



IOM International Organization for Migration
OIM Organisation Internationale pour les Migrations
OIM Organización Internacional para las Migraciones



“Training of border guards, border police and custom officials in identifying of and providing assistance to the victims of trafficking”

Identification and Protection of Victims of Trafficking

Summaries of the country research reports

July 2005

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Introduction

In the framework of the project, *"Training of border guards, border police and customs officials in identifying of and providing assistance to the victims of trafficking"*, the International Organization for Migration (IOM) via its country offices, has carried out research between April and June 2005. The research looked into the legislation and practices in thirteen countries with regard to the identification and protection of victims of trafficking¹ as well as the interagency and international cooperation in this respect. The countries involved were Belgium, The Netherlands, Ireland, the United Kingdom, Finland, Estonia, Lithuania, Slovenia, Hungary, Romania, Bulgaria, Ukraine and Moldova.

Moreover, the research assessed the needs and gaps in terms of training on trafficking in human beings of the project's target group, which includes border police, law enforcement (police), customs officers and Immigration Liaison Officers, in the thirteen countries above. The purpose of this research component was to gather background knowledge for the development of the project's training sessions and training materials, and to ensure that these respond to the needs and expectations of the target group.

The research activities included the collection and analysis of background materials and a qualitative survey among the target group. In the framework of the qualitative survey interviews were conducted with representatives of the border police, law enforcement (police), customs officers and Immigration Liaison Officers. In addition to these institutions, a number of other services/organizations, e.g. social and labour inspection services, NGOs and reception centers, at times, come into contact with victims of trafficking and thus they were also interesting interlocutors for the research.

The present document summarizes the main findings of the thirteen country research reports. It gives an overview of the situation in the thirteen countries with regard to victims' identification and protection and interagency and international cooperation in this respect. Moreover, the training needs of the project's target group in the field of combating human trafficking are summarized.

The document shall provide background information for the first meeting of the project's Steering Committee. The Steering Committee will gather national and international experts in the field of trafficking in human beings (THB) or with experience in organizing counter-trafficking training to law enforcement officers. The task of the Steering Committee is to review the results of the countries' research. On this basis, the members of the Steering Committee will advise on the format and subjects of the three training sessions foreseen in the project.

The document presents the research results by dividing the thirteen countries according to their position in the trafficking system, i.e. as a country mainly of origin, transit or destination. The level of identification procedures and protection mechanisms in place, or needed, depend much on the country's position in this system.

Firstly, this report presents the main findings of the research carried out in the origin countries of human trafficking, namely Ukraine, Moldova, Romania, Bulgaria and Lithuania. Secondly, the results of the country research in the transit countries, Slovenia, Hungary and Finland are summarized. Finally, an insight into the situation in the destination countries of human trafficking (Belgium, the Netherlands, the United Kingdom and Ireland) is given. The classification of the thirteen countries into countries mainly of origin, transit and destination does not mean that the countries belong exclusively to one of the category. In some cases, countries are origin, transit and even destination countries of human trafficking at the time.

¹ The research looked into the phenomenon of trafficking in human beings, as defined in the UN *"Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime"* on 15 December 2000 in Palermo. Consequently, the research did neither limit trafficking to women and children nor trafficking to exploitation in the sex industry, but addressed the whole range of the phenomenon of THB.

Country report on Ukraine

I. Introduction and research methodology

In March 1998, the Ukrainian parliament amended the Criminal Code by adopting Article 124-1, making Ukraine one of the first countries in Europe to formally criminalize human trafficking.² Amongst Ukraine's most recent and pertinent counter-trafficking developments are: the ratification of the UN Convention against Transnational Organized Crime and the supplementary Protocol. Furthermore, new draft laws are being prepared to bring Ukrainian legislation into accordance with international standards. Government programmes to combat trafficking have also been instituted. The most recent of these is the *Comprehensive Programme for Combating Trafficking in Persons for 2002-2005*, incl. thirty-three tasks in the prevention and prosecution of trafficking and the protection of trafficked persons in Ukraine.

In order to collect the data for the research, the questionnaires were sent to the following Ukrainian institutions:

- The Ministry of Interior of Ukraine, the Counter-trafficking Department;
- The Ministry of Interior of Ukraine, the Counter-trafficking Department in Luhansk Oblast Directorate;
- The Office of the Prosecutor-General of Ukraine, the Legal Support Department;
- The Office of the Prosecutor General, Department for Control of Compliance of Specialized Units and Other Governmental Bodies in Charge of Combating Organized Crime and Corruption in the Course of Pre-trial Investigations;
- Court of Lugansk city Zhovtnevy District;
- The Embassy of Ukraine in Hungary;
- The NGO - Ternopil City Women's Club "Revival of the Nation";
- The NGO "Faith, Hope and Love" Odessa Oblast.

II. Scale and nature of THB

Ukraine is one of **the main countries of origin in Europe** for human trafficking. Since 2000, IOM Kyiv assists trafficked victims returning to Ukraine with reintegration assistance. The case load of 2.062 victims evidenced that Turkey, the Russian Federation and Poland are currently the main destination countries. Most victims are female; the vast majority of them being trafficked for the purpose of forced prostitution and sexual exploitation. The average age is approx. 26 years, although recent trends indicate that trafficked victims are getting younger. This development is directly related to the progressive increase of trafficking to Russia and to CIS countries.

Due to its geographic and economic situation, Ukraine serves also as a transit country for trafficked persons. The porous border crossings between the RF, Moldova and Belarus, Ukraine's proximity to the EU and its common borders with EU applicant states are all factors conducive to the trafficking of women through Ukrainian. Another observed pattern is the trafficking of Moldovan women through Ukraine to eventually reach the RF or Turkey.

III. Identification

Under the provisions of Article 49 of the Criminal Procedure Code, the law enforcement officers should assess the trafficked victim as a person who has suffered moral, physical and or material damage and issue a resolution recognizing the victim as a victim.

According to interviews with an officer of the Ministry of Interior of Ukraine, the CT Department law enforcement bodies are the key source of identification of trafficked victims during their operational activities. In 2004 alone, criminal investigation bodies of the Mol investigated 159 criminal cases on 355 crimes of trafficking in persons, initiated under Article 149 of the Criminal Code. 208 traffickers were brought to justice and 517 victims of trafficking were identified.

² In April 2001, a new Criminal Code was adopted and according to Art. 149, trafficking in persons is an indictable criminal offence.

Moreover, national and international NGOs play an important role in identification of trafficked victims, as they support victims' return home and their social reintegration. National NGOs are primary referring organizations of victims of trafficking to IOM and are crucial partners for IOM in its overall strategy to combat this phenomenon. Since 2001, 76% of all referrals for direct assistance have been from NGOs within Ukraine. According to the NGOs, the main channels of victims' identification in Ukraine are NGOs, law enforcement bodies, border guards, hotlines etc. In addition, many victims who get assistance from the IOM and its NGO partners in turn refer other victims of trafficking.

IV. Protection

The majority of trafficked victims return to Ukraine individually and apply to law enforcement bodies or to non-governmental organizations. After their return to Ukraine, trafficked victims can get social assistance in the framework of reintegration programs of national and international NGOs and intergovernmental organizations, such as IOM, incl. psychological, medical, legal, financial support and other types of assistance.

There is no special program or a separate law/regulation on trafficking victims/witnesses protection, as it is not appropriate to distinguish victims/witnesses of trafficking from witnesses/victims of other grievous crimes. Under Ukrainian law, **witness protection** is provided by the *Law on the Protection of Individuals Involved in Criminal Proceedings*. While these protections are extensive in theory, in reality they are rarely utilized due to a lack of resources. Furthermore, their application is often conditional.

V. Interagency and International Cooperation

Under the *2002-2005 Comprehensive Programme* the Government of Ukraine established the **Inter-ministerial Coordination Council of Ukraine on Trafficking**, gathering a range of institutions dealing with THB. Its purpose is to coordinate Ukrainian efforts to combat, prevent and discourage trafficking, and to strengthen the capacities of relevant government authorities and civil society in Ukraine to more effectively combat trafficking.

Moreover a specialized independent **Counter-Trafficking Unit within the Mol** was established. Specialist investigators in each of the oblasts dealing with all trafficking cases within their jurisdiction were appointed.

Furthermore, the *2002-2005 Comprehensive Programme* requires that the Ukrainian Government "ensure involvement of international and non-governmental organizations into [the] implementation of projects, aimed at prevention and combating trafficking in persons, protection of rights of victims of trafficking, search for persons who disappeared abroad, return and rehabilitation of victims of trafficking in persons."

Furthermore, cooperation between Ukrainian and foreign law-enforcement agencies regarding trafficking in persons and illegal migration is mostly based on **bilateral agreements on cooperation in combating crime with various countries including**: Latvia (2000), Kazakhstan (1999), **Moldova (1999)**, **Romania (1999 and 1992)**, the Czech Republic (1997), Germany (1995 and 1992), **Hungary (1995)**, Uzbekistan (1995), **Bulgaria (1994)**, Israel (1994), Turkey (1994), the Slovak Republic (1993), and Poland (1992).

Last but not least, Ukrainian law enforcements are particularly interested in cooperating with **Europol**. In 2002, Ukraine became a country-observer in the Regional Centre of South-eastern Initiative for Combating Trans-national Crime (SECI).

