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Human Trafficking in the Baltic Sea Region: State and Civil Society Cooperation on Victims' Assistance and Protection



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LIST OF ACRONYMS¹

BAGFW	Coordination Group of the German Welfare Organisations
BKA	Federal Criminal Police Office
BMAS	Federal Ministry for Labour and Social Affairs
BMFSFJ	Federal Ministry for Family Affairs, Senior Citizens, Women and Youth
CBSS	Council of the Baltic Sea States
CBSS TF-THB	Council of the Baltic Sea States Task Force against Trafficking in Human Beings
CIS	Commonwealth of Independent States
CJA	Criminal Justice Authorities
CoE	Council of Europe
CMM	Danish Centre against Human Trafficking
DIS	Danish Immigration Service
EEA	European Economic Area
EU	European Union
FAFO	Institute for Applied International Studies
GARP	Government Assisted Repatriation Programme
IACB	Inter-Agency Coordination Body
ICMPD	International Centre for Migration Policy Development
ILO	International Labour Organization
IO	International Organization
IOM	International Organization for Migration
KOK	German Nationwide Activist Coordination Group Combating Trafficking in Women and Violence against Women in the Process of Migration
KOM	Coordination Unit for Human Trafficking
LEA	Law Enforcement Agencies
LKA	Länder Criminal Police Offices
NAP	National Action Plan/Program
NBI	National Bureau of Investigation
NC	National Coordinator
NCI	National Centre for Investigation
NCM	National Coordination Mechanism
NGO	Non-Governmental Organization
NMT	National Support Operations against Prostitution and Trafficking in Human Beings
NRG	National Reference Group
NRM	National Referral Mechanism
MIJ	Ministry of Integration and Gender Equality
MoU	Memoranda of Understanding
MFA	Ministry of Foreign Affairs
MoI/A	Ministry of Interior/Administration
MoJ	Ministry of Justice
MoL	Ministry of Labour
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
REAG	Reintegration and Emigration Programme for Asylum-Seekers in Germany
RG	Regional Groups
ROSA	Re-establishment, Organizing safe accommodation, Safety and Assistance Project

¹ For ease of reference, acronyms referring to national institutions appear as they are used in the countries, while the corresponding names of national institutions are translated into English.

RUA	Foreigners/Immigration Unit
SOLWODI	Solidarity with Women in Distress
THB	Trafficking in Human Beings
TIP	Trafficking in Persons
TRM	Transnational Referral Mechanism
UDI	Directorate for Immigration
UN.GIFT	United Nations Global Initiative to Fight Human Trafficking
UNODC	United Nations Office on Drugs and Crime
VoT	Victim of Trafficking

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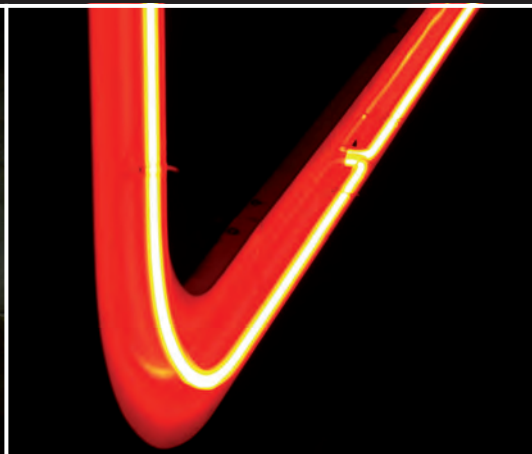
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INTRODUCTION

Despite the efforts of governments, international organizations and civil society, human trafficking remains a global problem. Around the world, millions of people are handled as commodities and exploited in an ever evolving trade. It cannot be emphasized enough that one of the first important steps toward coordinating an effective response is to understand the depth, breadth and scope of trafficking in persons. The United Nations Office on Drugs and Crime (UNODC) has taken some important steps in the past, with “Trafficking in Persons: Global Patterns” and the “Global Report on Trafficking in Persons” to begin to bridge this information gap. However, UNODC recognises that global problems require not only global, but also regional responses. That’s why studies like the one presented here are so crucial to understanding how best to combat this modern form of slavery.

UNODC and the Council of the Baltic Sea States Task Force on Trafficking in Human Beings (CBSS TF-THB)² have teamed up to implement the “Preparatory Regional Project on Fostering Non Governmental Organization (NGO) – Law Enforcement Cooperation in Preventing and Combating Human Trafficking in, from and to the Baltic Sea Region”. The aim of the research carried out within the project and presented in this study is to help lay the foundation for targeted and consistent approaches in the provision of assistance and protection to victims of human trafficking through improved cooperation among State actors and civil society organizations.³ The research aims in particular to establish a knowledge-base on existing cooperation mechanisms, identify shortcomings and obstacles and formulate recommendations for improved cooperation.

A few main themes emerged throughout the research process. First, as already mentioned, reliable data gathering is the foundation of any other effort to combat trafficking in persons. The findings here demonstrate serious shortcomings in this area as well as a substantial under-reporting of cases. The latter may be due in part, to NGO personnel in some countries not being authorised to identify to government authorities foreign victims of trafficking. Second, many countries’ efforts are focussed on trafficking for sexual exploitation, to the exclusion of other forms of exploitation. In this respect, particularly identification of and service provision to victims of trafficking for other exploitative purposes is lacking. Third, and perhaps most relevant to the subject of the study, was the need to enhance communication between civil society and State actors. Improved communication between these two parties would facilitate shared understanding of what constitutes trafficking in persons, establish priority areas and joint policies and establish direct channels of communication between different service providers that do not rely upon personal contacts.

With this study and the important findings contained here, we have reached a milestone, and a crossroads, in the Council of the Baltic Sea States (CBSS) region. It is now important to build upon the information presented here in order to ensure that all parties move along a common path that will put an end to this crime that shames us all.

² The CBSS TF-THB is composed of experts from Government ministries based in the CBSS capitals. The members of the CBSS are the States of Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, Norway, Poland, the Russian Federation, and Sweden. The European Commission is also part of the Task Force, but was not involved in the implementation of the project. The CBSS TF-THB also has ten Observer States which take part in some of the activities. These include: Belarus, France, Italy, Romania, the Netherlands, Slovakia, Spain, the United Kingdom, Ukraine, and the United States of America.

³ This report does not focus on children victims/minors as the mandate of the CBSS TF-THB is on adult victims only.

Geographic Scope of the Study

This study focuses on the 11 Member States of the CBSS, which are Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, Norway, Poland, the Russian Federation and Sweden.

Timeframe and Project Phases

The research was conducted between April and November 2009. It entailed a desk review phase, the gathering of information from stakeholders in the participating countries through different sets of questionnaires, and interviews during country assessment visits.

In order to assess the state of cooperation among anti-trafficking players, a broad range of practitioners was consulted. Stakeholders involved in the project included anti-trafficking National Coordinators (NC), National Rapporteurs, Law Enforcement Agencies (LEA)(anti-trafficking specialised units where they are established), Immigration Authorities, Labour Inspectorates, Criminal Justice Authorities, Assistance Service Providers, comprising State, civil society representatives and in few instances international organizations (IOs), such as the International Organization for Migration (IOM).

The number of NGOs and civil society actors consulted ranged from one to three per country. This was mostly due to limited capacity in terms of time and resources available to conduct interviews in each country. Not all categories of stakeholders were actively involved. In some instances labour inspectorates declined participation; border guards were involved only in a few countries; and immigration authorities and prosecutor's offices could not be interviewed in all countries. Judges were not involved in the process in any of the participating States.⁴

The CBSS TF-THB members were instrumental in helping the research team to identify key players in each country.

Sources and Methodology

Sources used for the study included official policy papers, such as National Programs and Action Plans (NAPs) or other policy tools, NAP evaluation reports, specialised publications from intergovernmental organizations, non-governmental organizations (NGOs), universities, research institutes and independent researchers.

Documents such as Memoranda of Understanding (MoUs), ministerial directives, and operational guidelines were analysed throughout the process as they were made available by interview partners in the countries. As it was not always possible to translate such documents from the original language, non-official translations or summaries were used whenever possible.⁵ This may have sometimes resulted in an incomplete representation of the corresponding procedures.

A preliminary questionnaire was distributed to CBSS TF-THB delegates at the outset of the process in April 2009. The questionnaire focussed on gathering initial information on anti-trafficking actors in each country, National Referral Mechanisms (NRMs) and existing cooperation agreements in place at the national and regional level.

⁴ Direct cooperation with judges in anti-trafficking efforts is reportedly not an established practice. The respect for the independence of the judiciary is often mentioned as a barrier to engage judges in cooperation projects.

⁵ Translation capacity for Danish, Finnish, German, Norwegian, Russian and Swedish documents was provided through UNODC staff; translation capacity for Polish, Estonian, Lithuanian, Latvian and Icelandic was provided by the CBSS THB TF Members and interview partners in the countries.

Prior to the country visits, a set of more detailed questionnaires was distributed to stakeholders in each country. Questionnaires comprised a mix of open and closed questions aimed at gathering information on cooperation practices in selected areas, e.g. identification, referral, support and assistance services for victims of trafficking (VoTs), cooperation agreements (e.g. MoUs, contracts, etc.), structures and capacity building measures. Specific questions were tailored for each target group in order to capture different aspects of operational practices in consideration of the individual mandates of the stakeholders involved. Questionnaires length ranged from about 20 to 50 questions depending on the target group.

Questionnaires from law enforcement and service providers were returned by all the countries that distributed questionnaires (80%). Among these, 33% returned more than one questionnaire from law enforcement (police/border guard units or different police units/representatives) and 55% returned more than one questionnaire from service providers; 55% returned questionnaires from national coordinators offices, prosecutors, and immigration authorities; 44% from labour inspectorates or similar bodies; 11% returned a questionnaire from the office of the National *Rapporteur*.⁶

Individual interviews with single stakeholders lasted approximately two hours. Interviews aimed at gathering more insight in each of the fields surveyed through the questionnaires and identifying specific issues of concern.

In the Russian Federation project activities could not be conducted as described above. An assessment visit to be conducted by an expert from the UNODC Anti-Human Trafficking and Migrant Smuggling Unit scheduled for July-August 2009 was ultimately not possible due to organizational restraints. Also access to sources used for the analysis, such as questionnaires, directives, agreements, and other operational tools could not be obtained.⁷ In the final stages of the project however, State officials at the Ministry of Interior manifested interest in getting involved in possible follow-up activities related to enhancing cooperation between State actors and civil society in the field of victims' assistance and protection. It is with the aim of supporting their endeavours that the partial information that could be processed by the research team is presented in this study.

The Research Team

Country assessment visits were conducted by different individuals, involving a total of five UNODC staff, one CBSS TF-THB Secretariat representative and the independent consultant leading the research activities for the project. Each interview team included a maximum of two persons per country.

Members of the CBSS TF-THB were instrumental throughout the whole process, gathering information, organising the country assessment visits, and revising the data for their respective country. Most of them were also interviewed during country assessment visits in their official capacity at the national level.

Research Focus

The study attempts to provide insights into what institutionalised mechanisms and work practices are in place in the CBSS Member States to facilitate cooperation among different stakeholders in the field of support and assistance to trafficked persons. The ultimate aim of the research is to support the 11 target countries in identifying good practices, problem areas and possible ways to improve cooperation at the national level as well as regionally through targeted and consistent approaches.

The research focuses in particular on assessing how cooperation among different actors is addressed or regulated in each country through policy tools, such as NAPs, the establishment of National Coordination Mechanisms (NCMs), the adoption of formalised cooperation agreements (e.g. MoU), as well as key procedures at the operational level.

⁶ In the very few instances where no questionnaires were returned and no interview partner in the same stakeholder group could be interviewed, country profiles may present gaps in data.

⁷ See Part 2, Country Profile, The Russian Federation.

The focus of the research as it was formulated by the CBSS TF-THB was originally limited to cooperation between LEAs and NGOs providing assistance to victims of trafficking. Upon further discussions within the task force, the scope was broadened to encompass cooperation between State actors and civil society organizations, in acknowledgement of the importance of the numerous practitioners involved in anti-trafficking responses. Defining the scope of this research was per se a challenging exercise as in fact, despite the broadened focus, some significant realities of the CBSS region were not easy to capture within one formula. In countries such as Sweden for instance, where the State takes care of most of the services for the assistance and protection of victims, the parameters set (State actors-civil society) did not fit perfectly. Despite this, the data gathering brought interesting insights also in such a context, as good practices as well as difficulties at the operational level seem to be ultimately linked more closely to mandates, and related perceptions of priorities, than to the status of the stakeholders (State versus civil society).⁸

The guiding questions around which the research revolves are the following:

1. To what extent is cooperation integrated into policies, structures, and procedures in each country?
2. What are the main problem areas related to victims' assistance and support measures?
3. What tools may be developed to improve cooperation among different practitioners, enhancing the national response as well as consistent approaches at the regional level?

In order to answer the above questions and to illustrate the type of institutional framework for cooperation in place in each country, the first part of the data (part 1, chapter 1–3) has been organized around the description of policy tools and coordination mechanisms. Although these first chapters may read as a description, comparing country systems posed numerous challenges and in some cases, the representation chosen may not always do justice to national contexts. Special attention was devoted to gathering information about the existence of formalised cooperation agreements regulating work practices and procedures between different practitioners, such as for instance MoUs between law enforcement and service providers, or between and among other State actors and civil society organizations (part 1, chapter 4). Furthermore, selected areas at the operational level were analysed to focus on specific fields where it is widely acknowledged that bridging the gap between actors with different mandates is particularly challenging (Part 1, chapter 5). This part of the study covers procedures and work practices relating in particular to the following areas: Victims' identification procedures, referral practices, access to assistance services, residence regimes linked to cooperation in criminal proceedings, protection of victims/witness in court proceedings, and transnational referral and return of victims within the CBSS region.

These areas are all complex and broad-ranging. In approaching each of them, the main focus was on assessing whether the status quo is conducive to effective cooperation practices among different stakeholders or whether gaps in procedures or tools exist.

With respect to victims' identification for instance, some of the core questions focussed on what kind of identification procedures are in place. The objective was to try and understand if procedures are designed in a way that allows sufficient flexibility, recognising the role that a very broad range of actors may have in identifying presumed trafficked persons, as well as acknowledging that the process requires time and the involvement of different professionals to be carried out as needed. An important focus of the data gathering in this respect was whether procedures allow referral of presumed victims to assistance and support services without the need for the authorities to assess the case formally at the very outset, and if cooperation of different professionals is integrated into procedures as a pre-requisite to provide good standards of victims' protection.⁹

⁸ See Part 2, Country Profile, Sweden.

⁹ For a concise description of victims' identification best practices and problem areas, see the *EU Recommendations on Identification and Referral to Services of Victims of Trafficking in Human Beings* (2007), and the *Report of the Experts Group on Trafficking in Human Beings* (2004).

In areas such as referral practices, the focus was on the systemic features in place to ensure a coordinated approach. Working questions addressed the existence of a first point of contact once a presumed victim had been identified, and of guidelines for referral to help facilitate the process of identification, regardless of the entry point of the victim. Another important focus was to assess if the practice of joint first contact interviews and of risk assessments involving different professionals were established.

With respect to assistance services, attention was given to selected aspects related to coordination and co-operation, such as the link between access to support and assistance and identification procedures; systemic limitations in the targeting of services; and information available to different stakeholders on victims' rights and entitlements.

Finally an attempt has been made to report good practices, lessons learnt, new areas of attention, and problem areas summarising information in text boxes throughout the country profiles.

It must be stressed that in response to the request of the CBSS TF-THB to keep the findings to a manageable size, this study does not provide an overview of legislation (this type of data has however been analysed in other recent publications)¹⁰ or data on the phenomenon of trafficking in the CBSS region.¹¹ It is only in order to shed light on emerging features that information pertaining for instance to recent or expected legislative changes or to new trends detected in the phenomenon has been provided in the country profiles.

Structure of the Study

Part 1 of the study presents an overview of cooperation mechanisms and practices in the region, comparing data gathered in the 11 Member States in the following areas:

1. National Programs and NAPs/other policy tools containing anti-trafficking measures
2. National Coordination Mechanisms (NCMs)
3. National *Rapporteurs*¹²
4. Formalised cooperation agreements (e.g. MoUs)
5. Cooperation practices at the operational level (identification, referral, assistance and support services, victims/witnesses in criminal proceedings, regional cooperation for the safe referral, return and re-integration of victims)

¹⁰ Data on legislative frameworks, criminal justice responses, and number of victims identified in each country has been published in the UNODC-UN.Gift Global Report on Trafficking in Persons (2009). All the countries surveyed in this study are covered by the Global Report. http://www.unodc.org/documents/human-trafficking/Global_Report_on_TIP.pdf. Data on legislation and the trafficking phenomenon in EU Member States has been recently published by B. Hancilova, and C. Massey, *Evaluation of EU Member States' legislation and the situation concerning trafficking in human beings for the purpose of sexual exploitation*, ICMPD, 2010 (awaited soon). A draft has been kindly provided for review, courtesy of the author and ICMPD. The CBSS TF-THB plans to carry out a study on data collection about human trafficking cases in the CBSS Region in the course of 2010.

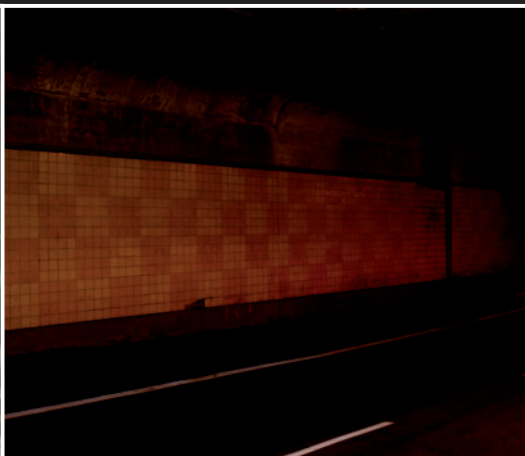
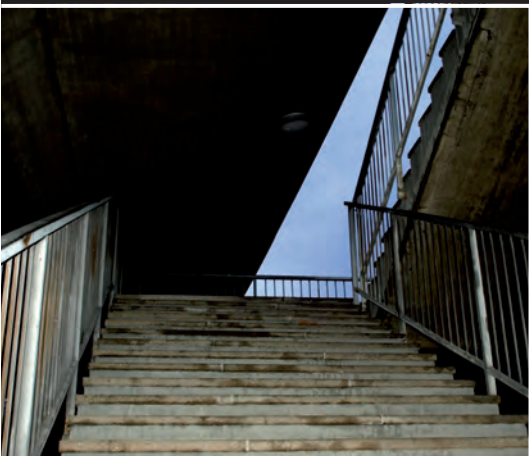
¹¹ A number of sources covering the trafficking phenomenon in the region are provided in the bibliography. For an overview of existing literature published between 2000-2005 in four of the 11 CBSS Member States (Estonia, Germany, Lithuania, and Poland), see I. Orfano, "Trafficking in human beings: An analysis of the literature and an overview on the phenomenon in six European countries", in I. Orfano et al., *Headway. Improving Social Intervention Systems for Victims of Trafficking*, Noktus, Warsaw, 2007.

¹² National Rapporteurs may also be considered part of NCMs, as in "Efforts to Combat Trafficking in Human Beings in the OSCE Area, Coordination and Reporting Mechanism", *Annual Report of the OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings*, Vienna, 2008. http://www.osce.org/cthb/item_11_36298.html

Part 2 contains country profiles for the 11 CBSS Member States. The data analysed in the country profiles reflect the same areas presented in Part 1 with minimum variations in structure due to country context and specific national features.

The International Framework for Action to Implement the Trafficking in Persons Protocol, was used as a reference tool to define the parameters for the analysis.¹³ A description of the variables and indicators used is provided in the introduction to Part 1 “Overview of Cooperation Mechanisms and Practices in the Council of the Baltic Sea States Region”.

¹³ *International Framework for Action to Implement the Trafficking in Persons Protocol*, September 2009, http://www.unodc.org/documents/human-trafficking/Framework_for_Action_TIP.pdf. The variables analysed are based on the sections pertaining to Protection and Assistance, National Cooperation, International Cooperation among Member States, Cooperation among International and Regional Organizations.



PART 1 – OVERVIEW OF COOPERATION MECHANISMS AND PRACTICES IN THE COUNCIL OF THE BALTIC SEA STATES REGION

Introduction

The importance of cooperation among different stakeholders is an established pillar of anti-trafficking efforts, addressed by numerous international instruments, including the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; the Council of Europe Convention on Action against Trafficking in Human Beings; the European Union (EU) Action Plan on best practices, standards and procedures for combating and preventing trafficking in human beings (“EU Action Plan”); and the Organization for Security and Co-operation in Europe (OSCE) Action Plan to Combat Trafficking in Human Beings. Furthermore, different sets of guidelines and other operational tools have been developed at the international level to help countries implement coordination strategies (e.g. the International Framework for Action to Implement the Trafficking in Persons Protocol, the OSCE Handbook on National Referral Mechanisms, the International Centre for Migration Policy Development (ICMPD) Guidelines for the Development and Implementation of a Comprehensive Anti-Trafficking Response, etc.). The concepts and terminology used in this report draw largely on these and other existing instruments.

Part 1 of this study presents information about cooperation mechanisms and practices related to victims’ protection and assistance measures, comparing data from the 11 CBSS Member States (Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, Norway, Poland, the Russian Federation and Sweden). The data presented in this part of the study is compiled into five main sections:

Chapter 1 describes the development of anti-trafficking policy tools, such as **National Programs and Action Plans (NAPs)** or equivalent instruments in the participating countries.

Chapter 2 provides an overview of existing **National Coordination Mechanisms (NCMs)** focusing in particular on National Coordinators (NC), Inter-Agency Coordination Bodies (IACB), and working groups at the operational/local level.

Due to the fact that in some countries anti-trafficking coordination units (also referred to as anti-trafficking coordination agencies or centres) are being established or considered, a section has been introduced to reflect developments in this area. While the mandates of these new bodies are not yet clearly defined (some are being piloted, others are still to be agreed upon), an attempt has been made to describe current features under consideration in Member States.

Where dedicated units, such as law enforcement anti-trafficking units or specialised prosecutors have been established, this has also been documented. The inclusion of specialised units in the section devoted to coordination mechanisms is based on the consideration that such units de facto carry out an important coordination function in anti-trafficking efforts, although their mandate does not necessarily specify coordination as an explicit task.¹⁴

An overview of **National *Rapporteurs* or equivalent mechanisms** is provided in Chapter 3. This chapter aims at mapping the existence of independent institutions monitoring the phenomenon and the effectiveness of responses devised in the country, as well as gathering and analysing data from different sources, including State actors and civil society organizations. However this study does not focus in particular on data gathering, an issue that is being addressed through other projects and initiatives.^{15, 16}

¹⁴ In some countries, e.g. in Poland, the special units are officially mandated to enhance cooperation. See NAP, Poland, 2009-2010.

Chapter 4 presents information on existing cooperation agreements such as **Memoranda of Understanding (MoUs)** aimed at facilitating cooperation between and among State actors and civil society organizations.

To gather direct insight into how cooperation functions at the operational level in each country, Chapter 5 has been devoted to specific areas relating to victim protection and assistance measures. The parameters selected for the analysis include **identification and referral practices, assistance and support systems, residence regimes, victims/witnesses in-court proceedings, and regional cooperation for the safe referral, return and re-integration of victims.**

¹⁵ All analysts point out the difficulties of data gathering in this field. See among others B. Hancilova and C. Massey, *Evaluation of EU Member States' legislation and the situation concerning trafficking in human beings for the purpose of sexual exploitation*, ICMPD, 2010 (awaited soon); I. Orfano, "Trafficking in human beings: An analysis of the literature and an overview on the phenomenon in six European countries", in I. Orfano et al., *Headway. Improving Social Intervention Systems for Victims of Trafficking*, Noktus, Warsaw, 2007. p. 14-16. Methodologies are being developed and tested in other regions. See for instance ICMPD, *Handbook on Anti-Trafficking Data Collection in South Eastern Europe: Developing Regional Criteria*, Vienna, 2007.

¹⁶ The CBSS TF-THB plans to carry out a study on data collection about human trafficking cases in the CBSS Region in the course of 2010.

1. ANTI-TRAFFICKING NATIONAL ACTION PLANS

Anti-Trafficking Programs and Action Plans (NAPs) have contributed significantly to the coordination of State actors and civil society organizations in many regions of the world. As summarised in a recent report, “NAPs are used to plan a country’s actions against THB in a systematic, organized and co-ordinated way. They link a country’s framework of operational activities – its programs and other measures – to its strategic vision. The NAP is the blueprint for how, when and by whom strategic and operational activities are to be accomplished.”¹⁷

NAPs have also contributed to growing recognition of the importance of a human rights, victim-centred approach in anti-trafficking efforts – a principle which is now acknowledged among practitioners from different backgrounds.

