



Organization for Security and Co-operation in Europe

*Special Representative
on Combating Trafficking in Human Beings*

EXECUTIVE SUMMARY

"ALLIANCE AGAINST TRAFFICKING IN PERSONS"

HIGH-LEVEL CONFERENCE

ON COMBATING TRAFFICKING IN HUMAN BEINGS,

ESPECIALLY WOMEN AND CHILDREN:

PREVENTION – PROTECTION – PROSECUTION

17 March 2006, Vienna, Austria

One million children are trafficked throughout the world every year according to UNICEF¹ estimates. However, due to the lack of data collection at the national level, as well as the clandestine nature of child trafficking, statistics remain highly elusive. The actual number of child victims is likely to be higher than figures reveal. Furthermore, the data provides little qualitative information on the long term mental and physical health consequences for victims of trafficking. These consequences, especially severe trauma, may be further aggravated by lack of understanding and inappropriate responses to this problem. Moreover, inappropriate identification of adults and children as victims of trafficking has led to situations in which children are seen as delinquents and adults as irregular migrants rather than victims of trafficking.

On 17 March 2006, the high-level conference **“Combating Trafficking in Human Beings, especially Women and Children; Prevention-Protection-Prosecution”** was held in Vienna under the aegis of the Austrian EU Presidency and as part of a joint initiative by the Austrian Federal Ministry of Interior, the Austrian Federal Ministry of Health and Women’s Affairs and the OSCE Special Representative on Combating Trafficking in Human Beings. The conference was the culminating event of a project financed by the European Commission AGIS Programme 2005, the Austrian Federal Ministry of Interior, Swedish Ministry of Foreign Affairs in cooperation with IOM Vienna, and in partnership with the Swedish Migration Board, the Belgian Federal Police, EUROPOL and the OSCE Special Representative on Combating Trafficking in Human Beings: **“Comprehensive Training for Law Enforcement Authorities Responsible for Trafficking in Children/Minors”**.

The conference brought together over 400 experts, including leading government representatives, national anti-trafficking coordinators, national and EU Parliamentarians, international organizations and NGOs from all the OSCE participating States and Partners for Co-operation. This conference provided a forum for the exchange of good practices, as well as the elaboration of practical recommendations to prevent child trafficking, ensure comprehensive protection for victims and effectively prosecute perpetrators. The main issues addressed in the course of the conference were as follows:

- Specific measures to combat child trafficking via capacity building for law enforcement professionals;
- Long term mental and physical health consequences for victims of trafficking, in particular traumatisation;
- Implications for the prosecution of the health status of trafficked victims, particularly women and children.

Within the course of the conference, speakers addressed a number of key issues important to the understanding of the conference’s main themes. The representative of the Belgian Chairman-in-Office, Ambassador **Francois del Marmol**, reminded participants that the complex nature of trafficking in human beings requires a well-balanced approach as well as concerted cooperation between all actors (i.e., law enforcement, NGOs and IOs) among the countries of origin, transit and destination, including a swift exchange of information and reallocation

¹ Annual Report “The State of the World’s Children” 2005

of budgetary resources. Ambassador Del Marmol stressed, "*In the fight against trafficking, a lack of attention to the victims has given way to a lack of attention to the work of prevention and suppression, resulting in an imbalance that in turn needs to be compensated*". The OSCE Secretary General, **Ambassador Marc Perrin. de Brichambaut**, highlighted that fighting the horrendous crime of child trafficking, while ensuring the safety and well-being of this most vulnerable group in society, should remain a common goal within the OSCE region if human development, prosperity and security at regional, national and international levels are to be promoted. The OSCE Action Plan and its Addendum, Addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance, provide the basis for institutional anti-trafficking efforts throughout the region. In this context, the AGIS initiative responded to the two sets of recommended actions envisaged in the Addendum, namely: "*facilitating special training for law enforcement and direct service personnel on proper and effective methods to identify child victims of trafficking*" and in "*developing child-friendly procedures related to criminal and civil proceedings, from initial questioning to the conclusion of the proceedings which are consistent with the rule of law*".