VI. Training gaps and needs

Significant efforts have been given to train law enforcement as well as NGOs on the issue of trafficking in Ukraine, often with IOM Kyiv support. **Currently, training needs are fulfilled within most areas.** Additional trainings should only be provided with a **focus on very specialized areas**, still considering the possibility of training fatigue.

It has to be mentioned as well that a series of regional topical seminars, dedicated to improving cooperation mechanisms in the course of investigation of trafficking-related crimes, have been scheduled for the year 2005 with support from IOM Kyiv.

Country report on Moldova

I. Introduction and research methodology

The Government of Moldova does not fully comply with minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In January 2005, the government established a working group with NGO participation to draft a **new National Action Plan** that will replace the outdated 2001 Action Plan. Additionally, **new legislation to comprehensively address all aspects of trafficking** was approved by the Government and passed the first hearing in the Moldovan Parliament in June 2005.

A number of governmental authorities are directly involved in identifying and referring victims of trafficking: the Anti-Trafficking and Transport Police Units of the Ministry of Internal Affairs, Consulate Department of the Ministry of Foreign Affairs and European Integration, Department of Border Guards, and the Customs Department. These core agencies were all selected to participate in the survey and the current research project.

II. Scale and nature of THB

Moldova is primarily a **source country** for persons, particularly women and girls, trafficked for the purpose of sexual exploitation to the Middle East and European countries west and south of Moldova. It is also to a lesser extent a transit country to European destinations for victims trafficked from former Soviet states. Moldovan victims are increasingly trafficked to Turkey, the Middle East (including the United Arab Emirates (U.A.E.) and Israel), and Russia (particularly minors). New information indicates that Moldovan men are trafficked to Baltic and other former Soviet states for the purpose of labor exploitation, esp. in the agricultural and construction sectors. Moreover, an increased number of families is trafficked to Poland for forced begging. The small breakaway region of Transdnistria in eastern Moldova is outside the central government's control and remained a significant source and transit area for trafficking in persons.

III. Identification

Currently there are **no measures to specifically foresee the identification of victims of trafficking within Moldovan legislation.**

However, the **draft Law on Prevention and Combating THB** briefly outlines the process of **identification of trafficking victims**. Art. 15(1) states that identification entails verifying persons presumed to have been trafficked. Art. 15 (2) further indicates that public authorities and members of the NGO community who have a reasonable belief that a person was trafficked, are to initiate the identification process. Besides these two brief explanations, the Draft Law does not go into details as to what "verification" actually means and what specific measures are to be undertaken.

While most of the interviewed agencies reported that NGOs and the National Toll-Free Hotline as well as other hotlines are the principle sources of identification for victims of trafficking, they also referred to the law enforcement authorities as to the principle source of information.

Based on the data presented by the *Anti-trafficking Unit of the Ministry of Internal Affairs*, the principle channels used for identification of victims which includes the process of dealing with identified cases include: information collected during operational activities; referrals from the victim's relatives and friends; and info collected through international collaboration with the other CT actors. The law enforcement relies also on NGO, IOs, hotlines and local authorities in identification of victims of trafficking.

As to identification of Moldovan trafficking victims abroad, it occurs on an ad hoc basis through the embassies and with the aid of some NGOs who will refer the case to the nearest Moldovan Embassy.

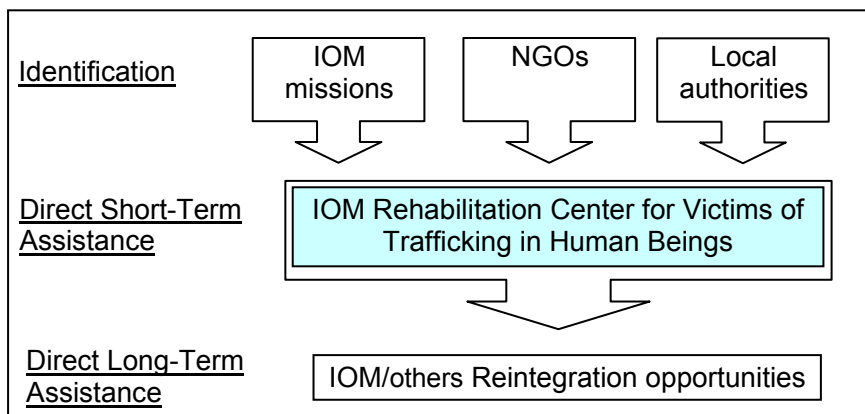
IV. Protection

The **Criminal Code** and the **National Plan of Action on Combating THB** constitute the main legal framework in force, which foresees measures for protecting and assisting victims of trafficking. Also, the **Draft Law on Prevention and Combating THB** after entering in force will act as an additional legislative background with regard to protection and assistance of trafficked victims. While protection

and assistance is so far conditional on the victim's cooperation with the law enforcement officials, with **the new Law, victims will not be obliged to co-operate, being *per se* entitled to receive adequate housing, medical care etc.**

So far, the **National Plan of Actions on Combating THB** lists the following measures for protecting and assisting victims of trafficking:

- Establishment of specialized reception centers within Moldova's welfare system which would help reintegrate victims into society;
- Development of means for meeting victims, giving them shelter, accompanying them to their places of residence, counseling, monitoring of cases;
- Based on bilateral agreements concluded with other states, creation of procedures regarding the repatriation of victims of trafficking;
- Issuance for non-charge of travel and identification documents for the return of the victims;
- Provision of social support services upon the return of victims, etc.



Moldova does **not** have an **officially functioning referral mechanism.**

However, the Anti-Trafficking Unit signed cooperative agreements with two leading anti-trafficking organizations.

Recovery assistance to victims of trafficking and victims returning to Moldova as well as reintegration assistance is offered primarily through the **only rehabilitation center in Moldova for trafficked**

persons, operated by IOM Chisinau and other comprehensive IOM programmes.

The Moldovan Government provided practically no funding to NGOs for victim assistance. Moreover, Moldova has not implemented its witness protection law adopted in 1998, though in certain cases police have posted guards outside witnesses' homes during the reporting period.

V. Interagency and International Cooperation

Currently there are now formal and institutionalized schemes of cooperation. The Government participated in the counter-trafficking activities through the **National Committee to combat trafficking in human beings** sessions though the committee has a consultative function only. IOM carries out significant efforts in establishing and supporting dialogue between various national state and non-state agencies strengthening their capacity and from time to time being substitutive to them.

At the international level, the **Southeast European Cooperation Initiative (SECI) Centre** and activities within it should be mentioned. Thanks to its existence, there is more efficient communication between law enforcement representatives as well as NGO partners (i.e. CWPT). They are able to request and exchange information related to missing persons, provide clarification on cases, etc. **IOM** missions support and frequently facilitate communication between counterparts in different countries.

VI. Training gaps and needs

So far, police and prosecutors received anti-trafficking investigations training in September 2004. However, in order to enable state authorities to implement CT legislation and to make identification and protection more effective further training is needed regarding in particular:

- a. Conceptual understanding of the definition of THB;
- b. Criteria and operational procedures for screening and identifying victims
- c. Victim-sensitive interviewing skills
- d. Guidelines for the referral of victims to adequate assistance.

Country report on Romania

I. Introduction and research methodology

The fall of the communist regime in 1989 has significantly influenced THB in Romania. Romania became aware of the phenomenon at the end of the 1990s when several European countries indicated that among those persons trafficked to Western Europe, there were a significant number of Romanian nationals. At that time, the Romanian legislation did not yet criminalize THB.

During the last five years, due to Romania's intention to accede to the EU, the government has speeded up the harmonization of the legislative and procedural framework. Counter-trafficking (CT) legislation (Law 678/2001), governmental shelters for the assistance and protection of the victims as well as a network of judges trained to investigate THB were put in place.

For the research on Romania, interviews were conducted with representatives from:

- the Department for Fighting International Traffic in Human Beings, Ministry of Administration and Interior (MoAI);
- the Direction for the Combating of Illegal Migration, General Inspectorate of the Romanian Border Police, MoAI;
- the Direction for the Combat of THB, General Inspectorate of the Romanian Border Police, MoAI;
- the Department for Fighting Drug Trafficking and Organized Crime, Prosecutor's Office attached to the High Court of Cassation and Justice, Public Ministry;
- the Bucharest Court of Law;
- the Direction for European Integration, Euro-Atlantic Cooperation and Programs, Ministry of Justice;
- the Coordinator of counter trafficking programmes, ADPARE ;
- the Romanian Patriarchy, Shelter Coordinator;
- the National Office for the Prevention of Trafficking in Persons and Victims Protection Monitoring, MoAI.

II. Scale and nature of THB

Romania is firstly an **origin and transit country** and to a lesser extent a destination for THB. However, Romania's accession to the EU as well as economic growth is likely to have an impact on these tendencies.

Most of the victims are trafficked for sexual exploitation but there are also cases of forced labour or cases for exploitation for begging. Statistics collected by the Border Police indicate that in 2004, 200 victims were identified; the majority exploited on the sexual market. Statistics compiled by Department for Fighting Drug Trafficking and Organized Crime in 2005 shows that during the first five months 1.327 victims have been identified out of which 1.013 have been forced to offer sexual services.