It should be stressed that NAPs are not legally binding tools. Measures envisaged in NAPs need to be implemented through legislative and operational initiatives in order to have an impact on reality. The existence of such policy tools is therefore per se not a sufficient indicator of the state of anti-trafficking efforts in a country. Yet NAPs are very often the first step in a country’s attempt to build a response system that overcomes fragmentation of efforts to achieve multi-disciplinary coordination. In this respect, they are significant indicators for the research objectives of this study.

State of the Play in the Region

Most countries in the CBSS region have introduced national anti-trafficking programs and NAPs or other policy tools that include anti-trafficking policy provisions in the last few years.

In 2002, only two countries (less than 20%) had a dedicated anti-trafficking policy tool. In 2005, six of the eleven Member States (about 54%) had approved anti-trafficking policy tools.¹⁸ By 2009, nine countries out of eleven (about 80%) have a dedicated anti-trafficking policy instrument.

One Member State, Germany, which has been active in anti-trafficking efforts longer than any other country in the region, does not have a dedicated action plan but has anti-trafficking measures streamlined into other action plans¹⁹.

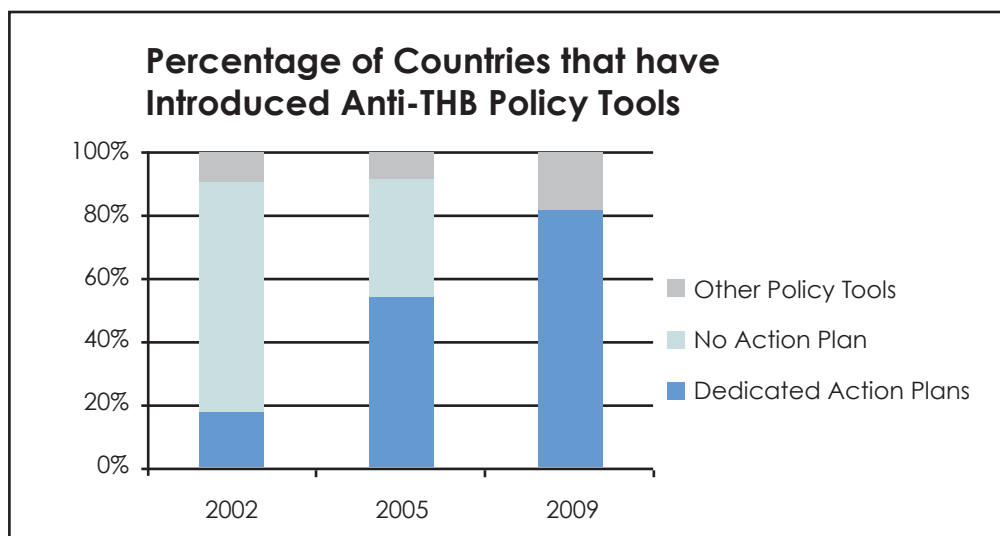
The Russian Federation has not approved a national action plan yet, but a draft has been prepared for approval. Some anti-trafficking measures are included in the Mid-Term Program of Russia’s Socio-Economic Development (2006–2008). The Russian Federation participates also in the CIS Regional Action Plan related to the implementation of the CIS Program of Co-operation to Combat THB for 2007–2010. Figure 1 and 2 summarise information about developments in this area.

¹⁷ OSCE, “Efforts to Combat Trafficking in Human Beings in the OSCE Area, Coordination and Reporting Mechanism”, *Annual Report of the OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings*, Vienna, 2008, p. 12.

¹⁸ Names of tools vary in the region and include “program”, “development plan” as well as “action plan”. In this report “National Action Plans” (NAPs) is used to refer to dedicated anti-trafficking policy tools as well as policy tools that include anti-trafficking measures. Official names of the policy tools are reported in figure 2 and in the country profiles.

¹⁹ Action Plan on Violence against Women, Action Plan for the Protection of Children and Youth, see also Part 2, Country Profile, Germany.

Fig. 1 Anti-Trafficking Policy Tools in the CBSS Region



Source: UNODC-CBSS

The policy tools vary considerably in length and approach. However most of them:

- Contain a strategic level and an operational level (sometimes integrated, sometimes separated into narrative text and implementation tables)²⁰
- Address the issue of cooperation
- Recognise the validity of a victim-centred approach

Implementation Timeframes

Most NAPs in the CBSS countries include timeframes for implementation which range from two to four years (see Fig. 2). Regular revisions are foreseen in all countries where an instrument is in place, together with regular reporting to Government and/or Parliament. Monitoring and evaluation of NAPs is also increasingly acknowledged as an important feature, with a prevalence of self-monitoring over independent monitoring and evaluation. In some countries, the techniques for monitoring and evaluation are however not an established practice and some independent monitoring would be highly beneficial.

Germany and Sweden have different approaches to revising their NAPs. Germany introduced policy measures to combat human trafficking for sexual exploitation in 1999 and revised them for the first time in 2007. However numerous developments have taken place in the meantime without having been mandated through NAP revisions.²¹

In Sweden, where such policy tools are not a widespread practice and coordination is based on other methods, a National Action Plan to combat Prostitution and Trafficking was first approved in 2008 and will expire in 2010. At the time of writing it is not clear if this policy tool will be considered a one-off initiative to give impetus to anti-trafficking measures, or will be revised and updated on a regular basis.

²⁰ The strategic level includes ideally a preamble, some background analysis, objectives, indicators; the operational level includes activities, responsible bodies, resources, indicators. ICMPD, *Guidelines for the Development and Implementation of a Comprehensive Anti-Trafficking Response*, Vienna, Austria, 2006.

Forms of exploitation

Policy tools in many countries in the region were at first focussed exclusively on sexual exploitation and on women as a target group. Some NAPs referred or refer to “trafficking in women” or “human trafficking and prostitution”, etc. (see Fig. 2). Indeed in many countries in the region, the terms “trafficking for sexual exploitation” and “prostitution” are still used often interchangeably. This is a feature that is rooted in public discourse and in different philosophies and approaches. For the purposes of this study, it must be mentioned that from a legal point of view terminology is not a neutral feature, as it has consequences for the type of support and protection that victims of the crime are entitled to, as well as for the terms of prosecution.²²

An evolution with respect to the focus of the policies can be observed in most of the countries, many of which have gradually recognised the complexity of the phenomenon and the existence of different forms of exploitation (e.g. labour, forced begging/delinquency practices, forced marriage, organs removal, domestic servitude, etc.). The names of the policy tools partly reflect this shift in focus (see Fig. 2).

However, policy lines contained in the action plans indicate that counter-trafficking measures and service provision remain strongly targeted on trafficking for sexual exploitation and on women as a target group. Information gathered at the operational level confirms difficulties developing capacity to combat trafficking for other forms of exploitation.

²² On the implications of terminology and interpretation of legal definitions, see among others I. Orfano (2007) p. 23; OSCE *Annual Report of the Special Representative and Coordinator for Combating Trafficking in Human Beings* (2008), p. 35; B. Hancilova, and C., Massey (2010, awaited soon).

²³ See also below sections on Special Units, Assistance and Protection Systems.

Fig. 2 Implementation Timeframes of Policy Tools

Implementation Timeframes of Policy Tools in CBSS Member States

Denmark 2002 Action Plan to Combat Trafficking in Women 2005 Appendix concerning children 2007-2010 Action Plan to Combat THB	Lithuania 2002-2004 Program for the Control and Prevention of THB and Prostitution 2005-2008 Program for the Prevention and Control of THB 2009-2012 Program for the Prevention and Control of THB
Estonia 2006-2009 Development Plan against Human Trafficking	Norway 2003 Plan of Action to Combat Trafficking in Women and Children 2006-2009 Stop Human Trafficking
Finland 2005-2008 National Plan of Action against Trafficking in Human Beings. 2008-To Be Determined. Revised National Action Plan against Trafficking in Human Beings.	Poland 2003-2004 National Program for Combating and Preventing THB 2005-2006 National Program for Combating and Preventing THB 2007-2008 National Program for Combating and Preventing THB 2009-2010 National Action Plan against THB (Approved May 2009)
Germany 1999 Federal Action Plan to Combat Violence against Women 2007 Federal Action Plan to Combat Violence against Women II	Russian Federation Draft National Action Plan (to be approved) 2007-2010 CIS Regional Action Plan
Iceland 2009-2012 Action Plan against THB	Sweden 2008-2010 Action Plan to Combat Prostitution and Trafficking in Human Beings for Sexual Purposes
Latvia 2004-2008 National Program for Prevention THB 2009-2013 National Program for Prevention of THB (Approved August 2009)	

Source UNODC-CBSS

2. NATIONAL COORDINATION MECHANISMS

Anti-trafficking National Coordination Mechanisms (NCMs) are a core element of an effective anti-trafficking response. A single successful formula to design effective coordination mechanisms does not exist. Yet it is generally acknowledged that NCMs are *“about identifying and integrating essential expertise and authorities needed to combat THB [...and that they] are meant to provide leadership for the coordination of concrete anti-trafficking efforts and activities [and] organize the collective efforts of a country to produce the most effective [...] results.”*²⁴

CBSS countries have legitimately opted for different solutions in terms of coordination.²⁵ Most of them have established some form of NCM and in many cases a rather sophisticated coordination framework.

Comparing systems at this level is always a difficult exercise. The use of the same terminology may often hide substantial differences in mandates; at the same time, different language may be used for bodies that have very similar functions. In full acknowledgement of the fact that there is always the possibility of misinterpreting data when carrying out analysis, an attempt has been made to respect country denominations and descriptions, while providing additional information to allow comparisons whenever possible.

This chapter presents an overview of NCMs taking a broad focus and encompassing policy and operational levels,²⁶ including in particular:

- National Coordinators (NC)
- Inter-Agency Coordination Bodies (IACB)
- Anti-Trafficking Coordination Units/Centres/Agencies
- Working Groups at the Operational/Local Level
- Specialised Units within Law Enforcement and Criminal Justice Authorities

While NCs, IACBs and Working Groups at the Operational/Local Level are often referred to when discussing NCMs, the other two categories addressed in this chapter—Anti-Trafficking Coordination Units/Centres/Agencies and Specialised Units within Law Enforcement and Criminal Justice Authorities – require a word of explanation.

The inclusion of a section devoted to **Anti-trafficking Coordination Units** (also called Centres or Agencies) was not planned originally. It reflects recent developments at the operational level which recognize these units as a significant coordination mechanism.

Such units have been established and/or are being piloted in four countries (Poland, Denmark, Norway and Sweden) and are under consideration in two others (Latvia and Lithuania). Information on mandates is not always available or clearly defined. This adds to the difficulty of comparing such institutions across systems.

Against this background, an attempt has been made to describe current features under consideration in Member States based on the information that could be gathered. Sometimes official documentation and descriptive charts were available; sometimes a proposal to be submitted for approval could be reviewed; in one instance, information available was based exclusively on interviews with State officials.²⁷

²⁴ OSCE *Annual Report of the Special Representative and Coordinator for Combating Trafficking in Human Beings*, (2008). The document provides an overview on purpose and rationale of NCMs, as well as an overview of NCMs in the OSCE region.

²⁵ “Because of the existence of different forms of government jurisdiction and legal systems of the participating States, different models or approaches to national/local co-ordination would be necessary”, *ibid.* p.27.

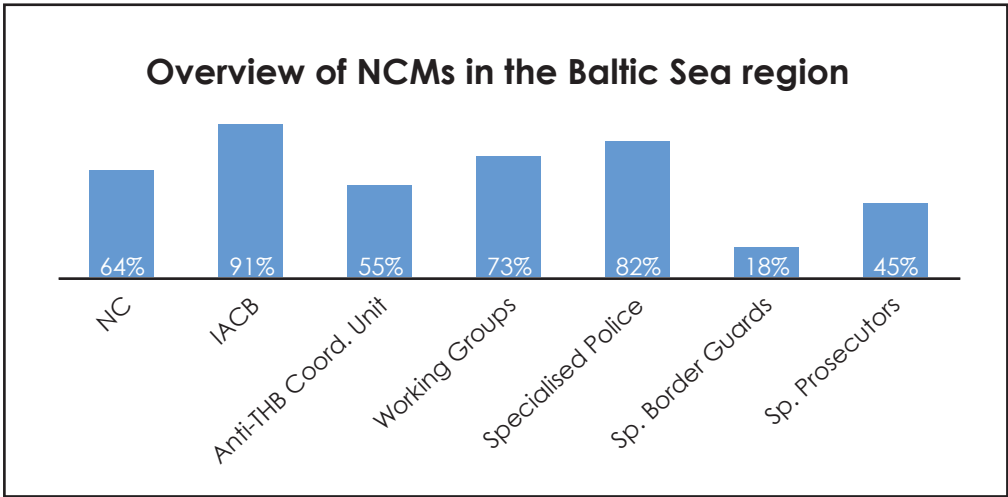
²⁶ On the challenges of ensuring effective NCMs covering policy and operational levels, *ibid.* p.28.

²⁷ Interview with the CBSS THB Task Force Member, Vilnius, Lithuania, June 2009.

Finally, the inclusion in this section of data on **specialised units** such as law enforcement anti-trafficking units or specialised prosecutors is based on the consideration that such units de facto carry out an important co-ordination function in anti-trafficking efforts at the operational level, although their mandate may not specify coordination as an explicit task.

An overview of existing NCMs is summarised in Figures 3 and 4.

Fig. 3 Overview of National Coordination Mechanisms



Source UNODC-CBSS

NC – National Coordinator

IACB – Inter-Agency Coordination Body

Fig. 4 National Coordination Mechanisms in CBSS Member States

Country	NC	IACB	Coordination Unit	Working Groups	Specialised Units
Denmark	-	Yes	Danish Centre against Human Trafficking (CMM)	Yes	Police
Estonia	Yes	Yes	-	-	-
Finland	-	Yes	-	Informal	Police
Germany	-	Yes	-	Yes	Police
Iceland	Yes	Yes	-	-	-
Latvia	Yes	Yes	Proposal	Ad hoc	Police, Prosecutors
Lithuania	Yes	Yes	Proposal	Yes	Police, Prosecutors
Norway	Yes	Yes	Anti-THB Coordination Unit (KOM)	Yes	Police
Poland	Yes	Yes	Mixed mandate	Yes	Police, Border Guard, Prosecutors
Russian Federation	-	Yes*	-	-	Police, Prosecutors
Sweden	Yes**	-	National Support Operations against Prostitution and Trafficking (NMT)	Yes	Police, Border Guards, Prosecutors

Source UNODC-CBSS

*A policy and legislative body is in place. A coordination body is expected to be appointed by the President of the Russian Federation upon approval of the anti-trafficking law by the State Duma.

**The NC in Sweden is appointed temporarily, for the duration of the NAP 2008-2010. The mandate of the NC is limited to develop and enhance cooperation and coordination amongst key stakeholders.

2.1 NATIONAL COORDINATORS

Seven out of eleven countries (64%) currently have a National Coordinator (NC)²⁸ (see Fig. 4). NCs are appointed at Ministries of the Interior (MoI), Ministries of the Interior and Administration (MoIA), Ministries of Justice (MoJ) and Prime Minister's Offices. In Sweden the National Coordinator is appointed at the County of Stockholm. The level of the post varies greatly. In some countries it is a senior official, in other countries it is a junior function. Some National Coordinators have support staff.

Most NCs chair the national IACB.²⁹ In most countries the NC is appointed by the ministry in charge of the co-ordination of anti-trafficking efforts.³⁰ However each ministry, agency and organization is generally responsible for implementing tasks within its respective area of responsibility. The mandate of the NC does not encompass

²⁸ In Poland the Undersecretary of the MoIA, who chairs the IACB, has similar functions as a NC. This study respects the denominations adopted by each country. Wherever possible additional information is provided to illustrate specificities of each country and allow comparisons beyond official denominations.

²⁹ Sweden has a system that is not easily comparable to other countries. For the specificities of the Swedish system, please see Fig. 6 as well as Part 2, Country Profile, Sweden.

³⁰ For Sweden, see also note 21. In Iceland the Chair of the recently appointed Specialist and Coordination Team is based at the Prime Minister's Office, but the Ministry in charge for coordination of anti-trafficking efforts is the Ministry of Justice.

a direct supervisory role, but foresees the facilitation of coordination by setting the agenda and keeping the overview on activities carried out by different actors at the national level.

NCs have reporting duties on the state of implementation of the anti-trafficking NAP.

In countries where a NC is not appointed, the issue of leadership is usually addressed by designating one particular ministry as a focal point for anti-trafficking efforts.

As correctly pointed out in a recent report:

“The choice of which ministry is to lead an inter-ministerial working group can have implications for how the issue is understood and approached. In some cases, whether intentionally or not, the placement of leadership may impose a particular policy perspective and operational emphasis. For example, if the lead ministry is a law enforcement or migration regulation agency, this is likely to have important implications for how the State approaches the issue, and perhaps especially for how it understands and implements victim-centred principles in cases of THB. [...]

The choice of ministry may also contribute to the issue being viewed and treated primarily or exclusively as a transnational phenomenon, or being treated in its internal or domestic trafficking manifestations. [...]

Finally, the NCM may not operate successfully, or the issue may be marginalized, if its leadership is established in an office or ministry that does not have much authority within the Government, has a limited mandate, or has low budgetary resources or none at all.”³¹

In 54% of the countries, the coordination function has been given to the MoI or the MoJ.

In Germany the set-up is different, with the competences being divided between two different ministries: the Federal Ministry for Family Affairs, Senior Citizens, Women and the Youth and the Ministry of Labour and Social Affairs, depending on the form of exploitation considered.

In one country – Iceland – the competences have been recently passed from the Ministry of Social Affairs to the MoJ. However the NC is based in the Prime Minister’s Office.

In Sweden, the focal point for anti-trafficking activities is the Ministry of Integration and Gender Equality, while the NC is based at the County Administrative Board of Stockholm.

In Denmark, the competence as anti-trafficking focal point is administered by the Department for Gender Equality, which has been recently moved from the Ministry of Welfare to the Ministry of Employment.

As indicated above, there is no single formula for a perfect balance of expertise and competences. It is essentially up to each country to evaluate the effectiveness of the solutions adopted.

It surely is worth stressing that at this stage of the process – when structures are being piloted or considered, and monitoring and evaluation of policies is carried out on a regular basis – such factors are worth considering. The choice of the body in charge of the coordination function deserves to be considered also in light of emerging data pointing out the existence of cases of human trafficking for other forms of exploitation (labour, forced begging, forced marriage, domestic servitude, etc.) which may render institutional frameworks devised in the past few years obsolete or sub-optimal.

³¹ OSCE *Annual Report of the Special Representative and Coordinator for Combating Trafficking in Human Beings* (2008), p.31.

Fig. 5 presents an overview of NC in the region and the ministry in which they are based. It also includes information about support staff allocated and the level of the post. For countries where a NC is not in place, the third column indicates what ministry has been designated as a coordination body or as a focal point. For the other countries, the same column indicates the ministry where the NC is based.

Fig. 5 National Coordinators in CBSS Member States

Country	NC	Ministry	Staff	Full-Time	Post
Denmark	-	MoE*	-	-	-
Estonia	Yes	MoJ	-	No	Adviser
Finland	-	Mol/	-	-	-
Germany	-	BMFSFJ/BMSA**	-	-	-
Iceland	Yes	PM Office/MoJ***	-	No	-
Latvia	Yes	Mol	1	No	Director of Department
Lithuania	Yes	Mol	2	No	Vice-Minister
Norway	Yes	MoJP°	-	No	Senior Adviser
Poland	-	Mol	5	-	Undersecretary of State
Russian Federation	-	-	-	-	-
Sweden	Yes	Stockholm County MIJ ^{oo}	2	Yes	National Coordinator against prostitution and THB

* Ministry of Employment, Department for Gender Equality.

** Ministry for Family Affairs, Senior Citizens, Women and Youth, Ministry of Labour and Social Affairs.

*** The National Coordinator is based at the Prime Minister Office; the coordination function is with the MoJ.

° Ministry of Justice and the Police

^{oo} In Sweden the National Coordinator is based at the Stockholm County Administrative Board. The Ministry of Integration and Gender Equality has the coordination function of the National Action Plan. The NC in Sweden is appointed temporarily, for the duration of the NAP 2008-2010. The mandate of the NC is limited to develop and enhance cooperation and coordination amongst key stakeholders.

2.2 INTER-AGENCY COORDINATION BODIES

Inter-agency coordination bodies (IACB) are generally responsible for developing policy and following up on the implementation of agreed-upon measures.

In the CBSS region, nine out of eleven countries (91%) have an IACB involving representatives from different ministries, competent departments within ministries, law enforcement agencies, sometimes criminal justice authorities (mostly Public Prosecutor's Offices), IOs, local government representatives and specialised units. Civil society actors are involved in all of them (Fig. 6). Their capacity to influence policy decisions varies depending on the degree of participatory decision-making models used in each country.

In Finland, for instance, civil society actors are invited to participate in meetings of the IACB as expert partners, but the overall responsibility for the implementation of the NAP rests with government actors; in Lithuania, NGOs participate in the meetings of the national task force as observers twice a year to share experiences with governmental actors and can make suggestions for measures to be included in the NAP; in Germany, civil society representatives have the same decision-making power as the government counterparts; in Norway, the IACB is an inter-ministerial body, but civil society organizations are included in the decision-making process through the anti-trafficking national coordination unit (KOM). In Latvia, NGOs participate in the decision-making process through the National Working Group.

In Denmark, a number of civil society actors work with the Danish Centre against Human Trafficking (CMM) on a contractual basis and participate in regional reference groups as part of the national referral mechanism. The purpose of the regional reference group is, among others, to bring knowledge and experiences from the regional and local level to the national and policy level. The overall responsibility for the implementation of the NAP rests with the IACB, which is composed of representatives from different ministries. The Department of Gender Equality leads the group.

In Iceland, the Specialist and Coordination Team has just been appointed at the time of writing and procedures are yet to be established.

In the Russian Federation, a coordination body is expected to be appointed upon approval of the Draft Law to Combat Human Trafficking.

The inter-agency coordination body meets twice a year in Estonia, Lithuania and Poland; three times a year minimum in Germany and Denmark; four times a year in Latvia, and six times a year in Finland and Norway.

Figure 6 below summarises the information provided in this section. A list of actors participating in national inter-agency coordination in each country is provided in Annex I.

Fig. 6 Inter-Agency Coordination Bodies in CBSS Member States

Country	IACB	Civil Society	Frequency of Meetings
Denmark	Inter-Ministerial Working Group	Other*	3/Year
Estonia	Coordination Network	Yes	2/Year
Finland	NAP National Steering Group	Yes	6/Year (average)
Germany	Federal Working Group on Trafficking in Women	Yes	3 or 4/year
Iceland	Specialist and Coordination Team	Yes	To be determined
Latvia ³²	National Working Group	Yes	4/Year (minimum)
Lithuania	National Task Force	Yes	2/Year (minimum)
Norway	Inter-Ministerial Commission	Other*	6/Year
Poland	Inter-Ministerial Committee	Yes	2/year
Russian Federation**	-	-	-
Sweden***	National Support Operations against Prostitution and Trafficking (NMT)	Other	-

*Civil society organizations are involved through the anti-trafficking coordination units (CMM in Denmark, KOM in Norway).

** Expected upon approval of the anti-trafficking law.

***There is no formally established inter-agency coordination body in Sweden. it is important to note that any multi-agency issue, such as trafficking in human beings, requires a consensus within the Swedish Government for decisions to be made. The responsible ministry needs to gather the input and receive the agreement of all the relevant ministries before being able to make a decision.

³² In Latvia there is currently only one NGO providing services to victims of human trafficking.

2.3 ANTI-TRAFFICKING COORDINATION UNITS/CENTRES/AGENCIES

Some of the Member States have identified the need to have a centralised point of contact to enhance co-ordination of anti-trafficking activities at the operational level, addressing for instance difficulties connected with referrals and victims' assistance, information flow, problem-solving capacity, data gathering, professional training, etc. A trend seems to have emerged to face a range of rather varied needs through a permanent structure. In terms of institutional frameworks, such bodies are positioned between the IACB and working groups at the operational/local level. Titles vary; mandates are at least partially converging. Fig. 7)

Overview

In six out of 11 countries (55%), a THB coordination unit/centre/agency is in place or is being considered. In Norway, KOM was established in 2006; in Denmark, the CMM was set-up in 2007. Both started as pilot projects and are being considered as possible solutions to be institutionalised. In Sweden, a unit called National Support Operations against Prostitution and Trafficking has been recently set up. In Poland, a unit against human trafficking is based at the Ministry of Interior and Administration. In Lithuania, an Anti-Trafficking Information Centre is planned. In Latvia, a model for cooperation has been developed that includes a proposal to establish a coordination agency. The proposal is still on paper and needs to be submitted for consideration. Funding problems may hamper or delay implementation.

