

HDIM Monday morning 30 September 2013

Netherlands Helsinki Committee statement

delivered by Harry Hummel, NHC Executive Director

The Netherlands Helsinki Committee works in several projects on safeguarding the rights of victims of human trafficking. These projects are aimed in particular at promoting the rights of victims in law-enforcement and legal procedures. These all too often are dominated by a crime-fighting perspective, neglecting the needs and interests of the victims. We currently coordinate projects with local organizations in Bulgaria, Romania, Slovakia, Albania and Bosnia-Herzegovina that address these concerns by engaging with judges, prosecutors and lawyers.

We also, together with two French NGOs, support a cooperation project of organizations in Serbia, Macedonia, Bosnia-Herzegovina and Croatia that work with and for victims of human trafficking. The project has the title [*Balkans ACT \(Against Crime of Trafficking\) Now!*](#). This project aims at improving state policies with respect to victims in these countries. A [situation analysis](#) on all four countries has just been published. Based on this analysis, a [Declaration](#) has been adopted which calls on the four governments to carry through a large number of improvements in their policies. We are currently collecting support from other civil society organizations for this Declaration. The situation analysis and the Declaration will be made available on the HDIM database. I have hard copies of the Declaration for the representatives of the four countries and a number of copies will also be available outside this room at the end of this session.

The situation analysis concludes that all four countries have laws in place to ensure the prosecution of traffickers and the protection of the rights of victims. In practice, however, there are serious gaps in the implementation of these laws. Victims are often not dealt with respectfully during criminal investigation and trial, their right to protection of privacy and safety and their access to adequate legal aid not secured. Although the law in all countries allows for the possibility to claim compensation as part of the criminal proceedings, not one victim has received compensation, either from their traffickers or from the state. Nor did any victim receive compensation through civil proceedings.

In some cases victims themselves, including children, are detained. In violation of international standards, there are cases in which victims have been prosecuted and punished for offences they were compelled to commit as a direct consequence of their being trafficked.

Corruption is a major problem in all four countries. The involvement of police officers or prosecutors in trafficking has been reported, as have criminal investigations or prosecutions that miraculously came to a halt.

Madam moderator, delegates, our recommendations follow directly from this analysis; they are detailed in the Declaration. As I said the laws are in place to ensure the protection of the rights of trafficking victims; international good practice shows the way for their implementation. We call on the governments of Serbia, Macedonia, Bosnia-Herzegovina and Croatia to honour their international commitments and prioritize proper protection of trafficking victims in their national policies.