While in the 1990s, Kosovo (Serbia and Montenegro) and former Yugoslavia were destinations for victims of trafficking (VOTs) from Romania, currently the highest number of assisted victims from Romania were trafficked to Italy, Spain and Greece as well France, Holland, Turkey and Belgium. The change has been caused by the retreat of the peacekeeping forces in former Yugoslavia and the mutual imposition of visa requirements between Romania and former Yugoslavia. The lifting of the visa requirement in the Schengen area for Romanian citizens in 2002 had an impact on the increasing trends of THB from Romania in the European countries.

Victims from Moldova and Ukraine are mainly transited through Romania. Moreover, internal trafficking in human beings has also been noticed.

III. Identification

There are two pieces of legislation related to THB, the national *Law 678/2001 on the Countering and Prevention of THB* and the *Criminal Code* (Art. 1 and 2), incriminating prostitution related crimes. Due to overlapping and confusions between the two legal acts, a new Criminal Code is expected to come into force in 2005.

The main stages when VOTs are identified in Romania, as a country of origin, are during the recruitment or the border crossing process. However, present trends show that presumed victims often leave the country legally and thus, it is even more difficult for the Border Police to identify a victim when s/he crosses the border. Border authorities also indicated that they encounter difficulties

in identifying potential victims coming from Ukraine and Moldova as they enter Romania legally.

Consequently, **most of the victims are identified if they file a complaint after returning to Romania.** There are also situations when the identification of a victim is the result of investigations initiated by specialized officers at the request of the prosecutor. Data is mostly collected using proactive and reactive methods. The victims' deposition to cooperate and testify against the trafficker is an important source of information helping the police to dismantle the network in the country of origin.

IV. Protection

The *Anti-trafficking Law no. 678/2001* specifies that **all trafficked victims can benefit from assistance services** provided by the state upon request. The **assistance is conditional on the victim's participation in the criminal trial.** The law stipulates the founding of nine centres offering adequate conditions for accommodation, food, psychological and medical assistance for victims during the criminal proceedings (between 10 days and 3 months). However, it was noted that most of these centres are not active yet and the largest assistance effort is still associated with the nongovernmental sector and IOM.

Moreover, the *Law 211/2004* stipulates the founding of the ***Agency for the Victims Protection and for the Social Reintegration of the Offenders*** that is meant to offer judicial counseling and inform the victims about their rights.

Furthermore, if there is evidence to consider that a victim of trafficking is in serious danger of being threatened and followed by members of the trafficking network, she/he will be included in a **witness protection programme** (*Law 682/2002*). So far, no victim was considered in real danger so as to be included in the programme.

The Romanian legislation does not specify the issuance of residence permits for foreign victims of trafficking. However these victims may be sheltered for a transitory period in the state centers. Moreover, these victims benefit from a toleration regime of 6 months that mainly targets foreign citizens who do not have a residence permit but are obliged to remain on the Romanian territory as a consequence of objective causes preventing their return. The toleration institution targets only victims participating in a criminal trial.

Finally, important steps have been made in the area of child protection with the adoption of the new legislation regarding the protection of children's rights in 2004 and the issuing of *The National Action Plan for the Prevention and Fighting against Trafficking in Children in August 2004*.

V. Interagency and International Cooperation

The most important aspect regarding co-operation at national level refers to the **Inter-ministerial Working Group** coordinated by the Director for Fighting Drug Trafficking and Organized Crime, uniting the governmental and nongovernmental level. The activities of this group mainly target the elaboration of the new *National Action Plan for the Prevention and Countering of THB*, the founding of the ***National Agency for the Prevention of THB and Victims' Protection***, monitoring and assessing the evolution of the governmental assistance centers that should be functioning according to Law 678/2001.

At international level, the Border Police exchanges information with the liaison officers and with the foreign officers detached in Romania. Information is regularly exchanged with Interpol. Romania is part of SECI (Southeast European Cooperation Initiative) where it coordinates the Task Force on THB. There are also international teams at border crossing points, incl. officers from Romania, Italy, Spain, Austria, Germany and France. Romania also collaborates with ICMPD, UNICEF and UNDP on THB.

VI. Training gaps and needs

The following training gaps and necessities were indicated during the interviews: case studies based on the local experiences of institutions involved in combating THB, comparisons between the national and international CT-legislation, referral and identification systems and data registration. Training shall target police officers and other personnel who are likely to encounter victims of trafficking.

Country report on Bulgaria

I. Introduction and research methodology

The problem of trafficking has been an issue of highest concern for all responsible government institutions in Bulgaria and has been dealt with in a comprehensive manner in the last few years – highlighted by the adoption of the *Counter Trafficking in Human Beings Act in 2003*, the establishment of a *National Committee for Combating of Trafficking in Person*, and the criminalization of THB in the Criminal Code in 2002.

The report on Bulgaria was compiled based on information mainly provided the Ministry of Interior (National Service for Combating Organized Crime, National Border Police Service), NGOs/shelters, and IOM Sofia.

II. Scale and nature of THB

Bulgaria is a primary country of origin for THB mainly for the purpose of sexual exploitation. Trends in trafficking for labour, begging and delinquency as well as illegal adoption emerged recently. Preferred destinations are EU MS (the NL, Belgium, France, Germany, Italy, Spain, Austria, Poland and the Czech Republic) and the neighbouring countries (Greece, Macedonia and Kosovo (Serbia and Montenegro)).

Bulgaria is also a transit and to a lesser extent a destination country for trafficking of women from Russia, Rumania, Moldova and Ukraine for the purpose of sexual exploitation. Finally, one has to note that Bulgarian women are also trafficked for sexual exploitation within the country.

The total number of Bulgarian victims identified and assisted between January 2000 and December 2004 is 620. The total number of foreign victims identified and assisted in Bulgaria between January 2000 and December 2004 is 86.

III. Identification

The basic channels for the identification of victims of trafficking are specialized police operations by the bodies of the Ministry of Interior (Mol). Information is provided by the police authorities from other countries, Bulgarian citizens/victims returned from the EU MS, diplomatic and consular representations of Bulgaria abroad, IOM, NGOs, and hot-lines for requesting help etc.

The officers of the Mol are the first to meet the victims of trafficking, and after an initial interview with them they take measures against the offenders and/or start the collection of evidence in order to prove the criminal activities of the traffickers. A questionnaire for interviewing of victims, developed by the Southeast European Centre Initiative in Bucharest, is used in connection with the identification of victims of trafficking in persons. The Manual of best practices is also used in the investigation of trafficking cases.

IV. Protection

The *Combating Trafficking in Human Beings Act* introduces two regimes of provision of shelter and assistance to the victims – a general one and a specific ‘special’ one. The General Protection Regime addresses **all victims of trafficking and provides them with an initial stay in the shelters** where they have access to specialized assistance and support rendered by the centre. The **Status of Special Protection for the period of the criminal proceedings is given to victims of trafficking who agreed, within a period of one month, to cooperate for the finding of the perpetrators.** The special protection includes the granting of **permission to stay in Bulgaria**, as per the *Law on Foreigners* in the Republic of Bulgaria that entitles the person to work, study and/or participate in training and reintegration programmes.

Special provisions are foreseen for child victims of trafficking granting a regime of protection and assistance in accordance with the requirements of the international and local legislation.

Moreover, **protection is foreseen for victims that participate as witnesses** in criminal proceedings according to Art. 97a of the *Criminal Procedural Code*. A specific form of witness protection is the possibility for interview of witnesses by video conference or phone conference (Art. 463 a PPC). In

addition, since May 2005, a *Law on Protection of Persons Threatened in Connection with Criminal Proceedings* is in force that provides special protection.

Last but not least, a procedure for returning trafficking victims via diplomatic and consular representations of the country abroad is provided in the *National Program for Combating the Trafficking in Human Beings*. The IOM Programmes for voluntary return also apply.

V. Interagency and International Cooperation

With a view to join efforts and strengthen the interaction between the services with police functions within the Mol system, a special-purpose *Work Group for Combating Human Trafficking* was created in October 2000. It includes officers of the National Service for Combating Organized Crime, the National Border Police Service, the National Police, the National Gendarmerie, and the Interpol National Centre in Bulgaria. Moreover, in 2002, Regional Units under the Regional Directorate of Interior Affairs were developed to improve the capacity for combating illegal migration and THB.

Furthermore, following the *Combating Trafficking in Human Beings Act* in 2003, a **National Committee for Combating of Trafficking in Persons** was created and coordinates the interaction between the different law enforcement departments and organizations. The Committee's Panel includes one Vice-Minister each of Foreign Affairs, Interior Affairs, Labour and Social Policies, Justice, Health Care, Science and Education as well as one Vice-President of the Government Agency on the Protection of Children, one Vice-President of the Central Commission for Combating Unlawful Acts of Minors and Underage Persons, etc. The Committee defines and controls the implementation of national policies and strategies in the sphere of anti-trafficking and develops on a yearly basis the *National Program for Prevention and Counteracting of the Trafficking in Person and Protection of the Victims*.

In general, it has been noted that a good interaction exists between the law enforcement authorities, the institutions and the public organizations (NGO/IOs) in the field of prevention, protection and providing support to victims of trafficking.

At international level, the Ministry of Interior has active cooperation with police services in a number of countries, such as Germany, the NL, the Czech Republic, Belgium, Greece, GB and the US.

Moreover, within the framework of the Initiative for Cooperation in Southeast Europe, the Mol takes an active part in all initiatives of the Work Group on Trafficking in Persons at the Regional Centre of Combating Trans-border Crime in Bucharest.