Mandates

As mentioned in the introductory remarks to this chapter, information on mandates of these new units is not available or clearly defined for all countries that are considering them. However, an attempt has been made to describe current features under consideration in Member States based on the information that could be gathered.

In Norway, the KOM acts as a point of contact for referrals, as a problem-solving hub, and as a capacity-building unit. KOM operates a hotline for trafficked persons; it is tasked with identifying problems at the operational level and coordinating input to provide solutions; it connects and supports all actors in order to ensure an effective response; and it addresses training needs and develops technical tools.

In Denmark, the CMM is responsible for ensuring that social services for victims of trafficking are provided in accordance with the policy lines described in the national action plan;³³ to improve and develop procedures for better collaboration among stakeholders; to provide training to professionals; and to gather and disseminate information and data on human trafficking and anti-trafficking efforts.

In Sweden, the unit focuses on operational work, coordination of activities, tasks, and case management, as well as trying to ensure information sharing among agencies and information gathering at the national level is efficient.

In Poland, the Anti-Trafficking Unit at the MoIA has a mixed mandate, more similar to the mandate of support staff of a National Coordinator, but also with some of the features characteristic of the above-mentioned units in the other countries. The MoIA Unit coordinates activities of the action plan, is responsible for preparing updated versions of it, and supervises the program for victims' assistance, administered by an NGO. It does not take care of referrals directly as other coordination units do.

In Lithuania, the planned Anti-Trafficking Information Centre is expected to act as a central point of contact for referral and assistance for victims of trafficking, offering also short-term shelter (approximately three nights). The Centre is also meant to collect data about assisted THB victims, including continuity of assistance, prosecution, and other information about the trafficking case, and to conduct research on THB.

³³ Anti-trafficking policies in Denmark prioritize strongly the return of victims to their country of origin, see Part 2, Country Profile, Denmark.

In Latvia, the proposed Anti-Trafficking Coordination Agency described in the “Optimal Model for National Cooperation,”³⁴ is supposed to be in charge of prevention measures³⁵, coordination of different stakeholders, capacity-building, research and data gathering. The proposal is on paper at the moment. Funding difficulties are likely to delay implementation.

Fig. 7 Anti-Trafficking Coordination Units

Country	Anti-Trafficking Coordination Units	Year	Staff
Denmark	CMM (Pilot Project)	2007	5
Estonia	-	-	-
Finland	-	-	-
Germany	-	-	-
Iceland	-	-	-
Latvia	Proposal Developed	-	-
Lithuania	Agency Planned	2011	N.A.
Norway	KOM (Pilot Project)	2006	2
Poland	Anti-THB unit in MoIA	2006	5
Russian Federation	Data not available	-	-
Sweden	NMT	2009	-

2.4 WORKING GROUPS AT THE OPERATIONAL/LOCAL LEVEL

In an attempt to capture as many layers of coordination efforts as possible and present them in a concise format, this section contains categories that are rather varied in terms of composition, mandate, and level. This is due to the different formulas and frameworks set in place in each country. The territorial dimension of countries also plays a role as the CBSS Member States include a very diverse range of countries. Therefore this section does not attempt to compare working groups. It simply aims to map layers of institutional response complementing the ones described in the previous sections for each respective country. A few general observations can be made:

Eight countries out of 11 (73%) have established some form of coordination body at the operational and/or at the local level. All existing working groups identified include civil society organizations. Denmark and Norway have set up a rather articulated system.³⁶ In some countries, the working groups are present only in some regions or municipalities (Lithuania). Working groups are formally established and with a fixed composition in some cases (e.g. Denmark, Germany, Norway, Poland, Sweden); in others, they are convened on an ad hoc basis, with different participants depending on the topic (e.g. Latvia) or are convened informally (Finland). Frequency of meetings is regulated in some cases and flexible in others. (Fig. 8)

More detailed information to interpret country contexts as appropriate can be found in the respective country profiles.

³⁴ Ministry of Interior of Latvia, *Cooperation to Prevent Human Trafficking, Situation Analysis and the Optimal Model for National Cooperation*, EU Equal Project Open Labour Market for Women, Riga, 2007.

³⁵ The term “prevention” is used throughout the document to encompass also protection and prosecution measures. This renders the model ambiguous as it mixes policy and operational measures pertaining to different areas. Ibid. p. 24–32 and 65–68.

³⁶ For details, see Part 2, Country Profiles, Denmark and Norway.

Fig. 8 Working Groups at the Operational/Local Level

Country	Oper./Local Working Groups	Civil Society	Frequency of Meetings
Denmark	National Reference Group 6 Regional Groups Working Group to coordinate measures with immigration service	Yes	Quarterly 3-4 Times/Year (flexible) Quarterly
Estonia	-	-	-
Finland	City of Helsinki (informal)	-	Few times per year
Germany	Working Groups*	Yes	As needed
Iceland	Planned**	Yes	As needed
Latvia	Ad hoc	Yes	As needed
Lithuania	Regional WG	Yes	As needed
Norway	Project Group Reference Group Local Coord. Units	Yes	8 Times/Year 8 Times/Year +Joint Meetings 2/year As needed
Poland	Working Group Thematic Groups Regional Groups (planned)	Yes	Once/month Ad hoc -
Russian Federation	Data not available	-	-
Sweden	Working Group + Local Teams/NGOs***	Yes	-

*Focus on trafficking in women for sexual exploitation.

**An Emergency Team complementing the work of the IACB at operational level is planned.

*** Focus on sexual exploitation and prostitution.

2.5 SPECIALISED UNITS

The establishment of specialised law enforcement units and personnel in the criminal justice system, specifically trained to deal with human trafficking cases, is widely acknowledged to have significantly contributed to enhancing anti-trafficking efforts, identification of victims of trafficking, and inter-agency co-operation.

In the CBSS region eight out of 11 countries have established anti-trafficking police units and one country has established anti-trafficking border guard units (Fig. 9). Specialised law enforcement units often play a key role in developing and introducing new practices relating to investigative efforts, identification, referral, and co-operation with service providers.

Five countries out of eleven have specialised staff among the criminal justice authorities in Prosecutors' Offices. Low awareness levels of judges are reported rather consistently across the region.

Fig. 9 Anti-Trafficking Specialised Units

Country	Anti-Trafficking Law Enforcement Units	Specialised Prosecutors
Denmark	National Centre for Investigations (NCI)	-
Estonia	-	-
Finland*	National Bureau of Investigation	10 prosecutors
Germany	Police Units	-
Iceland	-	-
Latvia	19 police officers + 4 (regional level)	10 prosecutors
Lithuania	16 police officers	32 prosecutors
Norway	13 police officers 1 support staff	-
Poland**	2-3 police officers in 16 regions 13 border guards	16 prosecutors
Russian Federation	Specialised Unit, MoI Investigation Department	Prosecutors (exact data not available)
Sweden	Police Units (main cities)	Prosecutors (main cities)

*Finland has 4 specialised officers at the Finnish Immigration Service.

**Poland has appointed “anti-trafficking consultants”³⁷ in the regional government offices (1 person minimum in each office). See Annex I.

³⁷ Details on the mandates of the “anti-trafficking consultants” were not made available, but general information received indicates that their role is to enhance cooperation and coordination in anti-trafficking efforts.

3. NATIONAL *RAPPORTEURS* OR EQUIVALENT MECHANISMS

National *Rapporteurs* are not a widespread institutionalised practice in the region. The definition of the duties of a National *Rapporteur* as an independent State institution in charge of comprehensive data gathering, independent monitoring and reporting on human trafficking and anti-trafficking efforts at national level is also not widely recognised.³⁸ Yet the importance of acquiring and analysing data on trafficking and of monitoring the effectiveness of anti-trafficking efforts is generally acknowledged, and data gathering is beginning to be addressed in most of the CBSS countries, although major challenges are still widely reported. Also regular reporting to Government and Parliament is an established practice although it may not necessarily be carried out by the same institution in charge of data gathering and analysis, or by an independent State actor, i.e. a body/institution with no role in the implementation of anti-trafficking measures.³⁹

Finland is the only country in the region that has recently appointed an independent National *Rapporteur* for human trafficking (2009). The mandate has been given as an additional task to the Ombudsman for Minorities. The Finnish office of the National Rapporteur has a strong mandate, similar to the Dutch model, and can substantially influence policy decisions in Finland.

Among the countries that have opted in other ways to have an independent institution gather and analyse independently information on the situation of human trafficking in the country, Lithuania has established a process to have a research institute or an NGO develop a summary report on a regular basis.

Other formulas have been adopted by some CBSS countries, which cannot be considered equivalent mechanisms. For instance, Sweden has mandated the National Police Board as National *Rapporteur* since 1997. A Detective Investigator at the National Police Board is in charge of carrying out the task. In Germany, the Federal Criminal Police Office publishes a situation report on human trafficking yearly and presents it to police, political leadership and decision-making bodies.⁴⁰ Denmark has tasked the CMM with data collection duties. In Estonia and Latvia the NCs have been assigned the task of data gathering and analysis. In Iceland the system is still being discussed.

³⁸ For a concise description of the duties of National *Rapporteurs*, see the “Alliance Statement on National *Rapporteur* or Equivalent Mechanism”, presented by the OSCE Special Representative for Combating Trafficking in Human Beings (SR) on behalf of the Alliance Expert Coordination Team (AECT), 16 October 2008.

³⁹ On reporting about anti-trafficking policy implementation, see National Action Plans above.

⁴⁰ The possibility of instituting a National Rapporteur is under consideration in Germany at the time of writing. Part 2, Country Profile, Germany.

Fig. 10 National *Rapporteurs*, Equivalent Mechanisms and other formulas

Country	Independent National <i>Rapporteur</i>	Equivalent Mechanism	Other
Denmark	-	-	Danish Centre against Human Trafficking (CMM)
Estonia	-	-	National Coordinator
Finland	Ombudsman for Minorities (2009)	-	-
Germany	-	-	Federal Criminal Police
Iceland	-	-	National Coordinator
Latvia	-	-	National Coordinator
Lithuania	-	Independent report by a research institute or NGO	-
Norway	-	-	National Coordinator
Poland	-	-	-
Russian Federation	-	-	-
Sweden	-	-	National Police Board

4. FORMALISED COOPERATION AGREEMENTS

This section presents information on formalised agreements between different stakeholders. At the outset of the research, the focus was on mapping the existence of **Memoranda of Understanding (MoUs)** regulating duties and responsibilities and aimed at facilitating the cooperation among anti-trafficking practitioners. In particular, the existence of MoUs between law enforcement agencies and NGOs was indicated as an area of interest by many stakeholders interviewed, as MoUs have clearly emerged as a good practice for enhancing anti-trafficking efforts. However the scope of the research has been expanded to capture the broadest possible range of existing tools regulating practices related to anti-trafficking efforts and to identify other possible areas for enhanced cooperation.

As data received was generally not translated, summaries had to be used instead.⁴¹ In comparing summaries of agreements sent by different stakeholders, it appeared that agreements reported included MoUs, agreements regulating the sub-contracting of services, as well as agreements regulating other operational areas that may include some anti-trafficking provisions.

Data gathering was structured to identify if the following stakeholders have formalised cooperation:

- Law Enforcement Agencies (LEAs) – Assistance Service Providers (State/Civil Society Organizations)
- State (variable actors) – Civil Society Organizations
- Criminal Justice Authorities – Civil Society Organizations
- Labour-Civil society Organizations

Law Enforcement Agencies–Assistance Service Providers (State/Civil Society Organizations)

In this area, MoUs (cooperation agreements) are an established practice only in Germany. They regulate duties and responsibilities of LEAs and civil society organizations. Other tools (contracts, directives, etc.) complement them.

In Lithuania, an NGO mentioned the existence of an agreement between the local police and NGOs (2 local agreements). The information was not mentioned by any other stakeholder. The agreements are very short and rather general.⁴²

In Latvia, a MoU regulating roles and responsibilities of law enforcement and the only NGO service provider currently active in this area is expected to be negotiated in 2010.

In Sweden assistance to victims of trafficking is mostly taken care of by State agencies. Cooperation between law enforcement officers and social workers from the Welfare services is an established practice. In the main towns, joint teams operate from the same location.

State (variable actors) – Civil Society Organizations

In three countries (Denmark, Latvia, Poland), there are agreements between State actors (relevant Ministry or coordination units) and civil society organizations. Such tools mostly regulate the financial and legal terms under which NGOs are supposed to administer services to trafficked persons.

⁴¹ See Sources and Methodology above.

⁴² In Lithuania an agreement between the NGO “Missing Persons Families Support Centre” and the Vilnius police was signed in 2006. The text of the agreement is available in original language only. It is one page long and information provided indicates that the agreement is not focussed on human trafficking, but mentions identification of trafficked persons and includes one provision about the referral of THB victims from police to service provider personnel.

In Finland, a MoU between the reception centres and an NGO has recently been signed. It regulates the possibility for the NGO to charge for translation services during victim interviews.

Criminal Justice Authorities – Civil Society Organizations

No cooperation agreements are currently in place, involving criminal justice authorities and civil society organizations.

Labour-Civil society Organizations

No cooperation agreements are currently in place, involving labour inspectorates and civil society organizations.

A Look Ahead

In some of the CBSS countries, MoUs are being considered as a next step to address some of the currently open operational issues. The discussion on the usefulness of MoUs has already made it into the official agenda in certain countries (e.g. Latvia, Norway); in others, practitioners have mentioned the need for MoUs to clarify roles and formalise good practices that may have been developed but are based on personal contacts (e.g. Estonia, Lithuania). Some State officials and civil society representatives interviewed indicated that the difficulty rests in the lack of vision about what kind of arrangements would best address current needs. For instance how many MoUs would be appropriate, what actors should be involved and in what combinations, whether the MoUs should be bilateral or multi-lateral, etc.

Fig. 11 Cooperation Agreements

Country	LEA-NGO	Other
Denmark	-	Contractual agreements between the Danish Centre against Human Trafficking and NGO service providers
Estonia	-	-
Finland	-	MoU State service provider – NGO
Germany	Federal Cooperation Concept (1999, 2007) MoU or other cooperation tool in 12 Länder ⁴³	-
Iceland	-	-
Latvia	MoU planned 2010	MoU of a contractual nature in the field of protection of public safety between Mol-NGOs (a total of 16, one of which for THB)
Lithuania	2 local agreements	-
Norway	-	-
Poland*	-	Contractual Agreement State-NGO
Russian Federation	-	-
Sweden ⁴⁴	-	-

*Some THB provisions in a recent LEA-Labour Agreement (no NGO involvement) and some THB provisions in a recent Border Guard-Police Agreement (no NGO involvement).

⁴³ Germany is a Federal Republic consisting of 16 Länder.

⁴⁴ Cooperation between authorities is regulated in paragraph 6 § in the Administrative law, and Section 15 paragraph 5 in the Secrecy Act.

5. COOPERATION PRACTICES AT THE OPERATIONAL LEVEL

This section presents an overview of how cooperation functions at the operational level in specific areas relating to victims' protection and assistance measures.

The selection of the areas addressed and the indicators selected are targeted to the priorities of the present study i.e. cooperation among State actors and civil society organizations to ensure adequate standards of victim protection and assistance to trafficked persons. Areas considered in this section include:

- Identification practices
- Referral practices
- Assistance and support systems (housing, medical, psychological counselling, legal and administrative support, re-integration measures)
- Residence regimes
- Victims/witnesses during criminal proceedings
- Regional cooperation for the safe return and re-integration of victims

5.1. IDENTIFICATION

The identification of trafficked persons is still a challenge at the operational level, particularly because victims are exploited in any number of ways that are constantly changing. It is fair to point out that many stakeholders interviewed in the course of the project – State officials as well as civil society representatives – showed awareness of the problem.

In trying to keep within the objectives of this study, this section attempts to shed light on specific aspects of identification procedures relating to cooperation between different stakeholders, keeping the focus on the fundamental link among identification, referral and access to support services.

Questionnaires and interviews focussed on:

1. The level of formality of the system in terms of identification procedures and the link with access to assistance services
2. The existence of shared, multi-stakeholder identification tools e.g. guidelines and up-to-date indicators for identification

In the first area, the indicators used were complex (who can legally identify a trafficked person? Is there a formal procedure to grant the status of trafficked person? What is the procedure when a practitioner comes across a presumed trafficked person?, etc.). These questions aimed at highlighting whether systems were informal enough to guarantee that a person who is “suspected” or “presumed” to be in a trafficking situation may be reported by anybody into the system and have access to immediate support and assistance.

As for the second area, the rationale for the choice of indicators (development and focus of shared identification tools) was aimed at ascertaining:

- a. What tools are available to help enhance the creation of a shared understanding and approach at the operational level
- b. What categories of professionals are addressed
- c. Whether instructions focus on diverse forms of exploitation

Identification Procedures

Six of the 11 CBSS countries (Estonia, Finland, Germany, Lithuania, Norway and Sweden) have established procedures for identification of trafficked persons that take into account the fact that a relatively long time and a number of subsequent steps involving different professionals are generally necessary to ascertain whether a case is related to human trafficking. In these countries identification procedures are not rigidly formalised and the broadest possible range of actors, including the public at large, may report a “presumed trafficked person” into the system in order to ensure immediate support and assistance, without the need for involvement of law enforcement in assessing the case at an early stage. This approach is often referred to by practitioners as the “low threshold approach” and it is in line with international best practices.

Formally in these countries, it is only through criminal proceedings that a person may be *legally* defined as a victim of trafficking, although the status of “presumed victim” may be applied beforehand in order to define services, rights, and procedures that are suitable, such as the granting of a reflection period or temporary residence permits by the immigration authorities, access to specific support services, protection measures, etc.

The importance of not formalising the identification process in its initial stages in order to give any presumed victim the right to be assisted and supported is a pillar of the response system to combat the crime of human trafficking. In these countries the principle seems to be fully reflected in the identification procedures.⁴⁵

In two countries (Denmark and Poland), NGOs are not allowed to identify foreign trafficked persons residing illegally in the country and provide access to services independently to such category of presumed victims. In Denmark, the decision on the status of such victims rests ultimately with the Immigration Authorities, but is based on reports provided by the police and the CMM. If the victims are legally residing in the country, the CMM can make the determination, based on reports provided by the social organizations that have a contractual agreement with CMM. In Poland procedures regulating the involvement of NGOs in identification of foreign nationals who may come into contact first with law enforcement or other authorities are less clearly defined.⁴⁶ Anecdotal data seems to indicate that cooperation may happen occasionally but is rather random.⁴⁷

Latvia has a unique system. VoTs may be identified by law enforcement officers, the prosecutor’s office and the service providers. However a formal identification procedure administered by a multi-agency commission is in place for cases “spotted” first by NGOs. The procedure is linked to access to support services and NGOs cannot independently offer support to presumed victims unless the commission carries out the identification procedure and grants the status of “victim of trafficking” to the individual concerned. Funding for services is directly linked to the decisions issued by the identification commission and other competent bodies.

One country (Iceland) has not established identification procedures yet.

Identification Tools

Three countries out of 11 (Estonia, Lithuania and Norway) have developed multi-stakeholder identification tools to be shared among a broad range of professionals. Labour inspectors or other actors related to the labour market are not considered stakeholders. Indicators address different forms of exploitation.

⁴⁵ On the other hand, emphasis on the “fear of abuse” of the system by illegal migrants reported occasionally by some practitioners indicates a lack of understanding of the complexity of identification processes in human trafficking cases.

⁴⁶ See Part 2 Country Profile, Poland, Identification and Referral.

⁴⁷ It must be stressed that one of the key factors that determines compliance with international standards and best practices in this area is whether law enforcement agencies respect the right of the individual not to be interrogated and involved in investigations during the reflection period, and whether access to services is guaranteed for all *presumed* victims.

One country (Denmark) has developed shared guidelines for service providers (State and NGOs), but no shared tools exist for service providers and law enforcement officers. The indicators are focussed on victims of trafficking for sexual exploitation. The CMM is working on the development of updated identification tools.

One country (Sweden) is expected to develop shared indicators that are valid at national level. No indication of the professionals or the forms of exploitation addressed is available.

Three countries (Finland, Germany and Poland) currently have identification tools for single stakeholders, but no shared tools. The focus of indicators is on victims of trafficking for sexual exploitation in Germany and Poland; it covers additional forms of exploitation in Finland. Updates are expected in all three countries. It must be noted that while identification tools for specific categories of professionals are encouraged, they should be based on a shared approach to avoid the risk of fragmentation at the operational level.

One country (Latvia) has developed regulations for the Identification Commission. This tool is used to assess cases by a multi-disciplinary group. It is not equivalent to guidelines for identification to be disseminated to all front-liners in the country to help them identify presumed victims as of the first contact. Cards for law enforcement officers have been developed (portable format) but need to be updated in line with new legislation and rules. Indicators also need to be updated with all forms of exploitation.

Additional Remarks

Some of the recently developed identification tools for multi-stakeholders are rather comprehensive and provide guidance on how to use indicators and what to do in case of contact with a presumed trafficked person (e.g. who to contact depending on the entry point). Some also include information on conducting initial interviews. Questionnaire responses and information gathered during interviews indicate limited capacity to use identification tools that focus on less familiar forms of exploitation. At the operational level, the majority of stakeholders surveyed and interviewed focus on trafficking for sexual exploitation. Many acknowledge that cases of labour exploitation are observed, however some actors decline responsibility to look into labour cases due to lack of mandate or lack of capacity.

Stakeholders in all CBSS Member States indicated that while identification capacity of NGOs and law enforcement specialised units has been considerably enhanced in the past few years, especially with respect to some forms of exploitation, non-specialised personnel both within State service providers and law enforcement agencies are not always capable of identifying a possible victim of trafficking. Capacity to identify trafficking for forced labour or trafficking for other forms of exploitation (forced marriage, domestic servitude, forced delinquency practices, etc.) is still limited.

As specialised units are generally based in the capital or in bigger towns, anti-trafficking capacity is concentrated in major urban areas. Smaller towns and rural areas tend to remain neglected. The limited awareness of different forms of exploitation seems to reinforce the opinion that human trafficking happens only in bigger towns.⁴⁸

⁴⁸ For a different perspective, see the OSCE *Third Occasional Paper, A Summary of Challenges on Addressing Human Trafficking for Labour Exploitation in the Agricultural Sector in the OSCE Region*, Vienna, 2009.

Fig. 12 Multi-Stakeholders Identification Tools

Country	Shared Guidelines	Indicators	Target Groups
Denmark	2008	Sexual Exploitation	CMM and service providers (State, NGOs)
Estonia	Jan 2009	Updated	LEAs, NGOs, Immigration, selected Prosecutors and Judges
Finland*	-	-	-
Germany	-	-	-
Iceland	-	-	-
Latvia**	Regulations	General	Members of the Identification Commission
Lithuania	2008	Updated	LEAs, NGOs, Prosecutors
Norway	Nov 2008	Updated	All actors and the public
Poland***	-	-	-
Russian Federation	N.A.	N.A.	N.A.
Sweden	Expected	N.A.	N.A.

*Different guidelines and indicators are used by practitioners. There are no shared tools.

**Regulations for the Multi-disciplinary identification Commission have been approved in 2006. However this tool is not an operational tool to be used by front-liners to enhance identification capacity at the operational level. A set of identification cards (portable format) for LEA officers were developed in the past. They need to be updated. They are not a shared tool.

*** Guidelines for LEAs were approved in 2003. They are to be revised and updated in the foreseeable future. Guidelines for Prosecutors were developed at the same time. There are no shared tools.

5.2 REFERRAL

Referral is a general term that describes any process through which an individual is sent, or rather “referred”, to all the services s/he may need.

Ensuring effective referral to trafficked persons is an area in which countries report numerous challenges. The entry points (possible identification points) are numerous and the type of cases and victims’ needs are varied. Furthermore the necessity to keep the system flexible is not easy to reconcile with the targeting of services. Due to the complexity of most cases, which entail security implications in addition to possible health, psychological and other social support, ensuring that victims do not “fall into the cracks of the system” and get lost halfway through the process is also still a problem that is commonly reported.