The EU Commissioner for External Relations and European Neighbourhood Policy, **Ms. Benita Ferrero-Waldner**, emphasised that the fight against human trafficking rests on the principle of a comprehensive approach, in which prevention of trafficking, the protection of victims and the effective prosecution of traffickers are the three pillars of the counter-trafficking policy of the European Commission (EC). In this context, the implementation of the EU Action Plan is one of the key priorities on the agenda of the Commission. According to the Commissioner, the comprehensive approach also implies greater cooperation with international and regional organizations, illustrated by the fruitful collaboration with the OSCE, particularly through the "Alliance against Trafficking in Persons". Furthermore, a comprehensive approach also means focusing on the entire chain of trafficking in all the countries involved in this process. A comprehensive approach also requires promotion and upholding of the rule of law and further work on institutional building. The European Commission has supported a number of activities via its national and transnational programmes, such as DAPHNE, AGIS, AENEAS and the European Neighbourhood Programme. EC efforts throughout neighbouring countries is contributing to building institutions that enforce the rule of law and promote respect for human rights which, in the words of the Commissioner "*is a key element for implementing commitments on institutional and practical protection and rehabilitation of victims of trafficking*". Among new developments, the Commissioner mentioned the upcoming new program on protection of migrants against exploitation and the new communication on children's rights.

The Austrian Federal Minister of Interior, **Ms. Liese Prokop** expressed her appreciation for the growing awareness among the States regarding THB, as well as the recognition of the need for international cooperation in order to fight this problem. As part of the work within the EU Plan on Best Practices, Standards and Procedures for Combating and Preventing THB, the Austrian Presidency has set itself three goals as follows: 1. to achieve a better collective understanding of the problem and to maximise the effectiveness in dealing with it through concerted efforts by the Member States and the European Commission, 2. to support a human rights-based approach as well as the needs of victims of trafficking, and 3. to enhance the development of operational measures to combat human trafficking within the European Union. The Austrian Federal Minister of Health and

Women's Affairs, **Ms. Maria Rauch-Kallat**, emphasised that both physical and psychological health consequences for victims of trafficking are devastating and therefore psychological, social and legal support, provided by governmental agencies in cooperation with specialised NGOs, is indispensable. Moreover, building appropriate national structures and capacity for reintegration, including opportunities for reinsertion into the labour market, is necessary in order to prevent victims from being re-trafficked. Furthermore, Minister Rauch-Kallat called upon Member States of the Council of Europe to sign and ratify the Council of Europe Convention on Action against Trafficking in Human Beings, which is the first human rights instrument that addresses THB comprehensively and seeks to strengthen the protection afforded to victims.

"Trafficking in human beings, and especially trafficking in children, is the darkest side of migration" said the Deputy Director General of the IOM, **Ms. Ndioro Ndiaye**. According to IOM, there is emerging evidence to suggest that the exploitation of trafficked children is often progressive; once trafficked, children are vulnerable to repeated and various forms of exploitation. Among the most worrisome aspects of child trafficking today is the huge gap in the identification of child victims, as well as under-reporting. Despite indications of a significant growth in internal trafficking, authorities still place greater emphasis on trafficking for sexual exploitation and on third country nationals as potential victims. Ms. Ndiaye stressed that one of the consequences of the ever-increasing complexity of global migration movements today, vis-à-vis the vulnerable position of children, is the increasing phenomenon of disappearances of unaccompanied minors from the reception centres in countries of destination in Western Europe. In her words, *"It is therefore crucial that whenever doubt as to a migrant child's status exists - the State should provide at least the same level of protection as it would for one of its nationals"*. In addition, Ms. Ndiaye called upon States to consider human trafficking as a core migration issue, which should be considered when contributing to the upcoming High Level Dialogue on Migration in New York this fall.

Ms. Ruth-Gaby Vermoth Mangold, MP, Council of Europe Parliamentary Assembly, reiterated that the aim of international action is not only to combat human trafficking but ultimately to provide better protection to its victims. Furthermore, she highlighted the fact that international accords, treaties and conventions include sufficient measures to combat trafficking, but governments "lack the political will" to implement them. To be useful, such instruments need to be transposed into national legislation and this process is lagging behind. The latest Council of Europe Convention on Action against Trafficking in Human Beings, for instance, has been so far signed by only 25 out of the Council's 46 member States.

In his remarks the Executive Director of the UNODC, **Mr. Antonio Maria Costa**, challenged the participants of the conference with critical questions on practical counter-trafficking measures taken by their respective Governments to comply with their obligations in the areas of prevention, protection and prosecution as delineated in the UN Protocol². He also pointed out that taken together - the UN Convention against Transnational Organised Crime supplemented by the Protocol mentioned; the EU Action Plan to Combat Trafficking in Persons;

² Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. G.A. res. 55/25, annex II, 55 U.N. GAOR Supp. (No. 49) at 60, U.N. Doc. A/45/49 (Vol. I) (2001).

the new Council of Europe Convention on Action against Trafficking in Human Beings; the OSCE Action Plan to Combat Trafficking in Human Beings, as well as the different national strategies - demonstrate no shortage of counter-trafficking manifestos. It is above all the lack of political will which lies behind the continued exploitation of victims of trafficking.