Furthermore, in 2003, the agreement on cooperation between Bulgaria and Europol came into force.

Last but not least, the Mol actively cooperates by taking part in various projects and programmes with the following international organizations: IOM, the Stability Pact, ICMPD, UNDP, OSCE, the High Commissioner on Refugees, etc.

VI. Training gaps and needs

It has been highlighted that during the last three years, various training programmes and modules have been carried out by the Academy of the Mol for police officers and border police on the subjects of combating THB, incl. identification and protection of the victims.

However, there is still a need for trainings on the following subjects:

- Identification of victims of trafficking at the exit and entry border check-points;
- Joint seminars and training on team working of institutions involved in combating THB (police, magistrates, representatives of IOs, NGOs, shelters, assistance centers);
- Training on standardization of criteria for a creation of uniform database for THB;
- Training on standardization of programmes preventing THB.

In general, it was pointed out that training should involve police officers, who meet victims as part of their everyday work. It is necessary to raise the awareness of these officers on victims' identification and their referral to supporting organizations. The subjects included in the training should be oriented more to their practical experience.

Country report on Lithuania

I. Introduction and research methodology

The general situation in Lithuania provides a favorable environment for trafficking to occur, since the law enforcement institutions are not sufficiently prepared and are not able to identify and protect the victims properly. The cooperation among the governmental, non-governmental and international institutions is not adequate and satisfactory in Lithuania.

The data for Lithuanian research is collected mainly from two *Programmes of Prevention and Control of Trafficking in Human Beings 2002-2004 and of 2005-2008* and CT publication of the IOM Vilnius Office. **Lithuania is the first country from the Baltic States to prepare two Programmes of anti-trafficking activities.** Moreover, the following institutions were interviewed:

- The Organized Crime Investigation Board of the Lithuanian Criminal Police Bureau;
- The Lithuanian Public Police Bureau Preventive Activities Board;
- Deputy Police Commissioner General;
- Vilnius Supreme Police Station;
- The State Border Guard Service under the Ministry of the Interior;
- The Ministry of Social Security and Employment;
- The Missing Persons' Families Support Centre.

II. Scale and nature of THB

Lithuania is mainly an **origin and destination country of THB**, but also at times a transit country. **The scale of trafficking in human beings is one the biggest in the Baltic States.** THB in Lithuania, incl. Lithuanian citizens trafficked abroad, is mostly directed to sexual exploitation.

According to the Europol data, every year about 3.000 women by their "own will" are trafficked from the three Baltic States (Lithuania, Latvia, Estonia), whereas 1.000-2.000 from Lithuania. At present women are trafficked to Germany, Spain, Italy, Denmark, Norway, Holland, The UK, France, Switzerland, Belgium, Greece, Czech Republic, Poland and other countries.

In Lithuania approximately 15 percent of prostitutes are from Belarus, Russia and Ukraine. These prostitutes are sexually abused and exploited. Some of them have been trafficked further to the Western countries.

More and more cases of trafficking in juveniles have been determined.

III. Identification

Although Lithuania complies with all the relevant international and European CT legislation, **there is no specific national policy regarding victims' identification.** Every governmental or nongovernmental institution follows different legal/social norms and standards/definitions in this process.

The Police are the main institution in the process of identification of victims. Police officers follow the standards of the Criminal Procedure Code. *The State Border Guard Service* under the Mol can identify victims at the border. However, if the travel documents are not falsified, the officers do not have the authority to stop the persons. While the police identify victims in a narrow sense, NGO's and other social institutions follow the international trafficking definition, which is more comprehensive. NGO's consider most women as victims, despite the aspect of their "will".

During the procedure of victims' identification all the circumstances and available information in each case are evaluated from three distinct perspectives: the legal context, the criminals involved and the victim. The identification procedure begins and the pre-trial investigation commences, when the victim files the petition, family members approach the police, the crime is committed, police itself trace the crime and detain the suspect OR the traffickers and the victims are detained by the border officials etc.

Trafficking victims may come to the attention of NGO's by the victims themselves, public authorities, such as police, health authorities, social services, NGO partners, embassies, churches, human rights lawyers OR other victims, relatives or friends of victims or even clients of victims.

IV. Protection

In addition to the CT provisions in the Criminal Code, there are some specific legal norms, which address the issue of protection of victims, in particular, their anonymity and protection in criminal procedures and the application of remedies. Moreover, two legislative projects are being prepared, namely on special resident status for the illegal trafficking victims in Lithuania under certain conditions and the exemption of victims' will from criminal responsibility for the prostitution, illegal migration, while they give testimonies in the cases.

The national policy as regards protection of trafficked victims is foreseen in the *Programme of Prevention and Control of Trafficking in Human Beings 2005 – 2008*. It contains the objectives in respect to the protection of victims and indicates the timeline and responsibilities for its implementation:

- the improvement of protection of trafficking victims;
- effective social prevention of trafficking;
- the provision of social assistance for trafficking victims, esp. women and children, social reintegration;
- close and coordinated cooperation of governmental, municipal institutions, NGOs and IOs.

The Police remain the target institution as regards the protection of victims, since the police shall protect every member of a society. On the initiative of the criminal police, the protection of victims, which consent to testify against the traffickers, is provided by the public police patrol officers. Other victims fall under the protection programme of injured party and witness system, where certain requirements must be met.

Moreover, a number of NGOs and IOs provide assistance to victims of trafficking, such as IOM, The Missing Persons' Families Support Centre, the Vilnius Mothers and Children's Guesthouse, the Lithuanian Caritas program "Assistance for Trafficking Victims" Vilnius Caritas Women and Children's Care Home.

V. Interagency and International Cooperation

National institutions in one way or another engaged in the victims' identification process are the following:

- *The Public Prosecutor Office*, responsible for the organization and governance of the pre-trial investigation of these crimes;
- *Lithuanian Criminal Police Bureau* of the Organized Crime Investigation Board and its structural territorial departments in police stations, responsible for the control, prevention and pre-trial investigation of crimes and other law violations;
- *The Migration Department under the Mol*, are relevant to trafficking victims in coherence with illegal migration;
- *The State Border Guard Service under the Mol*, responsible to conduct the pre-trial investigation of illegal crossing of Lithuanian border, trafficking in people crimes and of other crimes, related to fraud of documents, realization of fraud documents.

The cooperation of the police and NGO's is of substantial importance in the process of victim identification as well as investigation and court process. Information exchange is also encouraged on the prevention side.

At international level, the police cooperate with Europol, Interpol and the corresponding institutions of other states on the basis on bilateral or regional agreements.

VI. Training gaps and needs

Although a number of conferences and trainings were carried out in Lithuania, the need for further CT-training was expressed with regard to the following subjects:

- the identification of victims;
- exchange of information on anti-trafficking activities;
- prevention of human trafficking;
- the effective protection of victims;
- the effective national and international cooperation in anti-trafficking;
- exchange of good practice examples of counter-trafficking measures;
- sharing the methods of combating trafficking in human beings, conducting pre-trial investigations etc.

Country report on Slovenia

I. Introduction and research methodology

The main **progress** in the field of THB in Slovenia is the adoption of new legislation, improved modes of gathering statistics and increased training activities for certain professionals, mostly the police. Another recent step forward is also the signing of the *Memorandum between the Government of the Republic of Slovenia and IOM on Cooperation in the Programme of Voluntary Return of Migrants*, signed on 24 May 2005 and including victims of trafficking.

The remaining **needs** concern the funds, which the Government is putting into the CT activities; the adoption of specific legislation (including a Witness Protection Act); the consistent implementation of the laws as well as the implementation of the Mass Information Campaigns focused on the general public and on the youth.

For the country report on Slovenia, interviews were conducted with the following institutions:

Governmental bodies:

- Ministry of the Interior, Office for European Affairs and International Cooperation;
- Ministry of the Interior, Police, General Police Directorate, Uniformed police, Border Police;
- Ministry of the Interior, Police, General Police Directorate, Criminal Police Directorate;
- The Office of the State Prosecutor General;
- District Court of the Republic of Slovenia;
- General Customs Administration, The Customs Administration of the RS;
- Employment Service for Slovenia, Central Office Employment of Foreign Workers Service;
- Ministry for Foreign Affairs, Consular Sector.

Non-governmental organization:

- Slovene Philanthropy.

In addition, knowledge of the phenomenon in Slovenia, which IOM gained through research conducted in 2003 (*Where in the Puzzle: Trafficking from, to and through Slovenia*) and through the attendance at the *Interdepartmental Working Group on Combating Trafficking in Human Beings* (hereinafter the IWG) meetings were used. Last but not least, information from the IOM Ljubljana Head of Office, working on THB since 2000, was included.

II. Scale and nature of THB

Slovenia is **primarily a transit country** and becoming, in a smaller extent, also a destination country for women coming from the East mostly from Ukraine, Moldova, Russia, Romania and Bulgaria. Data indicates that Slovenia might also be a source country.

Slovenia forms part of the Balkan route, one of the well-known routes used by organized crime and human traffickers. Victims of trafficking from eastern European countries enter Slovenia via Hungary, and victims coming from the Balkan region come to Slovenia via Croatia. Trafficking routes through Slovenia lead to Italy and from there to other western European countries.