One of the ways that countries have found to simplify matters is the establishment of a “first point of contact” to facilitate referrals. Hotlines have proved useful in this respect, although only partially so. In some countries the creation of pilot anti-trafficking coordination units is considered a possible response to the current challenges (see section above) – the results of which can be evaluated only with time. In Denmark, the hotline and the CMM are used as a first point of contact and referral. In Norway, the KOM and the Rosa project combined with the respective hotlines have reportedly enhanced referrals significantly.⁴⁹ Hotlines are very often used as referral instruments also in other countries, but the resulting quality of the referral system is often based on knowledge of individual operators about who to contact when and for what.

⁴⁹ See Part 2, Country Profiles.

Some countries have recently attempted to develop guidelines or similar tools for referral i.e. rules about what to do in case of contact with presumed victims, list of contacts of assistance services and specialised units, descriptions of procedures to be followed depending on the entry points. In Estonia, such a tool was developed earlier this year and is being tested. In Norway, a similar tool is being worked on at the time of writing.

One of the key links to make in human trafficking cases is between all possible identification actors and service providers (State or NGOs)⁵⁰, especially between **law enforcement agencies and service providers**, and it is essential that communication is established as soon as contact is made with a presumed trafficked person. Some of the following practices may be used as indicators to assess the status of cooperation:

- Procedures or working methods to ensure that support services are contacted upon first contact with a presumed trafficked person
- Joint interviews upon first contact with a presumed trafficked person
- Joint risk assessments

In Denmark, a working method has been informally agreed upon whereby the police calls the hotline administered by the CMM, who then appoints a social worker. The social worker provides the presumed victim with information regarding support and assistance available.

In Norway, a case manager from the police and the service provider is appointed to ensure that the cases are followed as needed. Joint interviews and risk assessments are an established practice.

In Germany, referral practices between police and NGOs are regulated through cooperation agreements.

In Finland, Lithuania and Poland, instructions to police officers have been issued concerning the need to involve assistance services in human trafficking cases, providing information on the right to support and assistance.

In Estonia, guidelines have been developed but operational practices are limited mostly to personal contacts. In Iceland procedures are still to be established. Information about the Russian Federation is not available.

5.3 ASSISTANCE AND SUPPORT SYSTEM

The CBSS region comprises countries with very diverse historical, political and economic backgrounds, confronted by different challenges with respect to the phenomenon of human trafficking. Public policy approaches impact significantly on victims' assistance and support measures in all of its aspects: The range and standards of welfare services vary considerably among Member States; the practice of cooperation between State and non-State actors, and/or in particular between law enforcement agencies and service providers (whether State or civil society-based) is also different from country to country. These considerations play an important role in shaping the anti-trafficking response in general and on victims' support and assistance in particular.

With this important caveat in mind, the mix of assistance services offered to victims of trafficking in the CBSS countries generally includes safe housing (shelter), medical support (emergency care or broader), psychological counselling, legal aid, administrative support, other welfare assistance (such as financial help, clothing, etc.); in some cases re/integration measures ranging from recreational activities, training, job placement support, etc. Services are offered by State institutions, civil society and international organizations (IOs). Some are specialised services (e.g. shelters for trafficked persons only), others are generic (e.g. health and welfare services).

⁵⁰ In most countries, the NGOs are the most important actors at this level, but there are exceptions. For instance, in Sweden the service providers are mostly State actors. Details of similarity of patterns and issues between Swedish service providers and NGOs are reported in Part 2, Country Profile, Sweden.

The degree of involvement of different service providers varies in each country. For instance, in some CBSS countries, State institutions and welfare systems are very strong, IOs are present in some countries and not in others, and civil society actors play a crucial role in most but not all countries in the region.⁵¹

Information on Services for VoTs

Information about what services are available for trafficked persons, especially to foreign nationals with a temporary residence permit, is not always communicated adequately. Many specialised service providers reported that health personnel in hospitals and public officials in administrations, for instance, often ignore or interpret differently regulations applicable to trafficked persons. This creates uncertainty of rights for trafficked persons, as different individuals may benefit from different degrees of support depending on random factors.

It also creates inefficiencies. Numerous social workers surveyed reported spending too much time explaining rules to counterparts in order to try and obtain the necessary support by competent institutions.

In many countries, practitioners reported a good level of cooperation based on personal contacts. However, even in relatively closed circles, the lack of clearly defined rules and procedures create obstacles in their work. Many stressed that personal relationships based on trust are a key feature in their daily work, but that clearer rules and agreed procedures would be of added value.

Targeting of Services

While surveying and interviewing stakeholders in the participating States, the need to target services to identified victims emerged as an area deserving attention. Increasing numbers of victims are identified for whom the existing support and assistance systems are simply not yet equipped.

Services are currently targeted mostly for women exploited in sexual exploitation (and children/minors, which are not covered in this study). Cases of men exploited in the sex industry as well as in forced labour schemes and cases of women exploited in forced labour schemes are reported in most countries. In the great majority of these cases, victims decline assistance as the services offered do not fit their needs.⁵²

In the few cases where identified male victims (in sexual exploitation or forced labour cases) request support and assistance, the service providers have to adopt an ad hoc approach to find appropriate solutions. This may work out well in practice if the system has an excess of capacity. Yet, as male victims generally do not have priority over female victims, safe accommodation can be provided only if not conflicting with the official target group (women). Therefore, while service providers may try to do their best to assist, no certainty of rights exists for these victims.

State officials indicated that there is awareness about such problems, but that policy-makers still lack knowledge on the needs of victims of trafficking for purposes other than sexual exploitation (women or men). The key role of civil society in supporting State actors to develop appropriate policies was stressed by State representatives during interviews. As most NGOs active in this field work with women exploited in the commercial sex market, very little information is available about other categories of victims.

⁵¹ In Sweden, the country where the State offers the most integrated system of services in the region, NGOs are in charge of ensuring safe shelter services – a pillar in the support and protection of victims of trafficking. Yet their role is much more limited than in most other countries.

⁵² Brunovskis, A. and Surtees, R., *Leaving the past behind? When victims of trafficking decline assistance*, Fafo Institute of Applied International Studies, 2007 <http://www.fafo.no/pub/rapp/20040/20040.pdf>; Brunovskis, A. “Social Aspects of Human Trafficking – Norway, Discussion Paper”, in Peer Reviews, Social Aspects of Human Trafficking, 2007.

It is necessary to target services taking into account the gender of the recipient as well as the types of exploitation. In order to do so, a first step is to involve new actors such as labour inspectorates, illegal migrant workers' organizations, trade unions, and institutes like "EURES", the job mobility agency of the EU – which was mentioned by some NGOs as being very active in anti-trafficking despite lack of explicit mandate.⁵³ However the level of awareness about the role to be played in this field is still rather low among many stakeholders related to the labour market. In 54% of the countries surveyed, labour inspectorates declined to fill-in the questionnaires; in the remaining 46% the majority claimed to have no mandate in anti-trafficking (in questionnaires). In the countries where labour inspectorates agreed to be interviewed (Finland, Germany, Iceland, and Lithuania) some officials indicated that they did not have a clear idea of how their mandate could be related to human trafficking. Some expressed interest in becoming involved, but stated that they would not know how to take initiative.

The Link between Identification and Service Provision

Another important area of attention that emerged in the course of the study related to the link between identification and access to assistance services.

In six countries out of 11 (Estonia, Finland, Germany, Lithuania, Norway and Sweden), the procedures are such that access to services is formally guaranteed to all presumed victims of human trafficking. In one country (Denmark), access to services for foreign nationals illegally residing in the country is guaranteed. However, the rules for reflection and temporary residence permit are strongly focussed on return of victims to their country of origin. This is a substantially different approach with respect to other countries and only guarantees support and assistance for a limited period of time.⁵⁴ Granting of a reflection period and prepared return is linked to a formal identification procedure. Other kinds of services like outreach work, healthcare, juridical assistance are provided for presumed victims of trafficking/victims identified by social organizations working on a contractual basis with CMM.

In one country (Latvia), access to assistance is linked to a formal identification procedure and therefore only applicable to officially identified victims of trafficking.

In Poland, the fact that NGOs are not allowed to identify foreign nationals who may be victims of trafficking is also reported as impacting on the rights of presumed victims to access services, as the identification protocols applied by law enforcement are not up to date or fully in line with international best practices.

⁵³ Interview with NGO representative, Tallinn, Estonia, June 2009.

⁵⁴ Denmark is not bound by or subject to the application of the EU Council Directive on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, EU Council Directive 2004/81/EC.

Commonly Reported Problem Areas

Stakeholders interviewed in the region indicated that:

- To ensure appropriate services to trafficked persons it is often necessary to work out ad hoc solutions, because of the lack of clarity on rules, procedures, rights and obligations applicable to this category of clients
- Information on victims rights among State health services is not widespread
- To find successful solutions it is necessary to rely upon personal contacts
- Lack of agreed procedures render the process unnecessarily time-consuming
- Information on services available to victims of trafficking is often unclear and/or scattered
- Information on the overall process, including the phases to be followed in case of cooperation in criminal proceedings is not communicated to victims through a systematic approach based on an agreed scheme and well-defined roles and responsibilities.

5.4 RESIDENCE REGIMES

This chapter aims to present an overview of residence regimes connected with cooperation in criminal proceedings. Most of the CBSS countries have recently introduced legislation regarding a reflection period, as well as temporary residence permits for irregular migrants who are victims of trafficking and decide to cooperate with the competent authorities.⁵⁵

It must be mentioned that in addition to such residence regimes linked to cooperation in criminal proceedings, alternative models encompassing unconditional residence permits and assistance measures are in place and that recent research has highlighted positive links between such approaches and the willingness of victims to co-operate in criminal proceedings.⁵⁶

Overview of existing timeframes

Ten countries have introduced a reflection period ranging from a minimum duration of 30 days to a maximum duration of six months. In Denmark, the reflection period is technically a delay of the expulsion order. One country (Iceland) has not yet passed legislation in this area, but is considering doing so and has introduced policy lines relating to residence regimes in the NAP. In the Russian Federation, legislation on reflection periods is not in place at the time of writing.

Procedures for Temporary Residence Permits for victims who cooperate in criminal proceedings are currently established in ten out of 11 countries. Iceland is considering introducing provisions.

Additional Remarks

Questionnaire responses and interviews highlighted that among law enforcement agencies, the distinction between the reflection period and the residence permit for victims who decide to cooperate is not always clearly perceived and the right to receive support, be informed and consider options without being interrogated during the reflection period is not always respected. This seems to indicate a persistent need to ensure a real understanding of the logic of the reflection period.

⁵⁵ In observance of the EU Council Directive 2004/81/EC. The directive is not applicable to all CBSS Member States (e.g. the Russian Federation, Denmark).

⁵⁶ See B. Hancilova and C. Massey (2010, awaited soon). The research also describes in detail specific problems connected with residence regimes and service provision to victims of trafficking.

Fig. 13 Residence Regimes

Country	Reflection Period	Temporary Residence Permit
Denmark	30-100 days	Flexible
Estonia	30-60 days	Up to one year
Finland	30 days to six months	Flexible
Germany	Four weeks	Six months
Iceland	To be established	To be established
Latvia	Not less than six months	Six months
Lithuania	Three-Six months	Flexible
Norway	Six months (work permit)	Flexible
Poland	Three months	Six months-Two years
Russian Federation	N.A.	Flexible (all witnesses)
Sweden	30 days	Six months (renewable)

5.5 VICTIMS/WITNESSES IN COURT PROCEEDINGS

The focus of this section is on procedures that may be applied in court in cases of human trafficking to ensure that victims/victim-witnesses receive the required protection and assistance measures and avoid situations such as unwanted contact with defendants, exposure to safety risks and re-traumatisation experiences.

The lack of adequate protection for victims of trafficking who decide to cooperate in criminal proceedings is often reported by service providers assisting trafficked persons. Data gathered during the research phase confirms that there is a rather widespread lack of adequate protection provided to victims/witnesses.

Despite the serious security risks they are exposed to, trafficked persons rarely opt for full witness protection schemes entailing substantial restrictions to personal freedom and extreme isolation. This is generally linked to the psychological consequences of the trafficking experience. The security of victims/witnesses is in many cases taken care of mostly if not exclusively by service providers. While this is very often considered more secure than sharing the information with a broader range of stakeholders, there are circumstances related in particular to court proceedings where criminal justice authorities should be able to guarantee minimum standards of protection.

In all the countries of the region some **special procedures** for vulnerable categories of witnesses (e.g. victims of serious crime) may be applied. These include identity protection measures, closed hearings and the use of video or audio equipment to avoid visual contact with defendants and prevent intimidation of the witnesses.

However in many trafficking cases, the special procedures are reportedly not applied. Lack of awareness about the sensitivity of human trafficking cases as well as the consequences of trauma to victims/witnesses are reportedly the main reason behind re-traumatisation experiences and withdrawals of statements.

In one case, a judge who had agreed to the use of a courtroom that allowed special procedures reportedly changed opinion at the last minute “because the room was not very nice”. This incident clearly stresses the extent to which a lack of awareness can lead to the application of wrong priorities.

Lack of attention to logistical details to avoid the risk of intimidation of witnesses is also often reported, as illustrated in the case reported in the textbox.

A prosecutor interviewed during the research phase stated: *“Our system is not protective enough towards victims. If it were my responsibility to advise a victim to cooperate, I would have ethical problems doing so, because the whole system leads to serious re-traumatisation.”*

Specialised seminars involving judges and prosecutors are a priority highlighted by State officials and civil society representatives in all CBSS countries. The independence of the Judiciary, which is often mentioned as an obstacle to involving judges in training events, should be overcome by appropriate initiatives coordinated by the competent bodies.⁵⁷

Improving Court Proceedings – Good Practices and Problem Areas

In the case of a woman (victims/witnesses) trafficked for sexual exploitation testifying against her traffickers, the Court agreed to allow a video hearing for the case. According to the Prosecutor, normally no such measures are granted for human trafficking cases.

The victims/witnesses had been referred to support services only a few weeks before. The woman had no understanding of what was expected of her. She was psychologically not very stable. Two psychologists of the support service organization informed her about what to expect in Court.

A few minutes before giving her testimony, as the victims/witnesses were walking up the stairs of the building where the video hearing had been set up, she met another witness in the case. The person didn't speak, but held up his clenched fist as if to punch her.

The witness was accompanied into the video room by her lawyer and two psychologists from a support centre. Before the hearing started, the lawyers of the defendants objected to the fact that the witness's lawyer was in the video room and requested that she join the Court. The request, which was totally unexpected, was accepted. The lawyer left the victims/witnesses alone with the two psychologists, neither of whom knew the procedural rules for the hearing. Nobody seemed to know for sure if the request of the defendants' lawyers was legitimate.

After the first round of questioning by the Prosecutor, to which the victims/witnesses answered without difficulty, she was to be questioned by 17 different lawyers of the defendants. In the opinion of the psychologists, the defendants' lawyers were fully aware of how to conduct their questioning in a way that would put the witness under different forms of psychological pressure. For instance, they used interrogating techniques which didn't look aggressive, but aimed to debilitate the witness. The victims/witnesses could not resist the pressure and became gradually incapable of answering the questions logically.

Victims of trauma have a very limited time-span of concentration and are easy to throw off-balance with lengthy questioning. Furthermore, as they are often controlled by criminals through threats of retaliation against their family, when asked family-related questions, even generic ones, they tend to perceive this as a threat even though the context may appear neutral.

The psychologists tried to support the victims/witnesses by ensuring she could take some breaks during the two-day process. At first the psychologists would request a break and the whole Court would suddenly and quickly withdraw from the room, so that the victims/witnesses could speak with her lawyer through the video equipment. However neither the psychologists nor the witness knew about this possibility, so they would switch off the screen and walk out to meet the lawyer in the hall. Later that day, they realised that they could simply turn down the volume of the equipment while other proceedings were under way in Court. This would allow the victims/witnesses to relax for a few minutes without halting the process.

⁵⁷ Some international organizations have been working in this field. It is hoped that this area will increasingly become a focus within countries.

On the second day of the hearing, as the judge had realised that the elements of the case were serious, the Court started functioning differently, showing more consideration for the victims/witnesses. A number of other measures were taken, such as limiting the noise, the number of technicians walking in Court, and what was described as an overall sense of chaos that characterised the first day of the hearing.

The psychologists also requested that the video be used in a more considerate way. Whenever possible, the picture would be on the judge rather than on defendants' lawyers, whose aggressive body language was also intimidating for the victims/witnesses. The defendants' lawyers on their side requested the judge to make sure that the psychologists were not influencing the witness.

Lessons Learnt in this case

Prosecutors' and judges' awareness about victims/witness vulnerability in cases of human trafficking is of paramount importance to ensure that witnesses are in the condition to testify, taking into account the security risks they take by cooperating in criminal proceedings and the psychological difficulties they may face.

Logistics measures must be thought through carefully to ensure that victims/witnesses do not encounter anyone who might identify them, intimidate them and put their security at risk.

Meeting the other witness on the stairs was negative on two fronts:

- a. It put the trafficked person under pressure, making her feel intimidated just before giving her testimony;
- b. It provided information to the defendants about her whereabouts (they had been led to believe she was testifying from abroad).

The fact that the lawyer could leave the video room and join the court within minutes by taxi also confirmed the vicinity of the location of the victims/witnesses and created a concrete security risk for the person and the support staff accompanying her.

Knowledge of the consequences of trauma and awareness of manipulative questioning techniques that can be used in particular against traumatised victims/witnesses to make them appear less credible are fundamental aspects that all professionals involved in trafficking cases should be made aware of through training.

5.6 REGIONAL COOPERATION FOR THE SAFE REFERRAL, RETURN AND REINTEGRATION OF VICTIMS OF HUMAN TRAFFICKING

Regional cooperation for the safe referral and return of trafficked persons is currently limited. Most of the stakeholders interviewed reported serious shortages or problems related to this field. At the same time information provided was generally scattered. Not much knowledge seems to be available regarding how this process functions.

A number of State-funded programs are in place in four of the CBSS Member States, i.e. Denmark, Germany and Norway finance voluntary return programs administered by the International Organization for Migration (IOM); Poland finances a program administered by the NGO “La Strada”. In Estonia, Latvia and Lithuania similar programs were in place but have been recently suspended. Iceland might consider negotiating a similar agreement with IOM.

Return programs are generally open to all migrants. They are generally not specifically targeted to victims of trafficking.⁵⁸

In parallel to these programs and in countries where no such programs are in place, transnational referral is taken care of by NGO service providers with whatever means may be found.

Recent initiatives have been promoted to enhance networking capacity in this field, such as the Nordic Pilot Project.⁵⁹

NGOs in Estonia, Latvia and Lithuania report serious funding limitations with regard to return of victims of trafficking.

To a certain extent, the importance of safe referral, return and re-integration of trafficked persons seems to be generally underestimated by immigration and law enforcement authorities.

Failure to ensure appropriate treatment of trafficking victims at this stage of the process ultimately results in a high risk of re-trafficking and renders efforts and resources invested in cases potentially vain. Low levels of awareness about the specificities of the crime of human trafficking results in hampered capacity of the overall country response.

Problem Areas reported by stakeholders in CBSS countries

- Many victims of trafficking are not identified and treated in accordance with anti-trafficking legislation
- Many victims decline assistance offered
- The safety of trafficked persons is not always taken into due consideration. Risk assessments are not always conducted
- Regional cooperation for the safe referral and return of victims of trafficking deserves more attention

⁵⁸ For a critical perspective on return programs from the point of view of NGO service providers, see S. Schwarze, *The Return of Victims of Trafficking from Germany*, OSCE/ODIHR, June 2009.

⁵⁹ The “Nordic Pilot Project for the Support, Protection, Safe Return and Rehabilitation of Women Victims of Trafficking in Human Beings for Sexual Exploitation”, a 3-year regional initiative (2005-2008) implemented by the European Women’s Lobby under the auspices of the Nordic-Baltic Project Task Force against Trafficking in Human Beings. The Task Force had eight Member States (the five Nordic and the three Baltic States) and was the predecessor of the CBSS Task Force against Trafficking in Human Beings. The project had among its objectives to help build a network to facilitate regional referral for women victims of trafficking for sexual exploitation.

6. GOOD PRACTICES AND PROBLEM AREAS

This chapter summarises the main features that emerged during the research, drawing attention to good practices and problem areas identified with respect to cooperation between State actors and civil society organizations in the field of victims' assistance and protection measures.

GOOD PRACTICES

Anti-trafficking Policies

At policy level, the CBSS region has been characterised by considerable developments in the past few years. By 2009 most of the Member States had adopted anti-trafficking policy tools, although in some countries efforts are in the beginning stages, while others have accumulated extensive experience. It is worth noting that many countries have carried out regular revisions of their NAPs or have committed to doing so with the aim of fine-tuning policies through the practice of regular monitoring and evaluation. This is a good practice that deserves to be upheld with genuine commitment, as criminal practices related to human trafficking continuously evolve and responses to the phenomenon need to be monitored, revised, and updated to meet the challenges ahead.

National Coordination Mechanisms

In terms of cooperation approaches, almost all the countries have established some form of coordination mechanism involving State actors and civil society organizations, recognising the validity of the principles of multi-agency cooperation in anti-trafficking efforts. In some cases cooperative structures are well developed, extending from the political level to the operational level, with varying degrees of implementation ranging from a few to multiple working groups; in others the process has just begun.

One of the most interesting features regarding NCMs relates to the fact that some of the CBSS countries have opted for the establishment of anti-trafficking coordination units/centres/agencies to address specific operational needs. Denmark, Norway and Sweden are at the forefront of efforts in this area. Two other countries are planning similar solutions (e.g. Latvia and Lithuania).⁶⁰

This approach seems to fill a perceived systemic gap between top-level bodies, mostly responsible for policy developments, and working groups at the operational level. The introduction of this additional layer of coordination has clearly brought positive developments, especially in the countries that have invested efforts in making such units dynamic operational bodies.

The mandates of such units vary and are still under scrutiny through pilot projects in some instances, but the trend seems to be to have central focal points for referral that can be used as a first point of contact. In some cases, these units are also in charge of administering hotlines in order to facilitate identification and referral practices for professionals of different backgrounds, specialised and non-specialised law enforcement officers, citizens at large and also victims who may directly seek help, simplifying access to the system and ensuring competent and consistent responses. In some cases the units are tasked to act as information centres and data gathering points too; in others they have the role of systemic trouble-shooters, processing information on problems, reporting to competent institutions on issues that emerge at the operational level and trying to facilitate the elaboration of solutions. The units are also sometimes devised as capacity-building institutions, in charge of the development of shared tools (procedures, guidelines, handbooks etc.) and training.

In terms of enhancement of responses through dedicated or specially trained personnel, specialised units within law enforcement agencies have been established in many countries in the region. To a lesser extent, the practice of having specialised prosecutors is also starting to emerge.

⁶⁰ Poland also has established a unit, whose mandate however resembles more the support functions of the office of a National Coordinator.

Data Gathering and National Rapporteurs

The importance of collecting and analysing data on human trafficking is increasingly acknowledged in the region. However National *Rapporteurs* are not a widespread practice yet. Only one country (Finland) has an independent State institution performing as National *Rapporteur*, and one country (Lithuania) has an equivalent mechanism. Many of the Member States are trying to address the issue of data gathering in other ways, mostly by tasking the NCs or other institutions that also have policy implementation responsibilities.

Cooperation Agreements

In the field of cooperation agreements or MoUs which aim to regulate duties and responsibilities of different stakeholders to facilitate coordination of responses, only Germany has some long-term established practices, in particular relating to NGO-LEA cooperation. However, other countries in the region have also started to introduce or are considering introducing MoUs (see also recommendations below). Reasons repeatedly mentioned by practitioners in favour of the use of MoUs include, among others, the possibility to improve coordination by overcoming dependency from personal relationships, the clarification of roles and procedures, and the transformation of informal good practices into firmly established ones.

Identification Tools

Another area that deserves to be mentioned among the emerging good practices in the region relates to the development of shared tools to enhance common identification approaches among different stakeholders (e.g. State actors and civil society service providers). Estonia, Lithuania and Norway have developed multi-stakeholder identification guidelines, with up-to-date indicators, to be shared among a broad range of professionals. Sweden is considering introducing similar tools.

It is also worth noting that Estonia has complemented the guidelines with rules about how to conduct first contact interviews with presumed victims and information on referral options and contacts. Norway is in the process of developing a handbook on cooperation.

Culture of Cooperation

Last but not least, it is worth stressing that the general issue of creating a culture of cooperation and mutual trust among different practitioners, and in particular between State actors and civil society organizations (e.g. between LEAs and social workers; criminal justice authorities and service providers; among labour inspectorates, LEAs and service providers – be they NGO or State-based), has emerged throughout the study as a dynamic area, with a lot of potential already developed in many countries. Many stakeholders interviewed indicated that their work relations with colleagues from other agencies are characterised by very good levels of trust and increasing capacity to develop jointly solutions to problems as they emerge.