Practical implementation of commitments and obligations was also at the centre of the address by the OSCE Special Representative on Combating Trafficking in Human Beings, **Dr. Helga Konrad**. Dr. Konrad reminded participants that, in spite of concerted international attention for more than five years on THB, there are still key challenges for countries around the world concerning the implementation of sound and effective responses which produce meaningful results against this crime. Establishing workable anti-trafficking laws, effective policies and good practices should be a priority if concrete results are to be achieved. The OSCE Special Representative highlighted three main points. First, the need for institutionalised coordination structures with distinct operational and decision-making levels (i.e., national coordinator, national rapporteur, comprehensive referral mechanisms, etc). Second, the implementation of a human rights-based approach in which the status and protection of the victims are at the very centre (i.e., granting of a reflection period and temporary residence permit irrespective of the victim's ability or willingness to testify in criminal proceedings, automatically granting an extended stay for child victims, etc). Moreover, there is a need to create or significantly strengthen support service networks in which cooperation between state agencies and specialized NGOs is institutionalized. Third, governments need to tackle the entire chain of criminal networks throughout the countries involved and pursue the financial assets of the networks, the vital blood of the criminal groups. In this regard, law enforcement must cooperate across borders and engage in proactive rather than reactive investigations. The OSCE Special Representative concluded by saying *"What we need is a profound understanding of all that human trafficking involves and of all that is required to counteract it – from the proper identification of trafficking situations via the proper protection of victims, the proper investigation of criminal networks to the proper prosecution and conviction of perpetrators"*.

The conference also drew particular attention to the long-lasting physical and psychological health implications for victims of trafficking and the need to identify and effectively implement appropriate responses in this respect. Addressing the special vulnerability of children in terms of their physical and mental well-being, intellectual capacities, emotionality and socialisation, **Prof. Max Friedrich**, a senior child and youth psychiatrist and psychologist, emphasized the significance of an integrated child-specific approach which involves taking account of all four areas. In this context, health consequences such as physical injuries and traumatisation resulting from exploitative labour conditions, jeopardise the development of children and require a particularly sound response in terms of secured and guaranteed specialised medical care, including prevention, diagnosis, therapy and, if necessary, rehabilitation. Moreover, it is indispensable that educators, psychologists and psychotherapists work together in the best interest of the child. Above all, an all-encompassing level of harm caused to so many aspects of the health and well-being of child victims should be converted into a common challenge to all actors involved in the fight against human trafficking, including authorities at the operational and decision-making level.

Recommendations on combating trafficking in children identified during the international training seminar were presented by **Brigadier Kurt Hager**, Austrian Federal Ministry of Interior, together with the **"Resource Book**

on Good Practices in Combating Child Trafficking". The Resource Book, which targets law enforcement services, contains a number of identified good practices and recommendations for appropriate assistance of child victims of trafficking: methods of identification and age assessment; interviewing and investigative techniques; concrete ways of cooperation between law enforcement agencies and NGOs/social service providers. The Resource Book aims to raise awareness and knowledge of the problems and complexities of child trafficking cases as well as to improve the practical skills and the capacity of law enforcement officers to effectively tackle this problem. In addition, as part of the event, Save the Children presented the Austrian EU Presidency its "**Statement of Good Practice' for Separated and Unaccompanied Children".**

Another senior psychiatrist with long-standing experience in dealing with PTSD, **Dr. Heike Gerhardt** focused her intervention on trauma and the consequences and needs of the victims. She stated that stabilization is the highest priority when dealing with trafficked victims. It is "*crucial to establish a physical and emotional safe environment, to organize a psychological support system, including specialized treatment of PTSD, to provide victims with information on the nature of the trauma, as well as on the ways of dealing with the post-traumatic mental responses and its implications*". Dr. Gerhardt stressed from a medical point of view, that active steps need to be taken to ensure that traumatized patients are in an environment that is both physically and emotionally safe, otherwise recovery is unattainable. This implies that appropriate services for trafficked victims, ranging from accommodation to counselling, must be provided in accordance with their individual needs in the short and long term.