III. Identification

There are **no specific provisions in the legislation regarding the victims' identification**. However, there are certain guidelines which help identify trafficked persons, e.g. UNICEF Guidelines for Protection of the Rights of Children Victims Trafficking in SEE, ICMPD Manual for Police, Stability Pact documents. The basis for active measures regarding victim identification, is the new Article 387/A „Trafficking in Human Beings“ of the Slovene Criminal Code.

Based on the interviews, it can be concluded that victims are identified either at borders, in the country or when they report to the Police or other institutions themselves. The institutions most involved in this issue, are the Police, the Consular Sector of the MFA and the Employment of Foreign Workers Service.

The identification is therefore made:

- **at the borders and airport (mostly through Police check-ups or raids),**

- in the country through various hot-lines or when trafficked persons turn directly to NGO's or IOs, such as IOM or UNHCR³.

IV. Protection

There are no **specific provisions in the legislation regarding the protection of victims of trafficking**. However the **Witness Protection Act is under preparation**. Despite no legal instruments being in place, some protection is given to the victims if they cooperate with the State Prosecutor's office or the court.

There are two referral systems in the country:

- a *circular letter* (July 2002) written in the framework of the IWG and distributed to all regional Police stations in Slovenia, lists 5 organizations⁴ assisting victims of trafficking. However, this circular letter has never been fully applied.
- *agreements* between the NGO Kljuc, Mol and State Prosecutor's Office were signed, stipulating the referral to this NGO in certain cases.

Furthermore, a victim can get a **residency permit**, initially a so-called "leave to remain" foreign status (based on the Aliens Act) for three months in which s/he could recover and stay in the safe apartment of the NGO Kljuc or elsewhere. After three months, the victim has to testify if s/he wants to get a temporary residence permit for another three months. This permit can be prolonged until the end of the trial. This status is linked to the special paper issued by the Supreme State Prosecutor's office.

IOM Ljubljana and a few NGOs in Slovenia (the Ključ Society, Slovene Philanthropy, SOS telephone, the Medical and Consultation Clinic for People without Health and the NGO AIDS Foundation Robert) are actively involved in combating trafficking and victim protection activities.

V. Interagency and International Cooperation

The **Interdepartmental Working Group on Combating Trafficking in Human Beings** established in 2003 and tasked with developing counter-trafficking policy, gathers representatives of ministries and government bodies as well as members of international and non-governmental organizations.

At international level, government authorities cooperate with Europol, Interpol, Eurojust, SECI, World Customs Organization (WCO) as well as ICMPD, UNHCR and IOM.

VI. Training gaps and needs

Although a number of trainings already included the subject of THB, most of the interviewed persons expressed the need for further training, with the exception of the Police, who are the most educated and active institution in the country in this field. However, it was noted, that the same people were sent to those trainings repeatedly, and that the knowledge is not sufficiently transferred to the lower level. Furthermore, it was much appreciated that the customs officials are included as they have not received any such training to date.

The following three training materials were mentioned:

- ICMPD Manual for Police in the field of CT in Slovene language, September 2003;
- PowerPoint presentation for the training in CT in Vienna, 11/2002, ICMPD, Austrian Federal Mol;
- UNICEF Guidelines for Protection of the Rights of Children Victims Trafficking in South-eastern Europe, 05/2003.

Finally, it has to be noted that IOM contributed actively to a number of conferences on THB.

³ UNHCR office in Slovenia is closing down as per 1 May 2006.

⁴ IOM, NGO Ključ, NGO Slovene Philanthropy, NGO The Medical and Consultation Clinic for People without Health Insurance and NGO SOS Telephone.

Country report on Hungary

I. Introduction and research methodology

Due to its specific geo-strategic position, Hungary is primarily a **transit country** of human trafficking and to a smaller extent a source and destination country. It must be highlighted that internal trafficking within the country also occurs.

The applied research methodology included interviews and analyses of activities of various state structures and local NGOs. IOM Budapest cooperated with the following institutions:

- Hungarian Border Guards;
- Hungarian National Police;
- National Council of Justice, Metropolitan Court;
- Office of Immigration and Nationality (OIN) of the Ministry of Interior;
- Department State Secretariat of Law Enforcement and Crime Prevention, Ministry of Interior;
- Customs Office of the Ministry of Finance.

II. Scale and nature of THB

Given both its geographical situation at the external border of the EU and its general economic condition being relatively better in relation to other Central and Eastern European countries, Hungary is a **country of origin, transit and destination for trafficking victims**. Hungarian women and girls are trafficked to destinations in Western Europe, incl. France, Germany and Italy and to North America for the purpose of sexual exploitation.

Hungary is considered one of the main transit countries for trafficking from Ukraine, Bulgaria, Moldova and Romania to Western Europe. It is difficult to identify and investigate the crime of trafficking in human beings at this transit stage as exploitation has usually not yet begun.

Internal trafficking occurs from areas of high unemployment in Eastern Hungary to Western Hungary or from rural areas in the South to the capital city of Budapest and in border areas of high commercial transit.

According to criminal statistics, the number of trafficking cases under prosecution is not very high. In 1999, there were only 2 cases, in 2000, there were 16 cases, in 2001 and 2002, there were 34 cases and in 2003, there were 19 cases registered. Investigation data shows that 22 cases of human trafficking (21 women) were pursued in 2004. The ages of the victims were relatively young with an important number of minors. The nationality of the offenders was Hungarian.

III. Identification

Although the *Hungarian Criminal Code* criminalizes human trafficking, the **legislation does not foresee a formal process for enforcement officials to identify victims**, and also to refer them to NGOs. However, according to various relevant governmental entities, there is an ongoing effort to establish a referral system as well as a formal process for the identification of victims.

At present, the **police** have an investigative right in trafficking cases, but there are no formal guidelines on identification. Regarding the **Hungarian Border Guards** service with the amendments on the Act on Border Guards, its investigation authority will be expanded with the right to investigate legal facts of trafficking in human beings and the violation of personal freedom. Hungarian Border Guards have vast experience in investigating human smuggling which could serve as a basis for their future authority to investigate also trafficking cases.

The other governmental body involved is the **Office of Immigration and Nationality** (OIN) of the Ministry of Interior, responsible for issuing temporary residence permits on humanitarian grounds. Furthermore, the Ministry of Family, Youth and Equal Opportunities will soon establish a toll-free hotline, not exclusively a trafficking hotline but also a hotline for victims of domestic violence. The operators of the hotline will receive training on how to conduct profiling of possible victims.

IV. Protection

So far, **Hungary lacks a formal process of referral system** but there are significant efforts from the governmental side to establish one.

Although the formal referral system is not yet in place, a number of NGOs (NANE, White Ring Public Benefit Association Hungary, ESTER Foundation, Escape Association, Baptist Aid) are very active in providing assistance to victims of trafficking. A recently opened shelter is offering reception and short term stay in a secure housing environment for victims returning to Hungary, in the pre-departure stage before returning to their home country or for internal trafficked victims. Services also include the initial psychological counseling. The shelter is managed by a Hungarian NGO.

Furthermore, it has to be mentioned that **victims are entitled to a temporary residence permit** on humanitarian grounds. It is the Office of Immigration and Nationality (OIN) of the MoI that issues the permit upon the proposal of the national service or law enforcement authority to a foreigner, who cooperated with the authorities in the detection of crime in a manner that significantly promoted the success of evidence (Act XXXIX 2001 on the Entry and stay of foreigners, art. 15). Since January 2002, only three temporary permits have been issued relating to the above definition.

Last but not least, the **Witness Protection Programme** in Hungary is available to victims and witnesses of crimes including trafficking in persons. However, the Programme is relatively new to the Hungarian criminal procedure and police officers are not yet fully aware of the advantages of the system.

V. Interagency and International Cooperation

So far, Hungary has no National Rapporteur on THB. On a central level, the main responsible body is the *Trafficking Department within the Directorate against Organized Crime of the National Bureau of Investigation, National Police Headquarters*, established on 1 July 2004. At the county level, the respective County Police is responsible for trafficking cases. While cooperation among police services, incl. border guards, works well, collaboration between the police, prosecution and judicial system could be reinforced. Regarding interagency cooperation, in 2004, the **Integrated Management Centre** was established, gathering together the Border Guards, OIN, the Finance and Customs Authority, the Labour Authority and the Police. The main objective is the enhancement of the law-enforcement efforts against irregular migration and related activities.

At international and European level, cooperation of prosecution and law enforcement bodies is legally regulated. Additionally, there are a number of bilateral and multilateral agreements in criminal matters with different countries.

Finally, it should be highlighted that cooperation among the relevant actors strengthened with the establishment of the *American-Hungarian working group to combat trafficking in Human Beings*. The main aim of the working group is to make significant efforts in developments according to the US State Department Trafficking in Persons annual Report.

VI. Training gaps and needs

Specialized, joint training should be set up which targets police investigators, border guards and NGO personnel, aimed in particular at improving the conduct of counter-trafficking operations, the process of identification and rescue of trafficked victims and of their subsequent treatment. Moreover, the use and management of pro-active intelligence-led investigative tactics should be developed. Specific training modules need to focus on child trafficking, addressing the complex and particular vulnerabilities of child victims.

Specific training programmes aimed at front line police and border guard officials and the new recruits of both agencies should be developed, which are designed to enable them to recognize the indicators of trafficking related crimes, the collection of and dissemination of counter trafficking intelligence and to fully realize their potential to identify and rescue victims.