PROBLEM AREAS

Within this overall framework, a number of areas emerge that deserve attention.

Public awareness and policy approaches

On a general note, although most CBSS countries have become active in anti-trafficking efforts in the past few years, the degree of engagement varies, with some countries exerting a visible effort toward optimising responses through dynamic approaches, while others exhibit a more limited engagement. This seems to be linked, among other reasons, to perceptions relating to the dimension of the phenomenon at the national level. In this respect, it is important to stress that research on the human trafficking phenomenon continues to highlight serious difficulties and shortcomings in data gathering and substantial under-reporting of cases. It cannot be emphasized enough that reliable data gathering and identification capacity are areas in which a lot of challenges remain and these challenges have repercussions on all other efforts to address trafficking in persons, including public awareness and policy approaches.

Addressing the phenomenon in all its manifestations

It is fair to say that increasing attention to human trafficking as a complex phenomenon encompassing different forms of exploitation, such as for instance forced labour, domestic servitude, forced begging, forced illegal practices, etc. seems to be gradually emerging. At the operational level however, results are still limited and anti-trafficking efforts remain strongly targeted on trafficking for sexual exploitation and on female victims. Some State officials admitted a substantial lack of knowledge about how to develop policies targeting victims of trafficking exploited in areas other than sexual exploitation. The issue of addressing male victims exploited in forced labour as well as for sexual purposes is also emerging as an important focus area.

In most of the CBSS region, labour inspectorates, trade unions, and migrants organizations are not included in anti-trafficking efforts. This also limits capacity development opportunities at the systemic level.

Identification capacity

In terms of identification capacity, awareness levels vary significantly among practitioners and identification capacity needs to remain a focus of attention. While specialised law enforcement units and service providers are generally trained, non-specialised personnel from different institutions who may come across victims of trafficking, are not always aware of indicators for trafficked persons or able to refer possible cases as needed. Furthermore, as the focus of anti-trafficking efforts is mostly concentrated on trafficking for sexual exploitation, identification of cases of human trafficking connected with other forms of exploitation is still not integrated into most countries' responses. The fact that specialised anti-trafficking units are mostly active in urban areas, to the exclusion of rural areas, adds to the systemic limitations of anti-trafficking efforts in most countries of the region.

A specific area of concern is that the legal definition of human trafficking is not applied consistently by all stakeholders in the countries. With respect to trafficking for sexual exploitation for instance, cases are often investigated for pandering or similar offenses. This has serious implications for prosecution and for the status of victims of the crime, who are not granted the appropriate level of support and protection.⁶¹

Identification practices

Taking a closer look at identification practices, most CBSS countries have tried to adopt procedures that aim at a non-formalised, "low-threshold approach"⁶² in order to ensure easy access to support services without attempting to adjudicate cases at the very outset of the process. This approach is in line with international best practices for identification of trafficked persons. In one country, Latvia, identification is formalised through rules that are devised in a way that favour the inclusion of different practitioners in the process, including NGO personnel or welfare services' social workers. The inclusion of NGO personnel is a positive feature, although the formalisation of the process represents a sub-optimal solution, which entails a certain rigidity of the identification process and may lead to the exclusion of some possible victims from getting support and assistance. In some countries, NGO personnel are not authorised to identify foreign trafficked victims illegally residing in the country. This may also limit the capacity of the system to offer support and assistance to victims of trafficking as needed.

Identification tools

While the development of shared identification tools for different stakeholders has been mentioned above as an emerging good practice in a few countries, it must be stressed that such initiatives are indeed still very limited. Many countries have no shared tools for identification; tensions in interpretation of legislation are

⁶¹ Other studies have identified similar trends in some of the CBSS Members States and in other regions. See for instance Annual Report of the OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings, 2008, p. 35; and B. Hancilova, and C. Massey, *Evaluation of EU Member States' legislation and the situation concerning trafficking in human beings for the purpose of sexual exploitation*, ICMPD, 2010 (awaited soon).

⁶² For a definition, see Part 1, Chapter 5.1 above.

rather widespread, with law enforcement officers and civil society service providers, for instance, using often different definitions and disagreeing about what cases are to be considered human trafficking; labour inspectorates are often not aware of the labour aspects of the crime of human trafficking and of their potential role as identification actors. In countries where they are aware, they often report a lack of effective channels with law enforcement agencies at the operational level, limiting their capacity to report suspicious cases. Joint inspections or direct cooperation between labour inspectorates and specialised service providers are also not an established practice. Furthermore, it is important to note that in countries where they have been recently introduced, shared identification tools can only become effective if a number of steps are taken to ensure that they are understood, agreed upon, and used by a broad range of practitioners, i.e. to be transposed from paper into operational capacity, for instance through multi-stakeholders trainings.

Joint interviews of presumed victims

The practice of joint interviews of victims of trafficking, involving law enforcement officers and service providers, exists in some countries and is gradually gaining ground in others, although to varying degrees and with different formulas. In some Member States, law enforcement officers and social workers operate in close co-ordination; in others, law enforcement officers are instructed to contact service providers so that presumed victims may be offered support, but the interviews are not conducted jointly. While there can be flexibility in solutions adopted in this area, the need to ensure a coordinated approach still deserves attention at the operational level in most countries.

Risk assessments

A consistent gap area identified throughout the research is the lack of regular and thorough assessments of victims' safety risks at the beginning of the process, as well as continuously throughout the case. Risk assessments involving law enforcement personnel, service providers and the victim are not a regular and established practice. The procedures regulating roles and responsibilities in the protection of victims are also an area where discrepancies between information provided by law enforcement and service providers exist, according to the research findings. In many cases, the service providers indicated that they felt the burden of the protection of victims rested entirely on them, although the specialised units claimed they were available to assist when needed. It is possible that in such cases, the creation of better responses could be reached by bridging the gap of communication and clarifying roles and responsibilities through a more formalised approach.

Assessing priorities in sensitive areas

Tensions among different professionals also exist regarding the balance between the rights of all presumed victims to be assisted and protected confidentially, in full respect of their privacy, and the obligation to report a crime to the authorities where this is a general obligation of the criminal code.

Taking a broad look at the fields of identification and referral, it seems that despite the documented, increasing mutual trust among different professionals, which has clearly benefited anti-trafficking responses, perceptions of priorities still vary and in some cases, are divergent. Gaps in rules, as well as the lack of mutually agreed upon principles and procedures in important areas, do affect operational capacity and deserve to be carefully considered.

Challenges related to service provision

When looking specifically into service provision, efforts to develop specialised services have been made in all of the CBSS countries, often through the key involvement of civil society actors. An area that emerged in many countries as needing fine-tuning relates to the coordination of access to other services, such as those available through the public health sector, the municipal administrations, etc. Many specialised service providers assist victims in what a State official has humorously dared to deem “the jungle of our bureaucracies”. While it is acknowledged that trafficking cases require a certain degree of appropriate ad hoc targeting of services, many service providers – both State services and non-governmental organizations - reported that considerable amounts of time and resources are wasted because of an overall lack of clear procedures; that information on victims' rights is not widespread among State health personnel; that rights and entitlements for victims of trafficking are often not clearly defined or uniformly understood and interpreted; and that successful solutions often depend upon personal contacts.

Another clearly defined problem area that emerged throughout the research is the targeting of services to the perceived needs of female victims trafficked for sexual exploitation. It is necessary that service provision is adapted and made equally accessible to male victims as needed. Stakeholders in the region are increasingly aware of the need to address other target categories of trafficked persons, such as (male and female) victims trafficked for forced labour, forced begging/illegal practices, or the removal of organs. Yet, according to policy makers, very little knowledge is available to devise appropriate policies and measures.

Residence regimes

When considering residence regimes, most of the CBSS Member States have introduced reflection periods and temporary residence permits for victims who may decide to cooperate in criminal proceedings. The reflection period is meant to allow presumed victims to be assisted immediately upon first suspicion that they may have been trafficked. The rationale for such permits and the correlated rights to assistance and protection is based on the fact that the identification of victims may take time and require the involvement of support services. Trafficked persons are often reluctant or incapable to tell their story until they feel safe and secure, have established a trust relationship with a reliable counterpart, and have been given enough information on the options and steps ahead to make an informed decision about their future.

In some countries, knowledge of the new norms and procedures regulating these issues are not yet widespread among practitioners; the rationale for the norms is not really understood; and the distinction between the two sets of permits is not clear. The right to reflection of presumed victims without undergoing questioning and interrogation is also not always known by law enforcement officers.

Court procedures

When victims decide to testify in court, special court procedures may be applied. In many countries in the region, special procedures include the possibility to protect the identity of the victims/witnesses, the option to testify at a distance through audio or video equipment or with screens that prevent visual contact and possible intimidation from the defendants, separate access to court and separate waiting rooms. Yet such measures are not always applied to victims of human trafficking, with the result that criminal proceedings are conducted in a way that may jeopardise victims' safety and re-traumatize them. A recurrent observation in this area is that procedures exist, but awareness levels among criminal justice authorities of the vulnerabilities of victims of trafficking are generally low. This often prevents the application of special court procedures to human trafficking cases. In most of the CBSS countries, the need to address and/or involve criminal justice authorities, and in particular judges, in specialised training on human trafficking as well as multi-stakeholders events (seminars, conferences, etc.) has emerged as a clear priority.

Regional cooperation for return, referral and re-integration of victims

Finally regional cooperation for the safe referral, return and re-integration of victims is an area that all the CBSS countries indicated should be a priority focus area, where current programs and procedures are not considered satisfactory, resources are insufficient and communication between relevant authorities of origin and destination countries needs to be improved.

7. RECOMMENDATIONS

The challenge of assessing cooperation among different stakeholders in victims' protection and assistance measures in an area as large and diverse as the CBSS region results in the parallel difficulty of elaborating recommendations that fit national contexts, while at the same time facilitating a regionally integrated approach. In an attempt to meet this objective, the proposals presented in this section have been organized into three main sub-sections, covering MoUs, capacity building measures, focussed in particular on multi-stakeholder trainings and the involvement of new actors, and regional cooperation for the return, referral and assistance of victims of human trafficking.

Memoranda of Understanding

Cooperation between States and NGOs is crucial to effectively protect and support victims of trafficking. States may use different tools to achieve effective cooperation. These include legislation, directives, regulations, the establishment of coordination mechanisms, and also cooperation agreements. MoUs are among the tools that are recognised as effective means to enhance cooperation between agencies with different mandates in the field of human trafficking.⁶³

Against the background of this analysis, it appears that the potential for positive developments through introducing specific MoUs is quite wide-ranging. In fact a number of areas identified during the research and outlined in the previous section could be addressed through the negotiation of Memoranda of Understanding among and/or between different agencies.

The advantages of mutually agreed-upon protocols, defining the principles of cooperation and the respective roles and responsibilities of different stakeholders in specific areas, can significantly contribute to bridging communication gaps and build on currently existing trust relationships. MoUs can also help develop a common understanding of the phenomenon and of the objectives and policies of the different parties, overcoming existing discrepancies in definitions and approaches applied at the operational level. They also allow for objective monitoring of progress. This, in turn, would positively affect identification and referral practices and risk assessments, ensuring the safety of victims/witnesses and guaranteeing safer return conditions to victims.

In devising MoUs, different constellations of actors can be included and different operational areas may be addressed. Some of the CBSS Member States could share their experiences and good practices (e.g. in the field of LEA-NGO cooperation), but also bring the current models one step forward, expanding them to encompass new actors and other forms of exploitation. In addition to LEA and NGO service providers, the inclusion of stakeholders such as State service providers, prosecutorial authorities, labour inspectorates, organizations working with migrants, trade unions, and other actors if necessary should be taken into consideration.

The need to strengthen in particular the role of labour inspectorates (or equivalent authorities, and other relevant labour market actors) to increase capacity to identify, investigate and prosecute cases of trafficking for forced labour has appeared as a consistent focus area throughout the project.

The option of developing a model MoU (or model MoUs) agreed upon by the CBSS countries could help optimise the enhancement of responses at the national as well as the regional level.

⁶³ Formalised cooperation has been successfully used also in other contexts for many years, such as of domestic and sexual violence. IOM *Guiding Principles on Memoranda of Understanding between key stakeholders and law enforcement agencies on counter-trafficking cooperation*, IOM-UNGIFT, 2009, p. 17.

Capacity Building

Anti-trafficking trainings for different categories of professionals have been introduced in many of the CBSS Member States in the recent past. However, some of the problem areas that emerged throughout this study point to issues linked to limited awareness levels, differences in interpretations of legal definitions, tensions in the interpretation of cases and in the assessment of priorities. Furthermore, in most of the countries studied, specialised skills to deal with cases of forced labour, forced begging/illegal practices, domestic servitude, removal of organs, etc. are not integrated into training modules in the majority of the systems analysed. In addition, information regarding male victims and their needs should be developed and introduced in training.

During this project, it was not possible to map training systems in detail. However, it is interesting to note that in most of the countries, no overview of anti-trafficking training plans, training curricula, and target groups addressed was available at the central level. It would be very useful if information on existing, institutionalised training was compiled, analysed and regularly updated. This would allow for an overview on national and regional training capacity, facilitate the enhancement or integration of training modules when necessary, and ultimately contribute to building capacity more systematically. The integration of national and regional approaches could be considered in this area in various ways (e.g. adoption of integrated training curricula, definition of common target groups at the national level with special focus on new actors, definition of multi-stakeholders training formulas and planning of regional training events, etc.).

The involvement of a broader range of actors in anti-trafficking efforts (for instance health workers, hospital staff, labour inspectorates, trade unions, NGOs dealing with migrant workers and undocumented migrants, etc.) would also enhance capacity to deal with the phenomenon in all its manifestations. Other important stakeholders are criminal justice authorities, such as judges and prosecutors, in countries where they are still not targeted with specialised training.

To facilitate the task of labour actors taking a more active role in anti-trafficking efforts, labour inspectorates should be invited to participate in anti-trafficking trainings, both as a target group and as providers of expertise for other professionals.

Specialised seminars for criminal justice authorities should be introduced in all the countries with the aim of raising awareness in particular on the implications of court proceedings for traumatised victims testifying in court and the safety implications that many measures may have for trafficked persons.

An interesting recommendation that was made in one of the countries (Finland), and that could be considered by all Member States, is to establish a pool of specialised lawyers who understand the phenomenon and the special needs trafficked person have as (often) vulnerable victims.

Regional cooperation on return, referral and re-integration of victims of human trafficking

Outlining recommendations to improve cooperation in this field is not an easy task. This is a particularly complex area, on which international experts are currently working to try and elaborate guidelines.⁶⁴ Some ideas are proposed here as food for thought and possible departure points for further discussions.

Transnational referral of victims is carried out through two main channels: State-financed programs for assisted voluntary return (managed by IOs or NGOs) and NGO networks. Consideration should be given to ensuring that enough resources are available to guarantee safe return, referral and re-integration of trafficked persons through the channels that are in place. Where assisted return programs are not established, cooperation between the State and civil society organizations should be regulated in order to ensure necessary funding and coordinated assistance and protection measures.

⁶⁴ An expert group coordinated by the OSCE-ODIHR Anti-Trafficking Program met in June 2009 to discuss human rights protection in the return of trafficked persons to countries of origin. Country reports were developed for four countries (Germany, Italy, Spain, and the UK), one of which, Germany, is a CBSS Member State.

The fact that many victims are not identified and treated in accordance with their status as trafficked persons, including acknowledging their safety risks to their safety, may be partly addressed through the two sets of measures detailed above. Raising awareness levels and providing up-to-date training, with a focus on all the possible forms of exploitation that victims may be subjected to, is a way to create additional capacity in identifying victims and applying the necessary assistance and support measures, reducing re-traumatisation incidents and the risk of re-trafficking. Clearer cooperation procedures through the negotiation of MoUs, in particular between service providers and law enforcement, could also support transnational referral practices. Beyond these points, a number of issues remain open that deserve attention.

The possibility for undocumented migrants to report a criminal offence to the police, or to report abuses in the work place to the competent authorities (e.g. labour inspectorates), without risking detention and expulsion should be considered.

In cases where programs to assist the voluntary return of trafficked persons are not applied, and forcible return is implemented instead, specific procedures should be developed to guarantee that the return is conducted taking into due account the rights and the safety of the person concerned.⁶⁵ Failing to do so exposes trafficked persons to re-trafficking and may therefore negate previous efforts and resources invested.

The fact that many victims of trafficking may decline assistance connected with assisted return programs should be considered and addressed. If victims opt out of the system because they do not feel that their needs are being met, this increases the risk of re-trafficking. Efforts should be made to expand the existing knowledge base and develop assistance and support measures targeting different categories of victims.

⁶⁵ OSCE-ODIHR *Background paper for the Expert Meeting on Human Rights Protection in the return of trafficked persons to countries of origin*, June 2009, p. 2.





PART 2 – COUNTRY PROFILES

Part 2 comprises country profiles for each of the CBSS Member States.

Each country profile contains a brief summary highlighting recently introduced measures, forthcoming measures, and focus areas, i.e. areas that have been identified as deserving attention by stakeholders surveyed and interviewed in the country.

Information contained in the chapters and subchapters of the country profiles was used as a basis for the analysis presented in Part 1. Explanatory notes on parameters and indicators are summarised in Part 1.

SUMMARY**Recent Measures**

Establishment of national coordination mechanisms including an anti-trafficking coordination unit (Danish Centre against Human Trafficking, CMM)

Transfer of the Department of Gender Equality, which has the coordination role for anti-trafficking efforts at the ministerial level, from the Ministry of Welfare to the Ministry of Employment

Creation of a national hotline

Streamlining of referral procedures for victims of trafficking (VoTs) at the operational level

Forthcoming Measures

New research in the area of Trafficking in Persons (TIP) for labour exploitation and trafficking of minors

Focus Areas

Broaden focus on TIP for different forms exploitation

Improve understanding of respective roles and responsibilities of different stakeholders

Reflection period is currently de facto a period for prepared return

Interpretation of law as covering only VoTs if exploitation has occurred in Denmark

Alternative solutions to existing program for the safe referral, return and re-integration of victims

ANTI-TRAFFICKING NATIONAL ACTION PLANS (NAP)**NAP Focus**

Denmark adopted its first National Action Plan (NAP) in 2002. It was entitled “Action Plan to Combat Trafficking in Women” and focussed on sexual exploitation and women as a target group.⁶⁶ In June 2007 the Danish Parliament adopted amendments to the Aliens Act providing the legal basis for the practical implementation of key aspects of the NAP. Subsequently a new NAP was approved. This policy tool was entitled National Action Plan to Combat Trafficking in Human Beings (2007–2010). Regardless of the policy focus, the institutional set-up and the measures foreseen remain targeted predominantly to trafficking for sexual exploitation, although research in new areas such as trafficking for labour exploitation and trafficking of minors is beginning to be developed.⁶⁷ CMM is monitoring other areas and has broadened its focus to encompass trafficking for labour exploitation in 2009 and 2010.

Reporting

Reporting on implementation of the NAP is scheduled annually. The CMM has been tasked to report on anti-trafficking efforts in Denmark to the Inter-Ministerial Working Group, the competent Ministers and to the Parliament.⁶⁸

⁶⁶ In 2005, an appendix was introduced to include measures against trafficking in children.

⁶⁷ The action plan was developed through cooperation between five ministries: The Ministry of Gender Equality, Justice, Social welfare, Integration and Development. These ministries also form the inter-ministerial working group on Human Trafficking (see Inter-Agency Coordination Body below).

⁶⁸ The reports are posted on the webpage of the Ministry for Gender Equality. <http://ligeuk.itide.dk>

Monitoring and Evaluation

An independent evaluation of the implementation of the NAP is foreseen in 2010.

NATIONAL COORDINATION MECHANISMS

Fig. 1 Denmark: National Coordination Mechanism

National Coordinator	Ministry Coordinating THB Efforts	Inter-Agency Coordination Body	Anti-Trafficking Coordination Unit	Working Groups operational/ local Level	Specialised Units
N.A.	Ministry of Employment and Gender Equality*	Inter-ministerial Working Group	Danish Centre Against Human Trafficking (CMM)	National Reference Group Regional Reference Groups Working Group to coordinate measures with immigration services	National Centre for Investigation (NCI); Foreigners/ Immigration Unit (RUA)

*Since August 2009. Previously the Ministry of Welfare and Gender Equality.

NATIONAL COORDINATOR

N.A.

INTER-AGENCY COORDINATION BODY

An **inter-ministerial working group on human trafficking** was established in 2002 under the Ministry of Welfare, Department of Gender Equality.⁶⁹ In 2007, it was decided that the same body would remain in charge of coordinating the Government's initiatives and that its mandate would be revised to cover all forms of trafficking, including trafficking in children. In 2009, the Department of Gender Equality was transferred to the Ministry of Employment.

⁶⁹ The original composition included the Danish Ministry of Justice, the Department of Gender Equality, the Ministry of Social Affairs, the Danish Immigration Service, the Ministry of Refugee, Immigration and Integration Affairs, the Danish National Police, the implementing social organizations, the police and the prosecutorial authorities. It was then expanded to include relevant actors within the area of children. See also Annex I.

ANTI-TRAFFICKING COORDINATION UNIT

The Danish Centre against Human Trafficking (CMM) was established in 2007 with the main aim of coordinating the implementation of the social dimension of the NAP.⁷⁰

The Centre is part of the National Board of Social Services, the unit dealing with prostitution and abuse. It has both a coordinating and a reporting function. Its main objectives are:

- To render support to victims of human trafficking through ensuring that social services are in place and are provided in accordance with the NAP⁷¹
- To improve and develop procedures for better collaboration among authorities, law enforcement, NGO's and other social organizations
- To provide training to professionals⁷²
- To gather and disseminate information and data on human trafficking and on anti-trafficking efforts in Denmark

WORKING GROUPS AT THE OPERATIONAL/LOCAL LEVEL

A coordination mechanism was established in 2008. It includes a National Reference Group (NRG) and six Regional Reference Groups (RGs). CMM was tasked with the setting up both the NRG and the RGs and to coordinate the system.

The NRG is responsible to set a common framework for all the regional groups in order to facilitate procedures and synchronize their work. The NRG discusses general matters. One person from each RG is represented in the NRG. The NRG meets on a quarterly basis; the regional groups meet every third or fourth month.

The role of the RGs is to develop good practises and methods, to gather and disseminate local knowledge and to ensure local and regional readiness to deal with cases of human trafficking. RGs also report on regional strategies and activities to the NRG to help develop accurate and detailed documentation at the national level.

Another working group at the operational level was initiated by the Danish Immigration Service (DIS). It involves State actors and NGOs. This group meets quarterly, discussing specific cases with the aim of optimizing methods and procedures. The group consists of the DIS, the CMM, the Danish National Police, relevant NGO's, women's crisis centres and the Danish Red Cross. The group invites other actors if needed.

⁷⁰ Actors involved in the Anti-trafficking Centre: Ministry of Refugee, Immigration and Integration Affairs; Ministry of Justice; Ministry of Foreign Affairs; Department for Gender Equality; Danish Centre against Human Trafficking (National Board of Social Services); Danish Immigration Service; Danish National police (national centre for investigation – NCI; and Foreigners/Immigration Unit – RUA; local police units; Public Prosecutor; Danish Centre on Prostitution; The Nest International (NGO); Pro Vest (NGO); Hope Now (NGO); Save the children Denmark; Red Cross Denmark; Health Services (different bodies); relevant local municipality authorities; Women's Crisis Centres.

⁷¹ See Assistance and Support System below.

