor, and other forms of slavery. Coordination with other parts of the USG and bilateral and multilateral donors is critical. In FY 2002, USAID field missions, regional bureaus and the Office of Women in Development (WID Office) are providing an estimated \$10 million for specifically-targeted anti-trafficking activities in over 30 countries.

VII. Bilateral and Multi-Lateral Agreements and Activities

The United States ratified the Optional Protocol to the Convention on the Rights of the Child, and the Senate has given its advice and consent to ratification of the Protocol on the Sale of Children, Child Prostitution and Child Pornography. The United States plans to deposit its instrument of ratification in the near future. The U.S. has ratified the International Labor Organization Convention # 182 on the Worst Forms of Child Labor. In addition the United States signed 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 (UN Protocol). The UN Protocol is intended to prevent and combat trafficking in persons, facilitate international cooperation against such trafficking and provide for criminal offences, control and cooperation measures against traffickers. The UN Protocol also provides some measures to protect and assist the victims. As a signatory, it is mandatory for the United States to cooperate with other States who ratify the Protocol. In addition, the United States cooperates with States that are not parties to the Protocol.

The United States cooperates with countries of origin, international organizations, NGOs, and the private sector to facilitate the return and reintegration of trafficking victims. The U.S. government coordinates with countries of origin to repatriate trafficked persons as victims rather than illegal migrants. The United States has worked with NGOs such as the International Organization for Migration (IOM) to ensure safe and dignified returns to the country of origin.

FEDERAL REPUBLIC OF YUGOSLAVIA

***Statement delivered by Ms. Brankica Grupković
Assistant Federal Minister for Interior Affairs of the FR of Yugoslavia***

Madam Co-Chairs,

It is my pleasure to participate in the work of this meeting and to present the activities of the Yugoslav team to combat trafficking in human beings and achievements in the very first year of our work. In addition to the Federal team, we have a Coordinator at the level of Republic of Serbia and Montenegrin Anti-trafficking Team. It should be noted that Montenegrin team started its work earlier and it is planned that we will carry out our activities closer in future.

Perhaps there is no need to recall the old times, but I must say that during the previous regime the problems of trafficking and organized crime were completely denied, as it was the case with the of human rights in general. Therefore, the starting point was the need to tackle seriously the problem of organized crime, while on the other hand to respect the human rights and dignity of victims.

The FR Yugoslavia signed the UN Convention against Transnational Organized Crime with the additional protocols in December 2000, while the Federal Parliament ratified those documents in June last year. By signing relevant international documents Yugoslav Government has expressed the political will to respect the obligations arising from them. Above all, the obligation to prevent, investigate and prosecute cases in trafficking of human beings.

In order to fulfill our obligations, within the Yugoslav Team four Working groups were created, which are composed of governmental, non-governmental and international actors:

1. Prevention, awareness raising and Campaigning against trafficking,
2. Assistance to and protection of victims,
3. Amendment of the legislation and strengthening of law enforcement,
4. Collection of data research and evaluation.

The methodology of work was created with the help of Anti-trafficking Task Force of Stability Pact and the OSCE Mission to the FRY, while the financial support was provided by the Governments of Austria, Germany, Switzerland, USA, Netherlands, Canada and Greece. I would like to use this opportunity to thank them for this valuable assistance.

1. Within the Prevention Awareness raising WG, the media campaign "Open your eyes" was launched – with TV spots. Educational programs for female high-school students that include issues of prevention of trafficking, conflict resolution and violence against young girls are under way. Within the same project the SOS info hot-line was established with the main goal to disseminate information on the risk of trafficking in human beings. The compilation of the texts concerning trafficking in women was also published. Documentary movie was made. During this year there will be several other activities, starting from capacity building and prevention in Southern Serbia, education for journalists on trafficking and violence against women and municipal training for broad awareness. Concerning the root causes of the problem, there is a plan for the regional women's empowerment initiative program.

2. The WG for the assistance to and protection of victims had the most challenging task. The first shelter for the victims was opened in Belgrade earlier this year where the necessary support for victims, including medical and psychological care, legal advice and social assistance are being provided. The Code of conduct of a shelter for trafficked woman was also prepared, while the referral mechanisms of trafficked persons - the target groups, source of information, the establishment of mobile teams, returning and reintegration mechanisms were identified.

Return and reintegration assistance that facilitates the safe and dignified return of trafficked persons and children stranded in Serbia and Montenegro are carried out from the last year by IOM.

3. Concerning the Legislation and law enforcement group, the new Federal Criminal law, that will contain the provision on trafficking and related crimes is prepared and will be presented to the Federal Parliament in May or June this year. The new Law on criminal procedure with the special provision on witness protection has been adopted and enforced. Several other laws are in the procedure such as Aliens' law and Asylum law. The intention is to build in the legislation the provisions that will enable the stay of repatriation for the victims during four weeks period and probably some special provisions on the stay of deportation for those who are willing to testify or to give the assistance in relating proceedings.

In November 2001, regional training on criminal law reform on trafficking in human beings in South East Europe was held. Several other trainings were held as well: Strengthening the cooperation of police, social institutions and NGO to build up mechanism for victims protection and educational program for the police officers working on prevention of trafficking. It is planned that a logistical support from the US State Department for the activities of the newly established law enforcement and Anti-trafficking task forces will be provided as well as their integration within regional activities. Later this year several other trainings are planned: training for representatives of judicial system and law enforcement, training for law enforcement representatives, judicial and NGOs and training for court judges who handle prostitution cases on trafficking related issues.

Within the law enforcement cooperation and coordination special regional awareness raising training for the police started in October last year.

4. Concerning the collection of data and research it is important to stress that the Regional clearing point was established in Belgrade. The regional Clearing point has the main task to increase the capacity and effectiveness for victim assistance and protection in the region, enhance the development and regional coordination of national referral mechanism and shelters, return and reintegration projects, ensure quality standards of return, reintegration and shelter projects and to provide relevant information exchange. NGOs are carrying out two projects, the first one that has already started, research on the media presentation of trafficking of women and the survey on trafficking in women.

In conclusion, I would like to once again to express my satisfaction for being able to exchange the experience with the colleagues from other OSCE participating States. We support the OSCE efforts in combating this dangerous and complex phenomenon and we wish the two Co-chairs of the Informal Group for Anti- Trafficking all possible success in their future work.

ANNEX