Country report on Finland

I. Introduction and research methodology

Trafficking in persons in Finland is a very new issue. The national legislation concerning THB only entered into force on 1 August 2004.

Research for the country report on Finland, was carried out through Internet-based background research and applying the questionnaires to the following institutions:

- The Investigative Unit of the Immigration police (Helsinki Police Department),
- National Bureau of Investigation, CID Organized Crimes Unit,
- National Bureau of Investigation, Illegal Immigration Unit,
- Prostitute Counseling Centre (NGO).

II. Scale and nature of THB

According to available sources, trafficking in Finland until now has mostly taken the form of trafficking for sexual exploitation, even though there is a lack of data on its scope.

Finland is also recognized as a **transit country** through which people are trafficked mainly to Spain, Norway and Sweden. It has been reported that during the past three years, as many as 1.500 Georgian women have been trafficked through the Vaalimaa checkpoint (Torfyanovska) for the sex trade in Europe.

The country report "*Trafficking in children for sexual purposes*" in Finland (EC STOP II programme - updated in September 2003), indicates that there is no known organized trafficking of minors in Finland.

There have recently been some cases of labour abuse in Finland (registered after the establishment of an inspectorate group for illegal migration and labour, summer 2004), which may also fall into the category of trafficking in human beings.

III. Identification

In IOM's understanding until now there has not been a policy or legal framework regarding victims' identification. However, the draft ***National Plan of Action for Combating Trafficking in Human Beings*** (March 2005) **provides guidelines for the identification of victims** and proposes measures to disseminate information on trafficking in human beings and to increase awareness thereof.

The main channels for identification of victims of trafficking in Finland are the police, frontier guard and NGOs. The National Bureau of Investigation disseminates a list describing the points that may indicate that a person is a potential trafficking victim (i.e. guidelines for identifying trafficked persons).

However, the lack of a unanimous understanding about the definition of victims of trafficking, administrative and financial responsibility and national strategy to deal with potential victims makes the identification and referral process rather difficult.

IV. Protection

In case of detection, women are normally deported on the grounds that they are in the country illegally or they are refused entry to Finland immediately at the border due to the grounds mentioned in *Alien's Act (2004)*, § Section 148. **Temporary leave to remain in the country** for a person co-operating with the criminal justice system was possible in exceptional circumstances. In this case, victims are usually entitled to free legal assistance and a legal counselor in the police investigation and a hearing in court.

There is currently **no witness protection programme** or provisions specific to victims of trafficking in Finland, though draft legislation is under consideration.

More attention will be placed on the protection and assistance of victims in the future with the provisions outlined in the draft *National Plan of Action for Combating Trafficking in Human Beings* (March 2005). These provisions include emergency assistance, support services for victims and child victims as well as residence permits.

The Pro-support Centre, established in 1990, is a support service centre for prostitutes, subordinated to the private Diacone Institution in Helsinki, providing health care and social services. At this time, this centre is the only organization in Finland that offers support services for prostitutes, whether Finnish or foreign.

V. Interagency and International Cooperation

The Ministry of Interior (particularly the Headquarters of the Frontier Guard, the Directorate of Immigration, the National Bureau of Investigation), the Office of the Prosecutor General, the Ministry for Foreign Affairs, and NGOs are dealing with the issues of counter trafficking in Finland. Other important authorities are the Ministry of Social Affairs and Health, the Ministry of Education and the Ministry of Labour. The Customs office does not consider identification of trafficking victims within their scope of work.

Furthermore, the draft *National Plan of Action for Combating THB* (March 2005) stresses the importance of a comprehensive and multidimensional approach, underlining the importance of cooperation among different professionals.

At international level, the Finnish Mol cooperates with Europol and Interpol. It also has close cooperation with all the Nordic countries and Estonia. Other organizations involved in networking in the combat of TBH are Interpol, IGC⁵, IFC⁶ and IOM.

Moreover, Finland has currently the presidency of the *Task Force on Organized Crime in the Baltic Sea*. Finland has a bilateral agreement with Estonia on crime prevention and liaison officer arrangements. Finland has bilateral co-operation with Nordic countries and it is a member of the IGC-group, which provides the possibility to participate in special working groups dealing with THB and also a web-tool which can be used as an analyzing tool for routes and trafficking trends.

VI. Training gaps and needs

All the officials contacted during the implementation of this research noted that there is a great need for training and exchanging practical experience with colleagues from other countries.

The assessment revealed that the Finnish law enforcement authorities/NGOs are interested in receiving more information on:

- Cultural background and structures of organized crime in countries of origin,
- The identification of victims of trafficking;
- International cooperation, especially with authorities in the countries of origin.

The recommended target group for training, based on the research, are specialists in the police organization and at the general level authorities and investigators who may face situations in which they are in contact with human trafficking victims.

⁵ Inter-Governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia.

⁶ International Finance Corporation; *with UNDP support some projects against THB.

Country report on Belgium

I. Introduction and research methodology

Belgium was one of the first countries in Europe to react with a structured approach to the phenomenon of trafficking in human beings in the early 1990s. Moreover, Belgium, as well as the NL, was among the first countries to introduce a temporary residence permit for victims of trafficking.

For the Belgium report, desk top research and a qualitative survey with the following relevant institutions was carried out:

- the Central Anti-Trafficking Unit of the Federal Police;
- the Border Control Team at the Zaventem airport;
- the Counter-Trafficking Units of the Local Police in Brussels;
- the Police Liaison Officers for the countries involved in the project;
- the Immigration Office;
- the Customs Administration;
- the specialized victims support centers/NGOs in Antwerp and Brussels;
- the Federal Committee of Cooperation in the fight against illegal employment and social fraud.

II. Scale and nature of THB

Belgium is both a **destination and transit country for trafficked persons** primarily from South-eastern Europe (Bulgaria, Romania and Albania), Sub-Saharan Africa (Nigeria) and Asia (China).

Regarding the profile of the victims, the majority of the assisted victims have been exploited sexually. However, the trafficked victims have also been trafficked for economic exploitation in Belgium. The majority of victims trafficked for all the above kinds of exploitation are between 18 and 30 years, with a significant number of persons being between 21 and 25 years old.

III. Identification

Most often, trafficked persons are identified at the place of exploitation, during controls or interceptions carried out by the police or the social and labour inspection services.

The work of the police towards combating THB is mainly defined through the *Directive regarding the criminal policy in the field of trafficking in human beings and child pornography, so-called COL 12/99*, amended in 2004 by the so-called *Col 10/2004* concerning the search and pursuit in the field of trafficking in human beings, issued by the Ministry of Justice. A list of indicators, annexed to the Directive and addressed to a restricted audience, have been collected to help the field officers to decide whether a person is likely to be a victim of trafficking.

In practice, police controls and investigations are done on two different levels. Specialized teams/officers from the federal police are working on resort/regional level. At the local level, specialized units have been created, staffed according to the scope of the THB phenomenon in the respective police zones. Pro-active police investigations and multi-agency controls are carried out. The latter involve the police, social and labour inspection service, partly the Immigration Service and is coordinated by the regional prosecutor for THB.

Next to their involvement in multi-agency controls, social and labour inspection services carry out joint controls in risk sectors of illegal employment and exploitation once a month.

The staff of the Immigration Service, although not actively involved in controls, is aware of the indicators when they are in contact with a possible victim. However, border guards and customs officers have a rather marginal role in the identification and referral of trafficked victims. Finally, the NGOs are specialized in the assistance of trafficked victims and thus not actively involved in the identification process.

IV. Protection

Over the last ten years, Belgium has developed a comprehensive protection system for trafficked victims. The system includes the granting of the **residence permit** and work permit to trafficked victims⁷, a number of assistance services as well as a **witness protection mechanism** for specific cases. The recognized and specialized victim support centers are an integral part of the protection mechanism. Although the number of victims assisted by specialized NGOs is rather small in comparison to the number of identified trafficked victims, an increase has been noted over the years. This shows that the conditions of the referral and protection mechanisms are becoming better known by the relevant authorities and communicated more often to the victims. The last ten years also allowed the recognized NGOs to specialize and thus provide adequate assistance to the victims. Furthermore, the Belgian government, through the IOM office in Brussels, supports the voluntary return of trafficked persons to their country of origin. It has to be noted that the Belgian stakeholders are currently reviewing the protection system and its conditionality.

V. Interagency and International Cooperation

In the last year, the Belgium government tried to streamline anti-trafficking coordination among relevant government entities. In this respect, the 1997 Directive (art. 4 and 5) underlines the necessity for an efficient collaboration between the police, public prosecutors, social and labour inspection services and the specialized victim support centers.

Moreover, in 2004, a Royal Decree brought the **Interdepartmental Coordination Group on THB** into being. All services working in a direct and indirect way on THB are involved (Police, Prosecutors Office, the Immigration Service, FPS of Foreign Affairs, the Centre for Equal Opportunities).

Although it seems that the cooperation at national level is well structured, it was mentioned that collaboration at local level, e.g. with the city administration, could be enhanced further.

At international level, the Central Unit THB of the Federal Police is the contact point for Europol and Interpol. Furthermore, the role of the Liaison Officers of the Federal Police posted abroad has to be mentioned. The contacts that the social and labour inspection services have with their equivalent institutions in other countries are rather limited. International contacts of the specialized NGOs have mainly been created through EU financed projects.