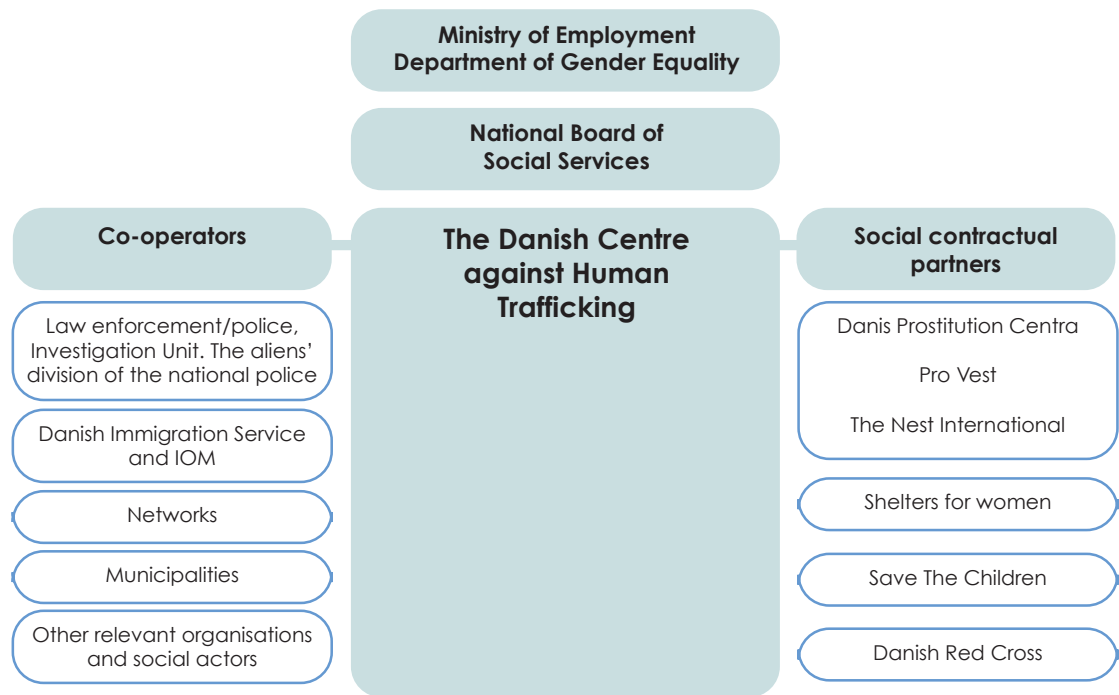
⁷² <http://www.centermodmenneskehandel.dk>

Fig. 2 Overview of the Danish Referral System



Source: Danish Centre against Human Trafficking (CMM)

Fig. 3 The Danish Centre against Human Trafficking



Source: Danish Centre against Human Trafficking (CMM)

SPECIALISED UNITS

Law Enforcement Units

The National Centre for Investigation (NCI) Foreigners/immigration unit (RUA) – Danish National Police are specialised in anti-trafficking cases.

Prosecutor's Services

Prosecutors dealing with crimes against the individual are responsible also for human trafficking cases.

NATIONAL *RAPPORTEUR* OR EQUIVALENT MECHANISM

The CMM acts also as a reporting mechanism. It monitors activities, results and impact of anti-trafficking efforts in Denmark, cooperating with other government and law enforcement agencies on documentation and developments within the area.

The Centre is established as part of The National Board of Social Services, under the unit dealing with issues of prostitution and abuse and reports to the Department of Gender Equality under the Ministry of Employment. The head of the unit is also the head of the Centre.

Service provider organizations that have a contract with CMM (State and civil society) are required to report to the centre on a quarterly basis.⁷³

The Centre submits reports to the inter-ministerial working group, the competent ministers and to representatives from most of the political parties in Parliament on an annual basis. The reports are public and available on the CMM website.⁷⁴ Two reports have been carried out so far on the status of the implementation of the Action Plan since 2007.⁷⁵

The Centre is funded through the national action plan and is endowed with five staff members (one head, one coordinator, and four consultants).

FORMALISED COOPERATION AGREEMENTS

Contractual agreements are in place between CMM and various service providers,⁷⁶ such as the Danish Centre for Prostitution “Pro Vest”, the Nest international, Save the Children and Danish Red Cross.

The agreements regulate the mandate of service providers and describe the areas of responsibility and the tasks of each service provider during the implementation period of the NAP.

⁷³ See Assistance and Support System below.

⁷⁴ <http://www.centermodmenneskehandel.dk>

⁷⁵ Status Report on the Action Plan against Human Trafficking in Denmark, 2007-2009. Ibid.

⁷⁶ Service providers, including State and civil society actors, are referred to as “social contractual partners” in the original documentation.

COOPERATION PRACTICES AT THE OPERATIONAL LEVEL

IDENTIFICATION

Identification Procedures

Various State and civil society actors, as well as citizens, may spot a presumed victim of trafficking and start the identification process by contacting the hotline, CMM, service providers, law enforcement agencies or any other qualified actor.

The DIS is the authority granting the status of victims of trafficking (VoTs) to persons with an irregular/illegal residence status in Denmark. In cases where the presumed trafficked person has a regular residence status, CMM can legally identify the person as a VoT.

The DIS decision is carried out through an administrative procedure after referral of the person by the Danish Police.

The decision of DIS is based on preparatory reports submitted by the police and the CMM/service providers. Both the police and CMM/NGO fill in an identification questionnaire based on first contact conversations with the presumed VoT. The police and the social service providers utilize different sets of questionnaires. The Immigration Services take into consideration the information provided from both the police and the social services to determine whether the person is granted the 30-day reflection period. The reflection period is technically a deadline for leaving the country. The VoT may be offered an extension of the reflection period lasting up to 100 days if s/he agrees to cooperate with the authorities in preparation of her/his return to the country of origin.

Cases have been reported of foreign nationals who were not granted the status of victims of trafficking because of an interpretation of the law that is very restrictive and would grant the status only to VoTs who have been trafficked and exploited in Denmark.

Identification Tools

CMM has developed guidelines for the identification of trafficked victims for CMM staff and the service providers that have signed a contractual agreement with the Centre (The Nest international, Pro Vest, the Danish Prostitution Centre).⁷⁷ The guidelines are targeted to victims trafficked for sexual exploitation. They include checklists/indicators to facilitate identification.

CMM is considering the development of indicators pertaining to labour exploitation cases in the near future.⁷⁸

Other actors have also developed separate guidelines/indicator lists such as the DIS and the Police.

No common guidelines for identification exist for law enforcement/other State actors (e.g. labour inspectorates) and service providers (State/civil society)

⁷⁷ "Definition and Identification Paper" published by the National Board of Social Services and the Danish Anti-Trafficking Centre, 2008.

⁷⁸ At the time of writing, Save the Children, the Danish Red Cross and CMM are in the process of developing shared guidelines for identification of minor victims of trafficking.

REFERRAL

First Point of Contact

There is a working method agreed upon informally by different actors according to which CMM should be contacted whenever a presumed VoT is spotted. The hotline is to be used as a first point of contact for referrals.

To date the majority of referrals have been made by the police. Police officers would offer the presumed trafficked persons to talk to a social worker appointed through the CMM network. The social worker would visit the presumed VoT at the police station or in prison.⁷⁹

A contact person from CMM is appointed for each presumed victim. The contact person is responsible for advising the VoT about services s/he is entitled to and to follow-up on the case throughout the adjudication process. The contact person also acts as liaison between the International Organization for Migration (IOM) and the VoT in planning the prepared return. IOM is in charge of making contact with service providers in the country of origin.⁸⁰

Joint Interviews

See procedures described above.

Joint Risk Assessments

Risk assessments are included within the range of measures provided to assist return (see Assistance and Support System below) and they may be carried out for victims/witnesses cooperating in criminal proceedings (see Victims/Witness in Court Proceedings below).

Guidelines for Referral

Shared guidelines for the referral of trafficked persons addressing State service providers, civil society (NGOs), international organizations (IOs), and the immigration services have been developed. Law enforcement agencies are not addressed by the guidelines. However cooperation with law enforcement agencies is based on the procedure described above.

⁷⁹ VoTs may be prosecuted for illegal acts related to the trafficking experience. The Danish Centre against Human Trafficking is devoting attention to this area, trying to bring focus to the issue.

⁸⁰ See Regional Cooperation below.

The Importance of Understanding Roles and Responsibilities

Referral procedures in Denmark have considerably improved since the CMM was established. However, responses provided in the questionnaires indicate that the understanding of the importance of victims' assistance and protection measures in anti-trafficking efforts appears not to be clearly perceived by all stakeholders:

Question: "In your opinion, what should be done to improve cooperation between police forces and assistance service providers with respect to victim protection, referral and assistance?"

Answer: "In general there is a good level of cooperation – especially with the national focal point authority (CMM). However, some NGOs should be trained on the role of the police. They should also report cases of trafficking to the police and not only have all focus on the presumed trafficked person. If the police aren't notified about suspicious persons, the trafficking can go on and on. That means that the efforts to combat trafficking aren't carried out by all players in this field."

Such statements indicate that the message on the importance of cooperation is known, but that the understanding of the importance of a balanced victim centred approach is less evident.

Other State officials indicated:

"We need to establish clearer procedures regarding informed consent [to cooperate in investigative efforts]. We need a better understanding of how different institutions work and their procedures".

UNODC-CBSS Questionnaires from the Police and State service providers.

ASSISTANCE AND SUPPORT SYSTEM

With the latest NAP, the government has committed itself to enhancing the provision of services and protection measures for trafficking victims and has set in place a number of new structures to improve service delivery and ensure fair access and information sharing regarding availability of services to all victims. Strong emphasis remains however on considering trafficking in human beings from an illegal migration perspective and on ensuring repatriation of foreign citizens, rather than on a full-fledged victim-centred approach.

The assistance schemes offered to trafficked persons are provided by State-based services (CMM, prostitution centre), civil society and IOs (Nest international, Pro Vest, Danish Red Cross, IOM, Save the Children).

The services are mainly targeted to women trafficked for sexual exploitation.

Following is a list of services for trafficking victims as described by the CMM:

- Identification of victims of human trafficking through outreach work
- Healthcare, including medical, psychological and dental care
- Shelters (for VoTs and for victims of violence)
- Legal advice, including information regarding legal rights and opportunities, as well as assistance during police raids
- Vocational training courses

- Assisted repatriation of victims of human trafficking in cooperation with service providers in the countries of origin⁸¹
- Risk assessment of individual cases before prepared return
- The competencies of an existing hotline have been expanded to cover also human trafficking. The hotline operators counsel and refer victims to relevant organizations and government agencies. The hotline is used by the police, by people who may suspect that they have come across trafficked persons and by anyone wishing to report suspicions of human trafficking. The hotline is administered by CMM. Confidentiality of information is guaranteed unless agreed otherwise with the victims.

RESIDENCE REGIMES⁸²

The revision of the Aliens Act has introduced the possibility to extend the reflection period and assisted return date from the originally foreseen 30 days to a maximum of 100 days. Technically the reflection period is still considered a postponement of the return to the country of origin/expulsion order.

The first 30 days are given unconditionally. The additional 70 days are offered only if the victim agrees to cooperate with the authorities for the preparation of his/her return to the country of origin. The reflection period does not grant the victim a work permit.

Some VoTs have been granted a one-year residence permit beyond the period required for criminal proceedings on the basis of security considerations.⁸³

Temporary residence permits may be granted to VoTs cooperating in criminal proceedings for a period of time to be established by the law enforcement agencies and criminal justice authorities.

VICTIMS/WITNESSES IN COURT PROCEEDINGS

The focus of assistance measures on quickly returning victims to their country of origin makes gathering victims' testimonies in criminal proceedings a second priority. However cases of cooperation of VoTs in criminal cases have occurred (see Residence Regimes above).

Danish legislation foresees the possibility of closed hearings and identity protection. These measures may be applied to cases of human trafficking.⁸⁴

⁸¹ As pointed out by some recent research, victims often refuse assistance services from service providers in the country of origin. Brunovskis, A. "Social Aspects of Human Trafficking – Norway Discussion Paper", in Peer Reviews, Denmark, 2007. For an in depth perspective on this topic, see also Brunovskis A., Surtees, R. Leaving the Past Behind? When victims of trafficking decline assistance, Fafo-Nexus Institute, 2007. <http://www.faf.no/pub/rapp/20040/20040.pdf>.

⁸² Denmark is not bound by or subject to the application of the "EU Council Directive on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities" 2004/81/EC of 29 April 2004.

⁸³ The total number of such cases reported during interviews with national stakeholders is three.

⁸⁴ Danish Administration of Justice Act, Section 29 (1)(3), 29 (3)(3), 31 (1)(1), and 856. The use of video interviewing is foreseen only in case of children in court proceedings, in Section 872. No information could be gathered on the application of such articles to human trafficking cases.

REGIONAL COOPERATION FOR THE SAFE REFERRAL, RETURN AND RE/INTEGRATION OF VICTIMS OF HUMAN TRAFFICKING

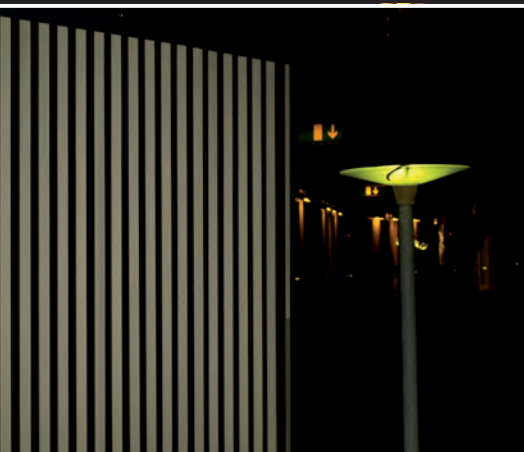
The DIS has signed an agreement with the IOM on “Information, Assisted Voluntary Return and Re-integration Assistance for Vulnerable Migrants from Denmark”. The program supports the creation of a framework for assisted voluntary return of vulnerable migrants from Denmark through:

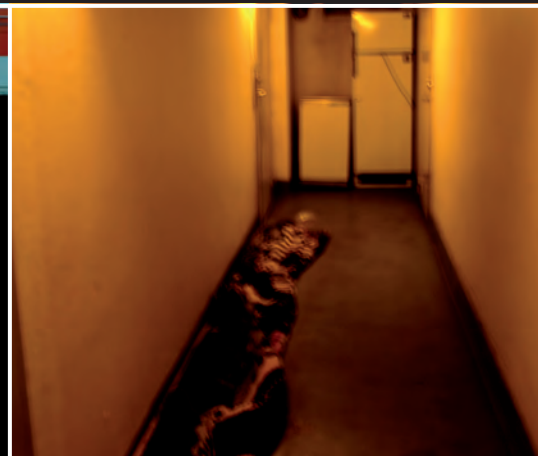
- a) Provision of information to migrants on an individual basis
- b) Individualized return arrangements and reintegration assistance
- c) Stakeholder coordination and cooperation

The offer of assisted return includes psychological, legal, social and medical assistance in Denmark as well as reception assistance by an organization in the country of origin. The program is not targeted specifically for trafficked persons.

Denmark was also part of a regional initiative implemented under the auspices of the Nordic-Baltic Project. The project had among its objectives to help build a network to facilitate regional referral for women victims of trafficking for sexual exploitation.⁸⁵

⁸⁵ “The Nordic Pilot Project for the Support, Protection, Safe Return and Rehabilitation of Women Victims of Trafficking in Human Beings for Sexual Exploitation” implemented by the European Women’s Lobby. Countries involved: Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden.





SUMMARY

Overview

The criminal code of Estonia does not contain provisions criminalising the crime of human trafficking. Other articles are currently used to prosecute related crimes. Yet Estonia has been active in anti-trafficking efforts since 2005. Despite the lack of specific legislation, an anti-trafficking National Action Plan (NAP), a National Coordinator (NC), and an inter-agency coordination body (IACB) have been established (2006).

Recent Measures

Multi-stakeholders guidelines for identification, referral and assistance to victims of trafficking

Forthcoming Measures

Changes of the Penal Code are in preparation at the Ministry of Justice (MoJ). A Draft Act is expected to be submitted for approval in early 2010.

Focus Areas

Awareness-raising training and enhancement of identification capacity of all actors
 Strengthen joint operational capacity of law enforcement agencies and civil society organizations
 Include labour inspectorates in anti-trafficking efforts
 Awareness-raising of criminal justice authorities
 Protection of victims/witnesses in court proceedings
 Regional cooperation for the safe referral, return and re-integration of victims of trafficking

The crime of trafficking in human beings is not currently included in the Estonian Penal Code. A number of other articles are applied to prosecute related crimes, including enslavement, deprivation of liberty, aiding prostitution, illegal organ donation, manufacture of works involving child pornography or making child pornography available etc. Criminal statistics on human trafficking are also elaborated on the basis of related crimes.

A process of legislative revision is being carried out and a Draft Act containing amendments to the Penal Code is in preparation at the MoJ. It is expected that it will be submitted for approval in early 2010.

ANTI-TRAFFICKING NATIONAL ACTION PLANS

Estonia approved its first NAP in 2005, applicable for the period 2006–2009.⁸⁶ The NAP was developed under the coordination of the MoJ with input from the Ministries of Education and Research, Internal Affairs, Foreign Affairs, various Non-Governmental Organizations (NGOs) and one International Organization (IO).⁸⁷ Amendments to the NAP were introduced in 2007 after the first report on implementation was presented to the Government.

⁸⁶ “Development Plan to Combat Trafficking in Human Beings, 2006-2009”. In this report the term NAP is used to refer to the all policy tools in the narrative text.

⁸⁷ The list of actors active in anti-trafficking in Estonia can be consulted in Annex I.

NAP Focus

The NAP presents six strategic objectives:

1. Continuous mapping of the problems related to human trafficking
2. Prevention through public information efforts and decrease of demand
3. Capacity building for specialists and promotion of multi-agency cooperation
4. More effective border controls and control over employment mediation
5. Increased effectiveness of law enforcement efforts against criminal offences related to human trafficking
6. Provision of assistance and rehabilitation to victims of human trafficking

Reporting

The MoJ presents a report on the implementation of the NAP to the Government once a year.

Monitoring and Evaluation

The reporting process is prepared through gathering of input from competent Ministries and a roundtable discussion with non-governmental actors (self-monitoring).

NATIONAL COORDINATION MECHANISMS

Fig. 4 Estonia: National Coordination Mechanism

National Coordinator	Ministry Coordinating THB Efforts	Inter-Agency Coordination Body	Anti-Trafficking Coordination Unit	Working Groups operational/ local Level	Specialised Units
Adviser at the MoJ.	MoJ	Coordination Network	N.A.	N.A.	N.A.

NATIONAL COORDINATOR

Appointed in 2006, the National Coordinator (NC) is an Adviser at the MoJ, Criminal Policy Department, Criminal Statistics and Analysis Division.

The NC is responsible for setting the agenda for the meetings of the Coordination Network, gathering information on the status of implementation of the measures foreseen by the national action plan, collecting input and suggestions from different stakeholders for the yearly report on NAP implementation, and liaising with the Minister of Justice on a regular basis.

The post is not a full-time position.

INTER-AGENCY COORDINATION BODY

Since 2006, a **Coordination Network**⁸⁸ meets in a roundtable format twice a year to exchange information on the implementation of the action plan, discuss operational needs and agree on necessary measures. Proposals for revision of the policy lines are also discussed in this forum.

⁸⁸ Members of the coordination network are listed in Annex I.

ANTI-TRAFFICKING COORDINATION UNIT

N.A.

WORKING GROUPS AT THE OPERATIONAL/LOCAL LEVEL

N.A.

SPECIALISED UNITS

No special anti-trafficking units are in place. Within the police forces, the Unit for Serious Crimes and Crimes against Persons of the Northern Police Prefecture and the Central Criminal Police are responsible for cases related to human trafficking. Investigative capacity for labour cases is not clearly mandated at the moment.

There are no specialised prosecutors. Two prosecutors have participated in anti-trafficking training once through international projects.

NATIONAL *RAPPORTEUR* OR EQUIVALENT MECHANISM

There is no independent National Rapporteur in Estonia. The NC is responsible for producing data and analysis, such as criminal statistics on crimes related to human trafficking, and to present information on the state of human trafficking in Estonia to the Government on a yearly basis.

FORMALISED COOPERATION AGREEMENTS

N.A.

COOPERATION PRACTICES AT THE OPERATIONAL LEVEL

IDENTIFICATION

Identification Procedures

Identification procedures are not formalised and presumed victims may be identified by anybody and without the obligation to inform the authorities. This ensures respect for the victims' right to privacy and self-determination and at the same time a low threshold for access to assistance and protection.

A number of initiatives have been recently taken to enhance anti-trafficking identification capacity, such as the development of specialised tools (see Identification Tools below in this section). However, improvements at the operational level appear still hampered by the lack of anti-trafficking legislation, despite outstanding efforts to introduce international legal concepts into policy tools.

Awareness levels and technical skills also vary considerably among practitioners. Interpretation of cases as "aiding prostitution" or other related crimes seems to be predominant also when indicators of human trafficking are reported.⁸⁹ A common understanding of the definition of the crime shared by all practitioners is still lacking.

⁸⁹ Interviews with Estonian stakeholders, Tallinn, June 2009.

The focus at the operational level is limited to cases connected with sexual exploitation, despite the recent emergence of labour exploitation cases.

Labour inspectorates are reluctant to be involved in anti-trafficking efforts systematically. The investigation of trafficking cases for labour exploitation within law enforcement agencies appears not clearly mandated.⁹⁰

The foreseen amendments in the penal code represent an opportunity to substantially enhance identification capacity of all actors, requiring professionals from the State and civil society organizations to apply a common legal definition in their work and be able to cooperate more effectively.

Multi-disciplinary training for relevant categories of professionals introducing the new legislation and other relevant up-to-date anti-trafficking techniques would contribute to such an outcome.

Good Practices – Involving New Actors in the Fight against Human Trafficking

Civil society representatives in Estonia report that EURES, the job mobility agency of the European Union, has been instrumental in detecting trends, risk groups, routes, signalling cases, referring presumed victims to support and assistance services, and disseminating information material through their offices.

Interview with the Head of the NGO “Living for Tomorrow”

Identification Tools

Multi-stakeholder **guidelines for identification and assistance to victims of trafficking**⁹¹ have been recently developed by a group of experts at the initiative of the Ministry of Social Affairs. The guidelines were approved by the National Network and distributed to Law Enforcement agencies (police and border guards), Citizenship and Migration Board and NGOs in January 2009. Labour inspectors were not addressed as they are currently not considered anti-trafficking actors with identification capacity.

The guidelines detail instructions on identifying and assisting presumed victims of trafficking distinguishing between victims identified in Estonia or abroad. The tool includes also:

- indicators for different forms of exploitation
- instructions about referral practices specifying different options and entry points (who should contact whom depending on the circumstance of identification)
- rules for ethical interviewing and a model interview
- contacts of assistance service providers and anti-trafficking actors in Estonia

The guidelines have been developed with multi-agency input. They have been agreed upon and disseminated by the Ministry of the Interior (MoI), the Ministry of Social Affairs, the Ministry of Foreign Affairs (MFA), the MoJ and NGOs.

It is foreseen that the guidelines will be tested and revised in 2010.

⁹⁰ Interviews with representatives from the Police, the MoJ, and civil society organizations, Tallinn, June 2009.

⁹¹ “Inimkaubanduse ohvri tuvastamise juhend”. The original document has not been translated. Information in this section is based on a verbal summary provided during interviews at the MoJ of Estonia conducted in June 2009. The term “guidelines” is used here to refer to it for ease of comparison within the report.

REFERRAL

First Point of Contact

A designated first point of contact is not established. There is a hotline operated by the NGO “Living for Tomorrow” that often facilitates referral among assistance and service providers. Referral between the police and the service providers does reportedly happen on occasion. Cases of trafficked persons willing to cooperate in investigations after having been in contact with service providers are also reported. A possible gap in response capacity is connected with the fact that no designated contact exists yet for cases of possible trafficking for labour exploitation among law enforcement agencies.

Guidelines for Referral

Rules for referral of victims are contained in the guidelines for identification and assistance mentioned in the previous section.

Joint Interviews

Joint police-service provider interview procedures are not practiced.

Joint Risk Assessments

There are currently no established mechanisms to harmonise victims’ needs and safety measures upon identification of a presumed trafficked person.

Protection measures are also rather limited at later stages in the process. Risk assessments can be conducted only in case of victims’ cooperation in criminal proceedings and upon request from the trafficked person or the service providers. However the possibility to request police protection seems not to be known to all service providers and therefore this option is rarely used in practice.

A high number of victims reportedly disappear after pre-trial investigations. The lack of sufficient protection measures and of first contact techniques not in line with procedures to be applied to trafficked persons have been indicated by some representatives of State bodies as possible factors explaining such high numbers.

Other

Interview instructions (also referred to as “control questionnaire”) for first contact with presumed trafficked persons were introduced in the guidelines for identification that went into force in 2009 (see Identification Tools above). They should be complemented with multi-disciplinary training in order to ensure effective implementation.

Cases were reported in which cooperation between consular staff and service providers in emergency circumstances did not result in optimal response to allow referral and prompt assistance as necessary.

Training of consular staff has recently been substantially enhanced. However, as procedures and practices to ensure efficiency in responses have not been discussed and agreed upon by different stakeholders, not all actors are aware of the increased capacity that is likely to be in the system. This may result in lack of trust and translate in ineffectiveness of the overall system despite the resources invested to improve it.