Ms. Cathy Zimmerman, Researcher from the London School of Hygiene and Tropical Medicine, reminded participants that trafficking victims tend to suffer long-term physical, sexual and psychological problems as a result of their trafficking experiences. Moreover, health complications do not only result from exploitation, but also from experiences prior to and during the abusive situation (e.g. family abuse, poor means of transportation, inhuman and degrading living conditions, violence, and injury during the trafficking situation, etc), thus resulting in multiple dangers and cumulative physical and psychological harm. Re-traumatization during police or immigration questioning or while providing court testimony may occur if appropriate measures are not taken. The results from the study presented by Ms. Zimmerman showed a high incidence of cases in which victims have experienced physical abuse and social problems prior to the trafficking experience, and a range of serious physical health symptoms (i.e., neurological, gastro-intestinal, sexual and reproductive, mental, injuries and infections) after exploitation. "*Women are experiencing symptom levels that are frequently identified among torture victims,*" she stressed. Based on the findings of this empirical research on the health consequences of THB for victims, Ms. Zimmerman recommended that states take this evidence into account to improve their policies and provide a more holistic care for victims, which is a starting point to rebuild their health and well-being. Moreover, a neglected approach to the psychological and physical health of a victim of trafficking has an impact on the persons' ability to participate in and contribute to criminal proceedings against traffickers. Impaired cognitive functioning can significantly hinder a woman's ability to recall and recount her experience, which may mistakenly be interpreted as being uncooperative or untruthful. **Mr. Henk Werson**, from the Expertise Center Human Trafficking and People Smuggling, stressed that due to the experiences of trafficking, victims lack trust

towards authorities, whom they perceive as strangers; they display confusion and inconsistency and are prone to withhold information. This situation, combined with trauma/ makes the work of law enforcement difficult, thus it is important to invest in building relationships with the victims building on the help of social services, as well as to give the individuals time, since "*victims of trauma don't remember everything all at once*".

In her concluding remarks, the OSCE Special Representative summarised the results of the conference by pointing out that over the last few years the OSCE Ministerial Council had adopted seven Ministerial Decisions on THB, which clearly indicate that this is a priority for the organization. Therefore, it is now time to focus on the implementation at national level with full commitment and adequate **budgetary resources**. The Special Representative thanked the Austrian EU Presidency, represented by the Austrian Federal Ministry of Interior and Ministry of Health and Women's Affairs, as well as IOM and other IOs and NGOs, for the fruitful cooperation in bringing about this successful event. The Special Representative called upon OSCE participating States and Partners for Co-operation to take into consideration the following recommendations and points of action:

Child Trafficking

RECOMMENDATIONS FOR PARTICIPATING STATES:

- Process every child trafficking case individually, and make every effort to elaborate a durable solution based on the rights, welfare and best interests of the child, while taking into account his/her views;
- Strengthen the existing networks of child protection;
- Develop and implement child-friendly procedures in criminal and civil proceedings (e.g. special child friendly rooms for interview, use video and audio recording, avoid repetition of testimony, use intelligence based investigations);
- Do not criminalise, nor detain children and adult victims for acts arising directly from the trafficking process (e.g. use of forged documents, illegal border crossing, etc.);
- Implement at the national level existing tools (the OSCE Action Plan and its Addendum, Save the Children Statement on Good Practice, UNICEF Guidelines on the Protection of the Rights of Children Victims of Trafficking in South Eastern Europe, the Council of Europe Convention on Action against Trafficking in Human Beings, etc.)

Healthcare

RECOMMENDATIONS FOR PARTICIPATING STATES:

- Ensure the rights of victims to immediate healthcare regardless of legal status or ability to pay;
- Develop policies and allocate budgetary resources to respond to urgent and longer-term healthcare needs of victims.

In practice, police and immigration personnel must:

- Ask presumed victims about their health concerns and pain;

- Respond to urgent medical needs of trafficked person before questioning or interviewing them.

The Implications of the Health Status of Victims for the Prosecution

States need to:

- Improve police and judicial practice to avoid re-traumatization;
- Use audio and video technology for taking evidence and conducting hearings of victims;
- Avoid repetition of hearings;
- Avoid face-to-face contact of victims with alleged perpetrators;
- Ensure the protection of the physical safety of the victim;
- Provide victims with a real perspective of compensation, which would motivate them to come forward and report to the authorities.

General recommendations addressed by the OSCE Special Representative on Combating Trafficking in Human Beings included:

- Strengthen national coordination structures;
- Appoint National Rapporteurs (an EU Rapporteur);
- Establish a State fund to award compensation to victims.