VI. Training gaps and needs

The awareness, knowledge and expertise of the Belgian police regarding identification and protection of victims of trafficking is quite high. Their needs in terms of training relates to the international CT-context and situation in the countries of origin of trafficked victims. Moreover, it was pointed out that such training could provide a forum to meet counterparts from the other countries, not only from the police but also NGOs and other institutions dealing with THB.

In comparison to the police, the training needs of the social and labour inspection services on victim identification and protection seem to be bigger.

The Immigration Service requires more training on sustainable ways to enhance information sharing and cooperation.

Regarding the customs, the first challenge of training would be to raise their awareness about the potential role that they could play in the identification and referral process.

⁷ See "Ministerial circular concerning the granting of the residence permit and work permits to foreigners who are victims of trafficking in human beings" of 1994, amended in 1997 and 2003.

Country report on The Netherlands

I. Introduction and research methodology

Trafficking in human beings is highly ranked on the political agenda of the Netherlands. Since 2000, trafficking for exploitation in the sex industry has been prohibited by law. As of the 1st of January 2005, the Criminal Code included all forms of socio-economic exploitation. Moreover, on 20th December 2004, the Dutch government adopted a *National Action Plan Human Trafficking (NAPHT)*. Last but not least, it is worth mentioning that the Netherlands is one of the few countries with a National Rapporteur on Trafficking, (in place since 2000).

For the country report, interviews were conducted with the following institutions in addition to desk top research:

- The Police of the province of Friesland, Prostitution team: Human Trafficking Intervention Team;
- National Police, National Intelligence Service, Info Unit Human Trafficking;
- Aliens Police, Human Trafficking Unit;
- Royal Military Constabulary, Facilitation Detection Team at Schiphol Airport (KMar);
- Europol, Crime Against Person Unit;
- Immigration Naturalisation Service, ILO in Nairobi.

II. Scale and nature of THB

Human trafficking in the Netherlands can be divided into human trafficking on a national level and border crossing human trafficking. The number of Dutch citizens who are trafficked in the Netherlands has increased strikingly in the last years. Another remarkable increase is the number of human trafficking victims from Romania and Bulgaria.

It is hard to determine the exact number of people who are trafficked in the Netherlands each year, however, it can be ascertained that the Netherlands is primarily a **destination country** for the trafficking of women and girls for the purpose of sexual exploitation. In addition, the Netherlands is also a transit country for trafficking in human beings (e.g. via Schiphol airport).

III. Identification

The Dutch policy includes measures to be taken with regard to the identification of (possible) human trafficking victims.

The first measure concerns raising public awareness on THB, in particular of people who (can) come into contact with (victims of) THB, e.g. owners of sex institutions, prostitutes and customers of prostitutes. A second measure to raise more public awareness is to distribute a list with (possible) signals of human trafficking among organizations/institutions that can come in contact with (victims of) human trafficking.

The police play an important role in the identification of (possible) victims of trafficking.

Supervising the prostitution sector, the tasks of the specialized police teams are to check for illegal and involuntary prostitution, prostitution of minors and human trafficking. Beside these specialized police teams, other police institutions, e.g. the Aliens Police, Youth and Sex Crime Squad, and organizations, such social assistance organizations, Facilitation Detection Team at the Schiphol airport, Immigration Naturalisation Service, IOM as well as operators of brothel/sex clubs, other prostitutes or clients, are channels for identifying victims.

It is essential to point out that people can anonymously report human trafficking by use of the special hotline 'M'.

Furthermore, the Attorney General made **guidelines listing the signals** that can indicate whether a prostitute can be considered a human trafficking victim. These guidelines are used by the majority of the police forces.

IV. Protection

The circular for immigrants, **regulation B9**, provides for **temporary residence rights**, assistance and protection of trafficked persons. Following a reflection period of three months, any victim who decides to report to the police will be issued with a temporary residence permit for the duration of the

investigation and court proceedings. This permit allows also for safe shelter, medical, psychological and legal assistance. Since March 2005, victims also have the right to work. However, once the proceedings are finalized, the residence permit will be withdrawn and the victim will be asked to leave the country.

The new NAPHT also includes measures to improve protection and assistance to human trafficking victims, as outlined in the regulation B9, and ensures that it is applicable to victims of all forms of exploitation. Moreover, guidelines exist on how to treat (possible) victims and what rights victims have during the investigation and prosecution process (B9).

Furthermore, the regulation B9 mentions STV, the Foundation Against Trafficking in Women as the organization in charge of assistance and registration of trafficked victims⁸. A number of other organizations, such as SRTV - Foundation of the Religious against Trafficking in Women, BLinN – Bonded Labour in the Netherlands, IOM and Asja for UAMs victims of trafficking are involved in providing assistance.

V. Interagency and International Cooperation

Most of the police forces have specialized prostitution and human trafficking teams. The Information Unit Human Trafficking is organizing national coordination meetings every two months. Furthermore, cooperation is ensured between the different units at the Schiphol airport.

At international level, cooperation efforts are done with regard to information gathering, exchange, analyses and feedback. The Dutch Police have a Memorandum of Understanding with several countries (Czech Republic, Slovakia) and cooperate with Interpol and Europol. Moreover, the police have Liaison Officers present in several countries.

Furthermore, the ILOs cooperate with the relevant institutions abroad and report on trends of illegal border crossing to the main office in the Netherlands.

Finally, the STV is cooperating internationally and part of NGO networks.

VI. Training gaps and needs

The Dutch Police are quite advanced with regard to the development and implementation of training on THB. In 2004 a comprehensive training on “prostitution supervision, interviewing and taking statements from a human trafficking victim” has been developed and implemented. It was mentioned that many police officers are already very experienced in the field of human trafficking and only more field practice would enhance their performance.

The Facilitation Detection Team at Schiphol Airport, mainly dealing with human smuggling, is interested in receiving more training on THB.

Other institutions request training on intelligence gathering, victim assistance provision, financial investigation etc.

Finally, the training needs of other institutions/organizations, such as staff of the municipality, staff from the tax collectors office and for certain Royal Dutch Embassies staff were highlighted.

⁸ The STV runs a Victim Registration System. Moreover, the police has its own Registration System for (possible) trafficked victims.

Country report on The United Kingdom

I. Introduction and research methodology

The UK Government has progressed over recent years in regards to putting trafficking in persons on the agenda and has increasingly taken measures to combat trafficking in persons in various fields.⁹

The report on the UK focuses on ports of entry, in particular London Heathrow and the ports in the County of Kent, assesses the practices of victim identification and subsequent referrals onto victim support structures. Thus, the report is primarily focused on the UK Immigration Service at ports of entry; however law enforcement officers have also been interviewed.

II. Scale and nature of THB

The UK is a destination country where victims of trafficking are being forcibly exploited. Most research done on trafficking into the UK has focused on London and sexual exploitation; however it has been recognized that trafficking for forced labour also exists in the UK. With regards to children being trafficked for exploitation in the UK, there is some evidence that it exists but it seems hard to get an understanding of the extent to which it does so. „In UNICEF UK’s report it is estimated that at least 250 children have been trafficked into the UK in the last five years.”¹⁰

There is evidence that the UK is a transit country for trafficking. The early experiences shows that destination countries are the US, Italy and Denmark.

The UK is not a traditional origin country for victims of trafficking as such, but there is evidence that some women enter the UK legally to work and fall prey to traffickers once they are in the country.¹¹ This seems especially to relate to victims from the countries which recently joined the EU.

III. Identification

There are no national guidelines for the UK Immigration Service on identifying victims of trafficking prior to boarding through the network of Airport Liaison Officers (ALO’s), upon arrival at ports of entry, or in-country. However, following the Home Office Policy Paper: ‘Secure Borders, Safe Haven: Integration with Diversity in Modern Britain’¹², there was an initiative by the UK Government to increase awareness among frontline staff by developing a best practice toolkit on trafficking.¹³

Moreover, the UK Immigration Service has in March 2005 issued interim guidelines on child protection and trafficking which are accessible to all Immigration Officers across the country.

Although there are no national guidelines on victims of trafficking, apart from the interim guidelines on child trafficking, there are local initiatives in terms of guidelines. At London Heathrow for instance in-house aide memoirs are circulated to all staff on child trafficking; they are also constantly informing all staff in emails regarding trafficking; they are facilitating in-house workshops for Immigration Officers as well as for Chief Immigration Officers. In the County of Kent there are similar initiatives with local briefings, workshops and seminars on the issue of trafficking which span across the various units involved and/ or those likely to come across victims of trafficking from front line staff to senior level. *(See also case studies in the country report on the UK).*

Last but not least, there are also specific guidelines on how to deal with victims of trafficking aimed at Immigration Officers at the Reception Centre in Oakington.

⁹ THB for the purpose of sexual exploitation is addressed in the Sexual Offences Act 2003 (Chap. 57.58 and 59). Offences covering trafficking for forced labour and the removal of organs are included in the Asylum and Immigration Act 2004.

¹⁰ Cause for concern? London Social Services and child trafficking by Carron Somerset ECPAT UK 2004 p 10.