ASSISTANCE AND SUPPORT SYSTEM

No specialised State services for trafficking victims existed when the plan of action was approved in 2006. Identified victims could access general assistance services for other victims of violence such as psychological and legal counselling, and some services offered by NGOs. In the course of the past two years the budget allocations for anti-trafficking activities and coverage of services provided through NGOs has increased considerably.⁹² The majority of the funds were allocated to victim assistance and trafficking prevention programs.

Some shelters were recently created through an international project (3 shelters accommodating two persons each for a total capacity of 6).⁹³ Through the shelters, services such as psychological, social and legal counselling for victims of trafficking are also offered. The services are offered in three different parts of Estonia: Tallinn, Tartu and the north-eastern part of Estonia.

Medical needs of victims are generally met through the State health system, unless the victim does not have valid health insurance, in which case services can be paid from the shelter's budget. Some of the shelters can provide specific health services, such as HIV-tests and psychological counselling.

The shelters also help victims receive the status of unemployed persons and/or access employment services. The Atoll rehabilitation centre offers longer-term support services.

In 2008 the project that financed the establishment of the shelters was concluded. The funding of two of the three shelters is now ensured through Government funding.

Current services are targeted for women victims of trafficking for sexual exploitation.

A hotline has been operated by the NGO "Living for Tomorrow" for a few years. It is not exclusively for human trafficking cases, but operators report increasing numbers of presumed trafficking cases relating to sexual as well as labour exploitation, involving men, women and minors.

The Consular Assistance Office also has a hotline number active 24 hours/day.

Each Estonian county reportedly has a Crime Victims' Assistant entitled to provide trafficked persons with access to the public assistance system. Although they have received training on human trafficking, the assistants are not perceived as active anti-trafficking actors.

RESIDENCE REGIMES

An amendment of the Aliens Act was introduced in February 2007. It foresees the possibility of granting a **reflection period** of 30–60 days unconditionally and of issuing temporary residence permits to victims of trafficking cooperating in criminal proceedings. The duration of the **temporary residence permit** is one year. No applications have been received since the rule has been introduced.

⁹² The budget on anti-trafficking measures increased from about EUR 10 000 to 70 000 in 2006 and to EUR 160 000 in 2008.

⁹³ <http://nordicbaltic-assistwomen.net>

VICTIMS/WITNESSES IN COURT PROCEEDINGS

A number of special measures may be used under the Code for Criminal Procedure. These include:

- Protection of identity of victims/witnesses
- Closed hearings
- Use of equipment (e.g. video) to prevent contact with the defendants
- Phone hearing (allowed with consent of the defendants only)

Furthermore, since 2008 the possibility of anonymous witnessing has been introduced in bigger courthouses.

However such procedures are rarely used for human trafficking cases. According to practitioners within the criminal justice system, this is due to lack of awareness of the sensitivity of such cases among criminal justice authorities. The importance to protect the victims/witnesses during court proceedings, prevent threats and intimidation and provide a safe environment in which to testify are often not taken into due consideration. The level of awareness among some prosecutors is increasing, mostly in connection with exposure to specialised anti-trafficking training through international projects.

Proposals for amendments of the criminal procedure code have been prepared. The proposals concern the introduction of the possibility to use pre-trial hearings in court proceedings to avoid the risk of re-victimisation of minors. In the recommendations drafted by the review team of the MoJ it has been pointed out that this option should be introduced also for adult victims of human trafficking.

Efforts are being made to enhance protection and assistance measures for victims of crime in general (victims of trafficking are not a legal category at the time of writing).

REGIONAL COOPERATION FOR THE SAFE REFERRAL, RETURN AND RE/INTEGRATION OF VICTIMS OF HUMAN TRAFFICKING

A program for the safe referral return and reintegration of victims of trafficking is not in place at the moment. Budget resources available for return of victims of trafficking are very limited.

In 2008, the MFA provided financial assistance to an Estonian victim identified in the UK. Other isolated cases of assisted return of trafficked persons to Estonia from abroad through NGO support have been recorded. Transnational referral by NGOs does take place on an *ad hoc* basis depending on funding available and circumstances.

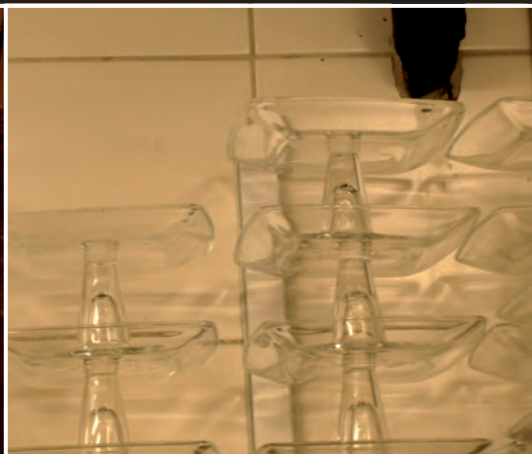
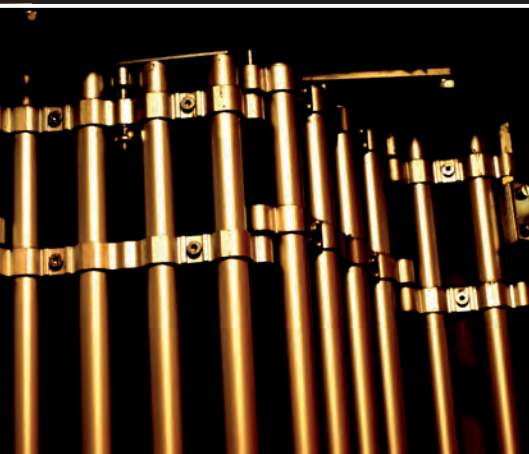
Estonia took part in a 3-year regional initiative (2005-2008) implemented under the auspices of the Nordic-Baltic Project. The project had among its objectives to help build a network to facilitate regional referral for women victims of trafficking for sexual exploitation.⁹⁴

⁹⁴ “The Nordic Pilot Project for the Support, Protection, Safe Return and Rehabilitation of Women Victims of Trafficking in Human Beings for Sexual Exploitation” implemented by the European Women’s Lobby. Countries involved: Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden.

Perception of Cooperation Practices by Estonian Stakeholders

Stakeholders interviewed during the country visit indicated that:

- Victims and witnesses often report to have been scared during police interrogations
- Police and NGO personnel should attend seminars or training together
- Interviews with presumed victims of trafficking should be conducted jointly by police and NGO personnel
- Testifying in court is currently an unduly harsh experience for a trafficked person currently
- Judges should be made aware about trafficking cases and the vulnerabilities of victims (consequences of trauma on victims' behaviour, intimidation techniques of defendants, protection from intimidation, neutral use of technical equipment, etc.)
- Cooperation is based on personal relationships but the system has a lot of gaps
- The new guidelines for identification and assistance are an excellent tool
- There is too little experience still in cooperation, the new model needs to be tested
- Information channels between Migration Board and Police should be improved





ANTI-TRAFFICKING NATIONAL ACTION PLANS

SUMMARY

Recent Measures

Appointment of a National Rapporteur (June 2008, effective January 2009)

Cooperation agreement between reception centres and one non-governmental organization (NGO)

Establishment of a multi-disciplinary group to develop shared guidelines for identification

Forthcoming Measures

Establishment of a website administered by the above-mentioned multi-disciplinary group (2010)⁹⁵

Development of recommendations for further legislation and measures for combating trafficking (2010)

Focus Areas

Identification and needs of victims of trafficking in all forms of exploitation

Strengthening identification capacity of all actors, outreach work and counselling

Enhancing cooperation in anti-trafficking responses

Sensitisation of criminal justice authorities on human trafficking cases and implications of trauma for victims of the crime of trafficking

Ensure court protection measures for victims of trafficking are in place and observed

Continuing law enforcement anti-trafficking activities, especially in the National Bureau of Investigation (NBI)

Inclusion of trafficking in persons in various relevant curricula by the Ministry of Education

Sensitisation of health authorities on human trafficking cases and implications of trauma for victims of the crime of trafficking

Finland approved its first National Action Plan (NAP) in 2005⁹⁶. An evaluation of the NAP by the Steering Group in charge to monitor its implementation (see Inter-Agency Coordination Body below) was carried out in 2007. A revised national action plan was approved in June 2008 based on the recommendations of the Steering Group.⁹⁷ Both NAPs have a comprehensive approach. A section is devoted specifically to trafficking for labour exploitation.

The National *Rapporteur* reports to Government and Parliament on developments with respect to the phenomenon of human trafficking in Finland and effectiveness of efforts to counter it (see National *Rapporteur* below). The Steering Group is responsible for formulating recommendations for further development of legislation on and measures for combating trafficking in human beings on the basis of the evaluation and in cooperation with the National *Rapporteur*.

⁹⁵ www.humantrafficking.fi

⁹⁶ National Plan of Action against Trafficking in Human Beings, Finland, 2005.

⁹⁷ Revised Plan of Action against Trafficking in Human Beings, Finland, 2008.

NATIONAL COORDINATION MECHANISMS

Fig. 5 Finland: National Coordination Mechanism

National Coordinator	Ministry Coordinating THB Efforts	Inter-Agency Coordination Body	Anti-Trafficking Coordination Unit	Working Groups operational/ local Level	Specialised Units
N.A.	Ministry of Interior	NAP National Steering Group	N.A.	Working Group of the City of Helsinki	Police at the Central Level (NBI) Specialised immigration officers and prosecutors

NATIONAL COORDINATOR

N.A.

INTER-AGENCY COORDINATION BODY

A **National Steering Group for the Plan of Action against Trafficking in Human Beings** has been established. It is chaired by the Ministry of Interior (MoI). The national Steering Group includes a varied range of Ministries and other government bodies. Civil society organizations, universities, research bodies, and church-based organizations are invited as expert partners, but the overall responsibility for the implementation of the Plan of Action rests with government actors.⁹⁸

The National Steering Group for the Plan of Action meets at least six times a year (average).

The National Rapporteur participates as an observer.

ANTI-TRAFFICKING COORDINATION UNIT

N.A.

WORKING GROUPS AT THE OPERATIONAL/LOCAL LEVEL

The city of Helsinki has set-up an informal working group to discuss anti-trafficking issues at the local level (June 2007). The working group includes social services, reception centres, migration and health services. It meets a few times per year, without a fixed schedule.

⁹⁸ The members of the Steering Group are listed in Annex I.

SPECIALISED UNITS

An anti-trafficking police unit has been created at the central level within the National Bureau of Investigation (NBI).⁹⁹ The establishment of specialised units at the local level would enhance anti-trafficking response.

Specialised personnel have been trained within the Finnish Immigration Service.¹⁰⁰

The Finnish Prosecution Service has developed a system of specialised prosecutors.¹⁰¹

The Finnish authorities consider past training activities not comprehensive enough and not targeted to all necessary groups of professionals. A **Training Coordination and Information Group** reporting to the Steering Group Against Human Trafficking was appointed in March 2009. The group has a pool of training officers from the principal organizations. The development of a manual is foreseen in conjunction with the establishment of a dedicated website (www.humantrafficking.fi) in 2010, with training content focussing particularly on victim identification, assistance and needs to address issues of alien status.

NATIONAL *RAPPORTEUR* OR EQUIVALENT MECHANISMS

Since January 2009, the Ombudsman for Minorities acts also as National *Rapporteur* for Human Trafficking. The Ombudsman for Minorities is administratively situated within the Ministry of Interior but is an independent actor.

Tasks of the National *Rapporteur* include:

- To follow the development of the human trafficking phenomenon in Finland (situation, trends, etc.)
- To monitor the implementation of international obligations and national legislation on trafficking in human beings
- To issue recommendations, guidelines, opinion and advice
- To provide legal counselling to presumed or established victims
- To report regularly to the Government (once a year) and to the Parliament (once every four years)
- To keep contact with relevant international organizations

The National *Rapporteur* assesses and evaluates counter-trafficking efforts on the basis of effectiveness with respect to victims' needs, interests and human rights protection; s/he has the right to receive all information relating to human trafficking and related phenomena (e.g. pandering, smuggling, and work discrimination) from the authorities¹⁰² and, with some restrictions, from NGOs active in this area. The National *Rapporteur* may be present at trials, including closed hearings.¹⁰³

The office of the *Rapporteur* is staffed with one Senior Officer.

⁹⁹ Questionnaire received from the NBI, THB Intelligence Group.

¹⁰⁰ www.migri.fi

¹⁰¹ Questionnaire received from the Office of the Prosecutor General, Finland.

¹⁰² The National *Rapporteur* has the right to access classified information.

¹⁰³ Questionnaire received from the Office of the National *Rapporteur* for Trafficking in Human Beings, Finland.

Strengthening Partnerships to Achieve a Common Understanding

“The confidence between NGOs and authorities should be strengthened, for instance, by clarifying and simplifying the methods of action and the legislation [...].

“One of the most difficult problems is that there is no common understanding about what human trafficking really is in legal terms and who is a trafficking victim.”

“Until today only rather stereotyped victims are defined as trafficking victims under the Finnish Penal Code. This has a great impact on victim identification, referral and assistance.”

Office of the National Rapporteur, Finland

FORMALISED COOPERATION AGREEMENTS

Fig. 6 Finland: Formalised Cooperation Agreements Overview Table

Stakeholders	MoU	Other
LEA-NGOs	-	-
State Service Providers-NGOs	Interpretation Services	-
Criminal Justice Authorities-NGOs	-	-
LEA-Labour Inspectors-NGOs	-	-

There is a formalised agreement between the reception centre of *Joutseno* and the NGO *Pro-tukipiste*. According to the agreement, *Pro-Tukipiste* can charge translation costs related to the outreach work carried out to identify victims of trafficking. This agreement has considerably facilitated collaboration between governmental and non-governmental stakeholders.

Formalising Cooperation

There is mutual trust between the police and selected non-governmental organizations which have been active in the field of anti-human trafficking. These actors also meet on a regular basis. However this collaboration has not been formalised. The lack of formalization leads to dependence on personal relationships.

Personal relationships based on trust often play the most important role in enabling effective and open cooperation between different institutions and law enforcement agencies. However while informal cooperation has often brought success, it may be punctual, volatile and hazardous in the absence of clear protocols for cooperation. This does not contribute to the longer-term goal of establishing multi-stakeholder systems and structures. Formalised cooperation, such as Memoranda of Understanding (MoU), clearly identifies the driving principles of such cooperation and contributes to the building of mutual trust and the development of a common understanding on the objectives and policies of the different parties.

In Finland it would be particularly important to clarify roles and responsibilities between various actors as, according to the Penal Code, Chapter 15, Section 10, failure to report trafficking in persons in time to prevent the offence is punishable by a fine or imprisonment for at most six months. It is not clear to NGOs whether they are under an obligation to report a potential victim of trafficking even if the victim decides not to report their case. An absolute obligation to report would have grave consequences to the relationship between NGOs and victims.

Assessment Visit to Finland, May 2009

COOPERATION PRACTICES AT THE OPERATIONAL LEVEL

IDENTIFICATION

Identification Procedures

Identification procedures in Finland are based on the “low threshold approach”.¹⁰⁴ However the Revised NAP acknowledges that there are serious difficulties at the operational level in terms of victims’ identification and emphasises strongly the need to enhance the identification capacity of relevant professionals through specialised training. A number of measures are foreseen to enhance identification capacity of all actors as well as support and assistance services (see Identification Tools, Assistance and Support System, and Training below).

Recently, a more active involvement of the Occupational Safety and Health Inspectorates, as well as the practice of joint inspections with police are reportedly increasing identification capacity of trafficking cases for labour exploitation.¹⁰⁵ Workers’ organizations have also become increasingly active in reporting suspected cases to the police.

Identification Tools

Different stakeholders utilize different indicators for their work. Indicators lists are also varied. No shared guidelines for identification have been developed yet.

A multi-disciplinary group has been established to focus specifically on identification, including the revision of indicators and the development of written guidelines to be shared among all competent actors.¹⁰⁶

REFERRAL

First Point of Contact

Asylum seekers’ reception centres in *Joutseno* (adults and families) or *Oulu* (unaccompanied minors) are the first point of contact.

Guidelines for Referral

Detailed guidelines describing the referral system after the first point of contact are not currently in place.

Tools to improve referral between law enforcement and support services have been established:

“The Supreme Police Command issued instructions for the police administration on 6 April 2004 concerning the provision of assistance for victims of crime. According to the instructions, the police shall, in addition to the services provided by the authorities, give information on the victim helpline and services relating to it, and guide persons needing help to use the services offered by the victim helpline. It also offers mental help, support and advice for victims of crime.”

Instances of cases of trafficking for forced labour reported by labour inspectorates to the police have been recorded.

¹⁰⁴ See Part 1, Identification.

¹⁰⁵ Labour inspectors have also reportedly requested more training on identification of victims of trafficking. Questionnaire received from the National Bureau of Investigation.

¹⁰⁶ Revised National Action Plan, p. 11.

Joint Interviews

The practice of contacting the support services upon first contact with presumed victims does not seem to be in place at the time of writing.¹⁰⁷

Joint Risk Assessments

The practice of joint risk assessments involving law enforcement, service providers and trafficked persons does not seem to be in place at the time of writing.

ASSISTANCE AND SUPPORT SYSTEM

The MoI is responsible for assisting victims of trafficking in persons. Various services and support measures are organized for the victims and coordinated by asylum seekers' reception centres in *Joutseno* (adults and families) or *Oulu* (unaccompanied minors). As victim services are coordinated by the reception centres under the MoI, collaboration with the law enforcement, including police and border (both under the same Ministry), is evaluated as very good by all partners.

As in many other countries, reception centres have proven not to be ideal places to accommodate victims of trafficking. In cases of trafficking for sexual exploitation in particular, the risk of re-victimization in the reception centres is deemed rather high. For this reason, reception centres often coordinate the provision of assistance and refer victims to the care of non-governmental organizations. Provision of accommodation in the reception centre is utilized as a last resort.

According to the Act on the Integration of Immigrants and Reception of Asylum Seekers, Chapter 4a on Assistance to victims of trafficking in human beings (1269/2006), Section 25a, victims of trafficking may be provided with

- services and support measures which may include legal and other advice
- crisis therapy
- social and health care services
- interpretation services and other support services
- accommodation or housing
- social assistance and other necessary care
- support for a safe return

Multi-disciplinary teams in the reception centres *Oulu* and *Joutseno* assist the directors of the reception centres in evaluating individual cases. The teams include representatives from State and municipal institutions (the competent reception centres, the Border Guard, the police including the NBI, social welfare and health care) as well as the Finnish Immigration Service and NGO personnel if necessary (Act on the Integration of Immigrants and Reception of Asylum Seekers, Chapter 4a, Section 25e).¹⁰⁸

The assistance and support system described above is meant for persons not residing in a municipality in Finland. The services and support measures are ensured by the municipalities for those victims who have or get a municipality of residence. According to the Act on the Integration of Immigrants and Reception of Asylum Seekers (Chapter 1, Section 4) the municipalities have the possibility to claim compensation for special services, such as psychological support and rehabilitation, based on the recipient's status as a victim of human trafficking.

¹⁰⁷ Questionnaire received from Occupational Safety and Health Inspectorate, Uusimaa, Finland.

¹⁰⁸ This piece of information is based on questionnaires from the NBI and the National *Rapporteur*.

Services are targeted mostly for women trafficked for sexual exploitation, although cases of labour exploitation are reportedly on the rise and include male trafficked victims.¹⁰⁹ However, according to State officials, most of the people in the scope of the system for assistance have been objects of discrimination at work (both males and females) and there is cooperation between trade unions, the police, and the Occupational, Health and Safety Administration.¹¹⁰

The lack of knowledge on male victims' needs as well as support services needed by trafficked persons in forced labour schemes is acknowledged by State actors, who also stressed during interviews the key-role of NGOs in helping develop effective policies and targeted measures. As most NGOs active in this field focus on sexual exploitation and work with women, there is not enough information about other categories and types of exploitation.

The need to clarify rules and responsibilities of State and civil society service providers is reported by various stakeholders. This problem has been acknowledged within the system. A first attempt at addressing the lack of clear understanding of responsibilities regarding victims of trafficking is being addressed through the appointment of a dedicated staff person at the *Joutseno* centre who will help coordinate assistance among various actors.¹¹¹

The system of victims' assistance currently contemplates the purchase of services from NGOs. This implies that NGO service providers have to request an authorisation for each service rendered in order to obtain a reimbursement. A revision of the rules is being considered at the time of writing to ensure the necessary degree of flexibility to NGOs in administering services to victims.¹¹²

Legal Support – Suggestions from Practitioners in Finland

The system is rather fragmented at the moment. This is confusing for victims of trafficking, who may have to deal with several lawyers throughout the process (for residence permits, from the NGO assisting them, in court, etc.). It is also ineffective, as it makes successful follow-through of cases more difficult.

The establishment of a pool of lawyers to represent victims of human trafficking and related offences could be a useful measure to ensure appropriate legal support to victims.

Victims are often vulnerable individuals (traumatised, disabled, culturally disoriented, linguistically disadvantaged, etc.). Establishing relationships of trust throughout the process is a key factor for successful recovery, as well as making cooperation in criminal proceedings possible. Simplifying the process and streamlining it would allow making it to be more victim-friendly while also reducing the risk of case mismanagement.

Assessment Visit to Finland, May 2009

¹⁰⁹ Ibid.

¹¹⁰ Information provided by the Finnish Member of the CBSS TF-THB.

¹¹¹ Ibid.

¹¹² Ibid.

RESIDENCE REGIME

A **reflection period**¹¹³ may be granted before issuing a residence permit to victims of human trafficking. This measure has been introduced upon recommendation of the national steering group. The length of the reflection period may range from 30 days to six months. During the reflection period, victims must decide whether they intend to cooperate with the authorities. The victims are also told what cooperation with the authorities would entail in their particular case. Cooperation in criminal proceedings is not required of victims who are in a particularly vulnerable position.

The minimum duration of the reflection period is three months. The District Police or a border control authority determine the duration of the reflection period.¹¹⁴

Victims of trafficking who are granted a reflection period are informed in writing of its purpose, start date and duration, and the grounds on which it may be suspended. The reflection period may be terminated if victims of trafficking have re-established relations, voluntarily and on their own initiative, with persons suspected of trafficking. It may be similarly terminated if the person is considered a danger to public order, security or health or Finland's international relations. The District Police or a border control authority shall decide on termination of the reflection period, and their decision is communicated in writing. No appeal is permitted on decisions concerning the reflection period or its termination.

A person suspected with good reason to be a victim of trafficking in persons may be granted a **residence permit (B)**.¹¹⁵ As a rule the residence permit granted to a victim of trafficking in persons is **temporary** and its requirements are that:

- The victim's residence in Finland is based on pre-trial investigation or court proceedings concerning trafficking in persons
- The victim is prepared to cooperate with the authorities in the process of apprehending those suspected of trafficking in persons
- The victim of trafficking in persons no longer has any ties with those suspected of trafficking.

Victims of trafficking in persons who are in a particularly vulnerable position may be granted a **continuous residence permit (A)**. The victim is not required to cooperate with the authorities, but s/he must no longer have ties with those suspected of trafficking in persons.

A temporary or continuous residence permit may be granted even if the victim does not possess a valid travel document and secure means of support is not a requirement for a residence permit in this case.

The Finnish Plan of Action contains indications about the need to harmonise immigration rules with anti-trafficking efforts:

*"The exchange of information between the authorities and third sector actors must be efficient and reliable, so that the immigration authorities are able to make a decision on whether the victim's residence in the country can be authorised (including the possible issue of a temporary residence permit) or whether the person, whose residence may be illegal, should be removed from the country."*¹¹⁶

¹¹³ Aliens Act, article 52 b. <http://www.migri.fi/download.asp?id=Residence+permit+for+victims+of+trafficking;1229;{3048BE32-B87F-4AB0-8720-CB6BDBA5D987}>

¹¹⁴ Recommendation made by the Steering Group set up by the Ministry of Labour in February 2006.

¹¹⁵ Aliens Act, article 52 a. <http://www.migri.fi/download.asp?id=Residence+permit+for+victims+of+trafficking;1229;{3048BE32-B87F-4AB0-8720-CB6BDBA5D987}>

¹¹⁶ National Plan of Action, 2005, p. 45.

VICTIMS/WITNESSES IN COURT PROCEEDINGS

Provisions on witness protection in the broader sense of the concept exist and may be used. These include:

- Screens for witnesses to keep the victim-witness out of view of the defendants and others in the court;
- Separate waiting rooms for victim-witnesses and defendants and defence witnesses;
- Secure routes into and out of court;
- Arrangements for accommodation that are accessible to the court but secure;
- Showing victim-witnesses the layout of the court prior to the hearing and explaining court procedures;
- Use of victim-witness supporters (NGOs such as RIKU or Pro-Tukipiste).