¹¹ Interview with Team leader Poppy Project and IOM London

¹² <http://www.archive2.official-documents.co.uk/document/cm53/5387/cm5387.pdf>

¹³ www.crimereduction.co.uk/toolkits

IV. Protection

The Home Office policy on support for victims of trafficking is set out in the Policy Paper "*Secure Borders, Safe Haven*" para. 5.31-5.35, under the subheading of 'victims of exploitation'.¹⁴

Following this Policy Paper, in March 2003, the UK Government started to fund the so-called 'Poppy Project' implemented by the NGO Eaves Housing. The Poppy Project is the only Government funded safe house for female adult victims of trafficking for the purpose of sexual exploitation. The criteria for assistance under the Poppy Project are strict: having been brought to the UK; having worked as a prostitute within the last 30 days; having been forcibly exploited; having come forward to the authorities and being willing to cooperate with the authorities.¹⁵ The Poppy Project is NOT open for; women who are referred from PORTS OF ENTRY; women who have not worked in prostitution within the last 30 days (scope for limited discretion); women who have exhausted all avenues of appeal through the asylum process (if they have claimed asylum); women trafficked for other purposes than for sexual exploitation.¹⁶

Moreover, there are no specialist support services for child victims of trafficking, children who are trafficked regardless for which purpose are automatically eligible for support from the Social Services. From 2000 to 2003 there was a specialist Safe House for child victims of trafficking called Hera Makono 1. It has been closed due to lack of funding.

Last but not least, IOM London does offer voluntary return assistance to victims of trafficking in the UK. There is however no specialist voluntary return and reintegration programme available for victims of trafficking although the Home Office Policy Paper "*Secure Borders, Safe Heaven*" emphasizes that the UK Government was committed to support voluntary return of victims of trafficking.

V. Interagency and International Cooperation

When it comes to inter-agency cooperation, Operation Newbridge at London Gatwick has to be mentioned. Following indications that West African girls were trafficked into the UK in the mid-1990s, Sussex Police launched Operation Newbridge which was a major criminal investigation. It was an interdisciplinary response which included investigation into, as well as prevention of abuse, of these vulnerable children. The Operation Newbridge partnership consisted of the Police, Social Services, National Missing Persons Helpline, Refugee Council, the Home Office, International Social Service, the Immigration Intelligence Service, the Refugee Housing Association and the Refugee Arrivals Project.

Moreover, at the ports of entry in the County of Kent, the main connector between the UK and mainland Europe, a multi-agency unit, Kent Police's Joint Intelligence Unit (JIU), involving officials from the Police, Immigration Service, the Department of Work and Pensions and HM Revenue and Customs, has been created. The JIU has several areas of priority, and trafficking in persons is one of them. In 2004, a specific initiative, called Operation Louisiana, was launched in order to assess the scale of child trafficking in the ports of Kent.

At London Heathrow a similar initiative named Operation Paladin Child was carried out in 2003. This operation led to a permanent presence of a Child Protection Officer at London Heathrow, it furthermore raised awareness among Immigration Officers about vulnerable children passing through and arriving at London Heathrow.

VI. Training gaps and needs

With regards to training, the Immigration Service offers no general training or awareness raising on trafficking in persons through its training institution, except a training on Communicating with Children.

However, training seminars on child protection and child trafficking have been carried out in the South East Region (Kent, Sussex, Hampshire and Thames Valley Constabularies) and at London Heathrow following the above-mentioned initiatives.

¹⁴ <http://www.official-documents.co.uk/document/cm53/5387/cm5387.pdf>

¹⁵ www.poppy.ik.com

¹⁶ http://www.ind.homeoffice.gov.uk/ind/en/home/laws_policy/policy_instructions/apis/victims_of_trafficking.html?

Country report on Ireland

I. Introduction and research methodology

There is a general lack of awareness of THB in Ireland, which translates into a generally low level of knowledge and data and a small number of agencies working in the field.

However, there is legislative activity in the area, driven by the Irish Government's desire to ratify the UN Trafficking Protocol (2002) and the Council of Europe Convention against THB (2005) as well as to comply with the EU legislation. As a consequence, legislation is expected in 2006 in relation to both the criminal justice area and the protection of victims of trafficking, incl. the definition of trafficking.

For the country report on Ireland, eight interviews were carried out with the following bodies:

- The national police force – the Gardai, more specifically with the the Garda National Immigration Bureau (GNIB) and the Garda Racial and Intercultural Office (GRIO);
- Customs Service;
- The Labour Inspectorate
- Health Service Executive (HSE)^o
- NGOs (Ruhama).

In addition to these interviews, further 17 organizations were consulted and two meetings took place with the relevant government departments to discuss the proposed legislation.

II. Scale and nature of THB

The lack of data on trafficking makes it hard to establish the prevalence of trafficking for sexual or labour exploitation into or through Ireland.

According to data from the NGO Ruhama, since 2000, they have encountered 20 clear cases of THB for the purpose of sexual exploitation and identified a further 80 women as potential victims. All women were between 17 and 32 years old. The majority come from the East European countries, Moldova, Ukraine, Latvia, Lithuania, Estonia, Uzbekistan in Central Asia, and Albania in the Balkans. Africa (Nigeria) and South America (Brazil) were also seen as relevant. The vast majority had arrived in Ireland through another country, most commonly Northern Ireland, Great Britain or Holland.

Regarding THB for labour exploitation, no data was available although examples of exploitation of migrant workers have been identified. Risk sectors are ethnic restaurants, agriculture and the meat processing industry. The employees in ethnic restaurants are generally from the Indian subcontinent, in horticulture and agriculture from Latvia, Lithuania and Ukraine and in the meat industry from Poland, South Africa and Brazil.

When it comes to trafficking in children, the Separated Children's Service estimates that around 20 children in their care in 2005 have been trafficked, mainly for sexual exploitation. Main countries of origin are South Africa, Nigeria, DR Congo, Cameroon, Romania, Moldova and Albania, virtually all of these children entered Ireland via another European country.

III. Identification

There is currently no Irish government policy/legislation¹⁷ on victim's identification and no policy of national cooperation on the issue. Consequently, there are no national indicators or guidelines in place to aid the identification of victims of trafficking. However, the NGO Ruhama is currently developing indicators for use in its work. Similarly the Service for Separated Children has an informal list of indicators in place that is also in the process of being formalized.

As GNIB holds the dual role of police officer and border guard, it is the primary relevant authority with regard to the identification of victims of trafficking and is charged with investigating the crime of human trafficking. In particular, GNIB stated that it identifies victims at airports, ports and through the course of

¹⁷ The only relevant legislation is the Illegal Immigrant (Trafficking) Act, 2000 and the Child Exploitation and Pornography Acts (1998-2004). The former does not define THB, it in fact criminalises the smuggling of migrants into Ireland. The latter address the issue of child trafficking but fails to precisely define the offence. Moreover, it does not deal with child trafficking for the purpose of labour exploitation.

other Gardai investigations. The customs service has no formal role in the identification of victims of trafficking. However, the Customs Service is aware of the issue of trafficking and has on occasion picked up suspected cases that GNIB has missed. The government's Labour Inspectorate has an official role in ensuring that employment laws are complied within Ireland and could therefore potentially have an important role to play in identifying victims of trafficking. Unfortunately the Labour Inspectorate does not play an active role in this area. Two organizations that have been involved informally in this area are the Migrant Rights Centre, Ireland (MRCI) and the union SIPTU. Moreover, the Service for Separated Children has an important role in the identification of possible child victim's of trafficking.

IV. Protection

Although there are protection provisions in place for victims of crime, there is no specific national policy/legislation on the protection of victims of trafficking. There are also currently no automatic right of residence permits for trafficked victims. There is a witness protection programme but this is not specific to victims of trafficking. There is also no specific return programme for victims of trafficking at this time, although it has been recognized that one could benefit some victims.

In view of this lack, the government has initiated to include a single protection procedure for victims of trafficking in the Residence and Immigration Bill. The short term residence permit proposed in the Bill will be subject to the condition that the victim of trafficking cooperates with the Gardai.

In practice, Ruhama is identified by GNIB and other NGOs as of particular assistance and is the only organization in Ireland offering a range of services to victims of trafficking. Exploited workers who seek assistance are usually referred to MRCI or the unions. All assistance offered has been offered on a case by case basis and referrals are informal and through a network of personal contacts.

Although there is no formal protection scheme for child victim's the Separated Children's Service does put together an individual protection package for each child.

V. Interagency and International Cooperation

The level of cooperation both with regard to identification and protection between the main actors is good, but this cooperation is on an informal level. Most of the time, the cooperation involves sharing of data and information. The institutions that are the main actors are GNIB, the HSE and Ruhama.

On an international level, GNIB shares police investigative data with Interpol, Europol and EuroJust. The country that GNIB would cooperate with most frequently is the UK (Northern Ireland). GNIB do have in place a very small number of Garda Liaison officers; their role is to share information and to coordinate with local police forces and airlines. IOM has an important role in international cooperation as well.

VI. Training gaps and needs

There has been little formal training in Ireland on the issue of trafficking for sexual or labour exploitation. All organizations questioned were interested in training. One organization that specified that some training had taken place was the GNIB.

In relation to training in the future, GNIB is in planning a training programme on THB due for launch in 09/ 2005. This training will be offered to officers in GNIB and to nominated officers from each district across the State. The training will focus on victim identification and protection.

The majority of organizations expressed the view that training should primarily be for front line staff. The Service for Separated Children wanted specialist training. The issues to be addressed in training varied depending upon the organization (identification of victims, intelligence gathering, interviewing techniques, profiling and travel documents, the residency status of trafficked victims, methods to help a victim to disclose and best practice in this area etc.).