At the policy level the authorities have recognised the need to pay special attention to cases connected with organized crime. A working group was appointed in 2004 and problems of efficiency in implementation of witness protection measures have been raised by the working group.

Anecdotal data indicates that special procedures are not always used in human trafficking cases, possibly due to lack of awareness about the implications of procedural aspects for victims of the trafficking crime. Instances of last minute changes in court procedures without taking into due account victims' needs are occasionally reported. The need to sensitise criminal justice authorities to the specificities of cases involving victims of trafficking is an area to be considered according to numerous stakeholders in Finland.

REGIONAL COOPERATION FOR THE SAFE REFERRAL, RETURN AND RE/INTEGRATION OF VICTIMS OF HUMAN TRAFFICKING

A program for voluntary return of victims of trafficking is currently not in place. As most foreign victims have expressed their wish to return to their home countries, the Joutseno Reception Centre has recently applied for funding for a program of voluntary return of victims. For such voluntary returns in the future, the International Organization for Migration (IOM) is seen as the key partner.

Finland took part in a three-year regional initiative (2005–2008) implemented under the auspices of the Nordic-Baltic Project. The project had among its objectives to help build a network to facilitate regional referral for women victims of trafficking for sexual exploitation.¹¹⁷

¹¹⁷ “The Nordic Pilot Project for the Support, Protection, Safe Return and Rehabilitation of Women Victims of Trafficking in Human Beings for Sexual Exploitation” implemented by the European Women’s Lobby. Countries involved: Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden.

Insights into the Finnish System

The Finnish legislation and Plan of Action refer to the definition of human trafficking as contained in the Trafficking in Persons Protocol. The definition of trafficking is contained in Section 3 of the Penal Code. Section 3 also contains other offences against personal liberty which can be utilised as alternative charges in trafficking cases¹¹⁸.

According to Section 9 of the Penal Code, “the public prosecutor shall not bring charges for negligent deprivation of personal liberty, menace or coercion, unless the injured party reports the offence for the bringing of charges or unless a lethal instrument has been used to commit menace or coercion, or unless a very important public interest requires that charges be brought.” In conjunction with a trafficking case, there is arguably a very important public interest. In addition the Plan of Action talks about three related offences to trafficking, namely usury type of discrimination at work,¹¹⁹ pandering¹²⁰ (including aggravated pandering)¹²¹ and arrangement of illegal immigration¹²². Legal persons are held criminally liable for these offences.

The national action plan states: “When combating human trafficking offences, the most important aim is to harmonise the interpretation of the Penal Code and designations of offences as the number of offences is on the increase, which adds to the workload in pre-trial investigation and the work of prosecutors and courts.”

In the Finnish system, the public prosecutor has the right to bring charges in cases of trafficking in persons and the related offences of pandering and usury type of discrimination at work regardless of the existence or will of a victim (in trafficking cases) or an injured party (in the related offences). The public prosecutor does not automatically have the right to bring charges for the arrangement of illegal immigration (including aggravated arrangement of illegal immigration) if public order has not been breached by criminal disturbance¹²³ or for many *underlying offences*. The nature of the indictment has consequences for the trafficked person.

When the offence of trafficking is the basis for a case, the victim, recognized as a trafficked person, is entitled to special rights granted to victims, including the possibility of compensation. When related offences are used such as pandering, usury type of discrimination at work and arrangement of illegal immigration, the person is not recognized as a victim and does not benefit from rights, including compensation to victims of crime. In cases of related offences, the person is a witness and not a victim.

¹¹⁸ According to Section 9 of the Penal Code, “the public prosecutor shall not bring charges for negligent deprivation of personal liberty, menace or coercion, unless the injured party reports the offence for the bringing of charges or unless a lethal instrument has been used to commit menace or coercion, or unless a very important public interest requires that charges be brought.” In conjunction with a trafficking case, there is arguably a very important public interest.

¹¹⁹ Penal Code, Section 47, article 3a. Usury type of discrimination at work with maximum sentence of imprisonment of two years.

¹²⁰ Penal Code, Section 9 – *Pandering* (563/1998).

¹²¹ Penal Code, Section 9a – *Aggravated pandering* (650/2004).

¹²² Section 8 – *Arrangement of illegal immigration* (563/1998); Section 8a – *Aggravated arrangement of illegal immigration* (650/2004). Penal Code, Section 7 – *Border offence* (563/1998).

¹²³ If public order has not been breached in criminal disturbance, the public prosecutor shall not bring a charge for the offence, unless the injured party reports it for the bringing of a charge.

To date there have been four cases of trafficking in persons or related conduct resulting in criminal convictions. Three of these cases involved sexual exploitation and one forced labour. In the first conviction in summer 2006, the district court of Helsinki found seven persons guilty of aggravated trafficking. However, the court identified only one victim, who was disabled. This judgment has been widely criticized in Finland. In a summer 2007 case of trafficking for purposes of forced labour, the district court of Vantaa dismissed the charge of trafficking in persons and convicted instead on grounds of arrangement of illegal immigration. In late 2008, the district court of Helsinki dismissed the trafficking charges and entered convictions for pandering. In Autumn 2008, the district court of Kotka convicted Finnish defendants for aggravated trafficking in persons. Remarkably in this last case, the victim, who was sexually exploited, was a Finn. In 2008, the NBI launched investigations into nine trafficking in persons cases. Two cases from 2007 are still under investigation. In addition, there are several investigations into trafficking-related offences.

In Finland, the narrow interpretation of the definition of trafficking in persons is also based on the fact that the interpretation of the issue of consent differs from the spirit of the Trafficking in Persons Protocol.

Article 3(b) of the Trafficking Protocol states that the consent of a victim of trafficking in persons to the intended exploitation is irrelevant once it is demonstrated that deception, coercion, force or other prohibited means have been used. Consent of a victim, therefore, cannot be used as a defence to absolve a person from criminal responsibility for trafficking that victim. The Finnish law follows the wording of the Trafficking in Persons Protocol.

As noted, while the Finnish legislation conforms to the wording of the definition of trafficking in persons contained in the Trafficking in Persons Protocol, the interpretation of the Finnish law in the prosecuted cases, to date, differs from both the *travaux préparatoires* and spirit of the Trafficking in Persons Protocol. In cases of deception, the issue of consent has been interpreted differently in Finland depending on whether the victim is deceived as to the nature of the work or the working conditions. If a person is deceived as to the nature of the work, the case has been classified as a trafficking in persons offence. If a person is deceived as to the working conditions, the case has been classified as a related offence, pandering, usury type of discrimination at work or arrangement of illegal immigration. In particular, the courts have drawn this line between trafficking in persons and pandering (aggravated pandering). For example, if a person has agreed to work as a prostitute but is deceived as to the working conditions, the trafficking charges have been dismissed and the defendants convicted for pandering.

The *travaux* to the articles of the Finnish Penal Code state that there is an overlap between trafficking and pandering. In trafficking, the person is more under the control of the traffickers than in pandering cases and that the position of “inferiority” and vulnerability is more intense and absolute than in pandering. The courts have interpreted the definition of trafficking in persons in a narrow manner.

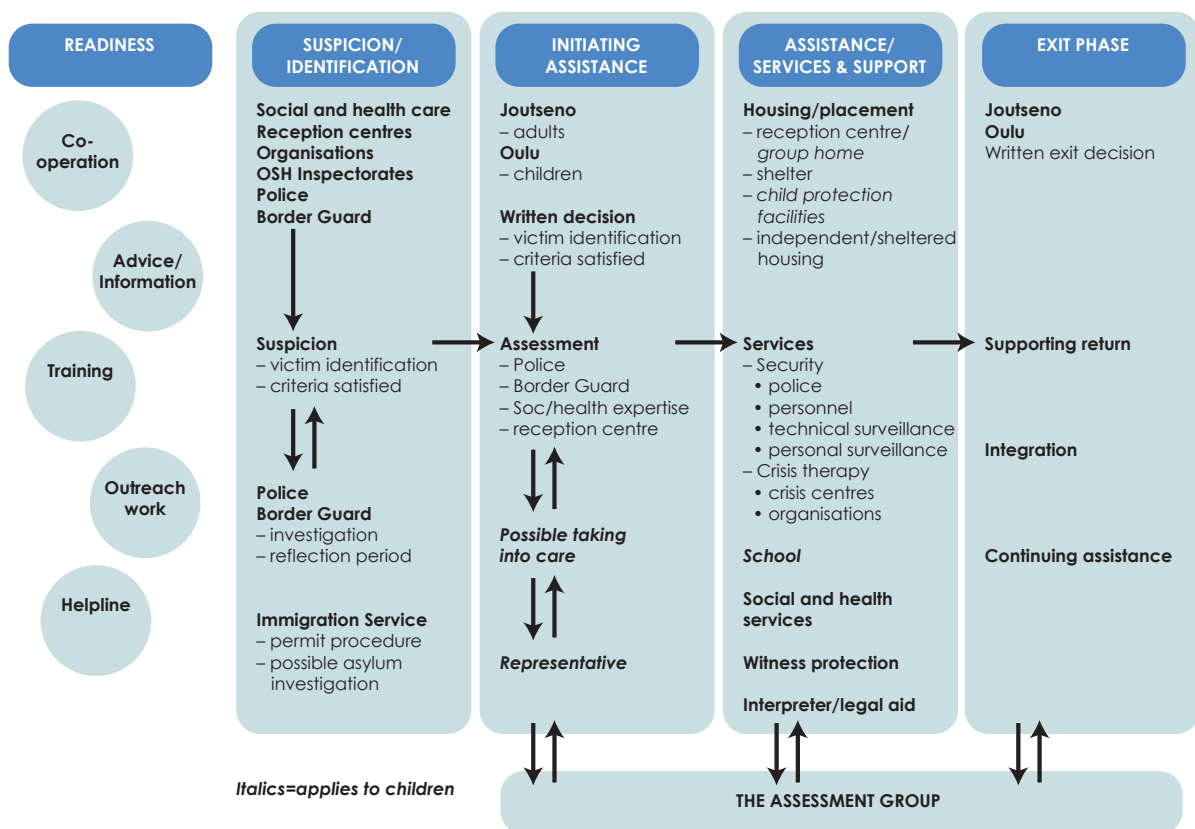
This interpretation has consequences with regard to the rights of the person who was trafficked. As noted above, in cases where trafficking is successfully prosecuted, the person is considered a victim of the crime – this is not the case in pandering (or aggravated pandering). In pandering cases the person is merely a witness.

In contrast to the application of the criminal law, the assistance services provided through reception centres are available not only to recognised victims of trafficking but also in cases of pandering, aggravated pandering, arrangement of illegal entry and usury type of discrimination at work.

Finland has criminalized the purchase of sexual services from victims of trafficking and from injured parties in pandering and aggravated pandering. Hence, the Finnish legislation differs from that of Norway and Sweden where purchasing sexual services has been criminalized in general. However, the Finnish courts have interpreted the legislation as imposing a more comprehensive prohibition. In a recent case, several clients were convicted for the purchase of sexual services from a victim of trafficking even though they had decided not to use the services of the person on the basis that they felt something was amiss. This interpretation of the law by courts poses some questions from the point of view of the principle of legality. Furthermore, in practice, it also prevents clients in Finland from reporting suspicious cases without incriminating themselves.

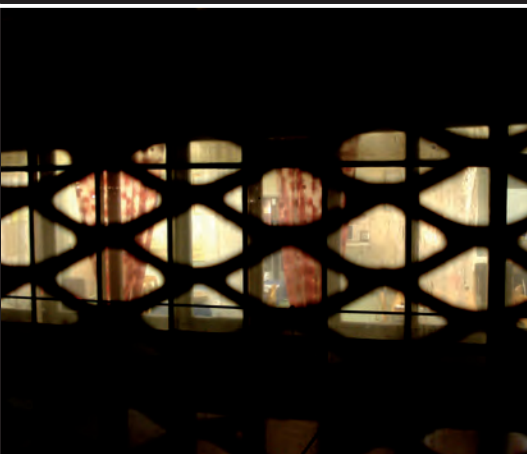
Another practical problem with the implementation of the law has been that victims of trafficking have to testify in subsequent cases where clients are prosecuted for the purchase of sexual services. In a concrete case, according to the service providers (both governmental and non-governmental) this has slowed down the recovery of the victim.

Fig. 7 The System of Victims Assistance in Finland



Source: Revised NAP, Finland 2008.





SUMMARY

Overview

Germany has the longest tradition of anti-trafficking efforts in the region. Public attention to trafficking of women for sexual exploitation emerged in the 1980s. Recently trafficking for labour exploitation and other purposes has become an area of attention.

Since 1992, the penal code criminalises trafficking in persons for the purpose of sexual exploitation. The criminalisation of trafficking for labour exploitation was introduced in 2005.

Anti-trafficking policies are streamlined into broader-ranging policy tools (e.g. Action Plan to Combat Violence against Women).

Cooperation on anti-trafficking efforts between State actors and civil society organizations is formally regulated through various tools (Memoranda of Understanding (MoUs), directives, contracts and so forth).

Recent Measures

The Ministry of Labour and Social Affairs has been tasked to coordinate activities against trafficking for labour exploitation.

Development and distribution of guidelines on traumatized victims of trafficking in human beings by the Federal Criminal Police Office (Bundeskriminalamt) in April 2009.

Publication of an overview on the situation of trafficking in women from the non-governmental organizations (NGO) perspective (January 2009).¹²⁴

Pilot project on enhancing cooperation to fight trafficking for labour exploitation (Berlin).

Forthcoming Measures

Pilot project on data collection on trafficking for labour exploitation envisaged.

Focus Areas

Establishment of a working group to combat trafficking for labour exploitation expected.

Development of policies against trafficking for labour exploitation.

The establishment of an integrated coordination mechanism is being discussed.

Limited special measures in court proceedings to protect victims/witnesses.

ANTI-TRAFFICKING NATIONAL ACTION PLANS

Germany has the longest tradition of anti-trafficking efforts in the region. Public attention to trafficking in women emerged in the 1980s. Recently the issue of trafficking for labour exploitation has also started to be addressed.

The German approach to combating trafficking has been so far to streamline anti-trafficking policy measures into other policy tools. An action plan on violence against women entered into force in 1999. It was entitled “Action Plan of the Federal Government to Combat Violence against Women”.¹²⁵ A report on the implementation of the first action plan was presented in 2004 and a “Second Action Plan of the Federal

¹²⁴ KOK e.V., *Trafficking in Women in Germany*, Berlin, 2008.

¹²⁵ A Federal Action Plan for the Protection of Children and Young People from Sexual Violence and Exploitation was developed in 2003.

Government to Combat Violence against Women” was developed and approved in 2007. Both action plans address measures to counter violence against women including anti- trafficking provisions.

Action Plan II includes measures against trafficking in women for forced marriage. Forced marriage was explicitly introduced into the penal code as a very severe case of coercion.¹²⁶

The German Penal Code has covered trafficking in persons for the purpose of sexual exploitation since 1992. With the penal code reform in 2005, trafficking for labour exploitation was added to trafficking offences and was removed from the general provisions criminalizing exploitation of labour. Both forms of trafficking are now included in the section criminalizing forms of deprivation of liberty.¹²⁷ Action Plan II (2007) covers cases of women trafficked for sexual exploitation; it does not cover trafficking in persons for the purpose of labour or other forms of exploitation, nor trafficking of men for the purpose of sexual exploitation.¹²⁸ Policy measures to counter human trafficking for the purpose of labour exploitation have not been developed yet.

The Federal Ministry for Family Affairs Senior Citizens, Women and Youth (BMFSFJ) reports regularly to Parliament on the implementation of the National Action Plan (NAP). The reports are included in minutes of Parliament sessions and are also published on the BMFSFJ’s homepage.¹²⁹

Since the beginning of 1990s the Federal Criminal Police Office (Bundeskriminalamt) presents the “Federal Situation Report on Trafficking in Human Beings” to police, political leadership and decision-making bodies.¹³⁰

¹²⁶ Action Plan II, p. 35

¹²⁷ 37th Criminal Justice Amendment Act.

¹²⁸ The issue of children trafficked for sexual exploitation is addressed through the Federal Action Plan for the protection of children and young people from sexual violence and exploitation (2003). Other forms of exploitation are not explicitly mentioned.

¹²⁹ <http://www.bundesregierung.de/Webs/Breg/EN/Federal-Government/Ministries/FederalMinistryOfFamilyAffairs/federal-ministry-of-family-affairs.html>

¹³⁰ A summary of the report is published and made available through the website of the Federal Criminal Police Office (Bundeskriminalamt, BKA). <http://www.bka.de/>

NATIONAL COORDINATION MECHANISMS

Fig. 8 Germany: National Coordination Mechanism

National Coordinator	Ministry Coordinating THB Efforts	Inter-Agency Coordination Body	Anti-Trafficking Coordination Unit	Working Groups operational/ local Level	Specialised Units
N.A.	BMFSFJ* BMSA**	Federal Working Group on Trafficking in Women	N.A.	Working Groups against Trafficking in Women at Länder level ¹³¹	Specialised Units at Länder Level

*The coordination of the Federal Government's measures to combat trafficking in women for sexual exploitation rests with the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth.

**The Federal Ministry for Labour and Social Affairs has been tasked recently to coordinate activities to combat trafficking in persons for the purpose of labour exploitation.

NATIONAL COORDINATOR

N.A.

The possibility of establishing a National Coordinator (NC) or a mechanism that would ensure a comprehensive approach for anti-trafficking efforts is currently being discussed.

INTER-AGENCY COORDINATION BODY

In 1997, the Government established the **Federal Working Group on Trafficking in Women** to ensure implementation of the NAP.

The Federal Working Group includes relevant ministries, the Federal Criminal Police Office (Bundeskriminalamt), representatives of the Länder, the German national activist coordination group combating trafficking in women and violence against women in the process of migration (German Nationwide Activist Coordination Group Combating Trafficking in Women and Violence Against Women in the Process of Migration (KOK) e.V.; Germany's umbrella organization for NGOs¹³²) and individual NGOs¹³³.

¹³¹ Germany is a Federal Republic consisting of 16 Länder.

¹³² The KOK has currently 39 members. www.kok-buero.de

¹³³ Members of the Federal Working Group on Trafficking in Women are: Federal Ministry of Family Affairs, Senior Citizens, Women and Youth; Federal Foreign Office; Federal Ministry of the Interior; Federal Ministry of Justice; Federal Ministry of Labour and Social Affairs; Federal Ministry for Economic Co-operation; Federal Government Commissioner for Migration, Refugees and Integration; Federal Criminal Police Office; Representatives from each of the technical conferences of the Länder ministries of the Interior, Justice, Social Affairs and Equality; Counselling centre SOLWODI e.V.; German nationwide activist coordination group combating trafficking in women and violence against women in the process of migration (KOK e.V.); Co-ordination group of the German Welfare Organizations (BAGFW).

In the Federal Working Group, the KOK and NGOs have the same decision-making power as government counterparts.

The working group meets between three and four times a year. Its activities include:

- Exchange of information on activities in the Länder and national and international bodies;
- Analysis of concrete problems in combating trafficking in women;
- Elaboration of recommendations and, if appropriate, joint campaigns to combat trafficking in women.

The Federal Ministry for Labour and Social Affairs is working on establishing an equivalent network of actors to combat trafficking for the purpose of labour exploitation.¹³⁴

Pilot Projects on Combating Trafficking for Labour Exploitation

- A Pilot project is currently being implemented in Berlin to develop a structure enabling various actors to collaborate and identify appropriate victim support mechanisms. The project is financed by the European Social Fund and the Federal Ministry for Labour and Social Affairs and is implemented by the International Organization for Migration (IOM) and the International Labour Organization (ILO).
- An additional project to collect data on trafficking for labour exploitation is envisaged. The project focuses on victim protection measures and on establishing concepts for support structures for trafficked persons. For this purpose, the status quo of trafficking for labour exploitation in Germany will be researched. This includes estimating the number, as well as investigating the characteristics of cases of labour trafficking. The project will be carried out by KOK.

These two projects aim at facilitating the formulation of Germany's response to trafficking in persons for the purpose of labour exploitation.

ANTI –TRAFFICKING COORDINATION UNIT

There is no single unit coordinating anti-trafficking activities as such. However, unit 403, "Protection of Women from Violence", within the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, coordinates measures against trafficking in women for the purpose of sexual exploitation. The Federal Ministry for Labour and Social Affairs coordinates the federal measures to counter trafficking for labour exploitation.¹³⁵

WORKING GROUPS AT THE OPERATIONAL/LOCAL LEVEL

Inter-ministerial and multidisciplinary working groups against trafficking in women have been established in a number of Länder and at the local level, following the model of the Federal Working Group. 6 Länder have formalised groups, 11 Länder have cooperation agreements, which also include such multidisciplinary round tables.

¹³⁴ German Member of the CBSS TF-THB, Questionnaire "Preliminary Information, May 2009".

¹³⁵ Unit 514, "Growing up without Violence", coordinates the measures against trafficking in children.

SPECIALISED UNITS

At the federal level, a specialised department on trafficking in persons (Referat SO 13, Auswertung Menschenhandel) is based at the Federal Criminal Police Office's department on organized crime. It performs prosecution of criminal trafficking offences in cases of organized crime. Many Criminal Police offices at Länder level (Landeskriminalämter) have special units to combat trafficking in persons.

No specialised departments within the public prosecutor's office are dealing with cases of human trafficking. If cases of trafficking for sexual exploitation are classified as cases of organized crime, they are dealt with by the department of organized crime. If not, they are dealt with by the general departments. Cases of trafficking for labour exploitation are dealt with by the department of tax offences and organized undeclared work.

NATIONAL *RAPPORTEUR* OR EQUIVALENT MECHANISM

Germany does not have a National *Rapporteur*, but discussions regarding establishing such an office are under way.

Since the beginning of 1990s the German Federal Criminal Police Office (Bundeskriminalamt) has prepared the "Federal Situation Report on Trafficking in Human Beings" to police, political leadership and decision-making bodies.¹³⁶

FORMALISED COOPERATION AGREEMENTS

Germany has developed a cooperation concept for law enforcement and service providers at the federal level, which serves as a recommendation and framework of reference for the Länder to develop their own cooperation agreements.¹³⁷

As of August 2008, 12 out of 16 Länder adapted the federal cooperation agreement to their local needs. The Länder have developed different forms of cooperation introducing tools with varying degrees of legal force, such as contracts (Verträge), Memoranda of Understanding (Vereinbarungen), enactments (Erlasse), orders (Weisungen) and recommendations (Empfehlungen).¹³⁸

The number of stakeholders included in the cooperation agreements varies. Seven out of 12 Länder have set up cooperation modalities exclusively between police and counselling services; five out of 12 set up cooperation modalities that include other authorities as well, such as the prosecutor's office, the migrants' office, labour services, social services, etc.

The main features of the Federal Cooperation Concept are outlined below.

The first version of the cooperation concept was entitled "**Federal Cooperation Concept between Police and Specialised Counseling Services**". It was developed in 1999 by a sub-working group of the federal working group against trafficking in women. The concept was updated in 2007 to comply with legal and operational changes.

¹³⁶ A summary of the report is published and made available through the website of the Bundeskriminalamt. <http://www.bka.de/>

¹³⁷ The Federal Cooperation Concept was first developed in 1999 and then updated in 2007.

¹³⁸ An unofficial translation of the terms is used in this paragraph.

The updated version from 2007, called “**Cooperation concept for counseling services and the police concerning the protection of witnessing victims of traffic in human beings for the purpose of sexual exploitation**”, was developed by a new sub-working group. The sub-working group consisted of representatives from KOK, counseling services, the Federal Criminal Police Office (BKA) and various state police forces.

General Features

A general principle of the Federal Cooperation Concept is that the process of developing “cooperation agreements, cooperation contracts or instructions” at the Länder level should be as inclusive as possible, and that “Institutions responsible for protection, support, residence and criminal prosecution should be included in the agreement (e.g. judicial authorities, migrants’ offices, social welfare offices, employment agencies etc.).”¹³⁹

In terms of focus, the Cooperation Concept provides the basis for the protection of witnessing victims who cannot or do not want to be included in the full-fledged witness protection program (including change of identity, etc.). It recommends a clear separation between investigation and provision of assistance, but ensures an integrated approach.

The Cooperation Concept includes a definition of the respective mandates, as well as a description of the division of tasks relating to the assistance and protection measures to be provided to persons affected by trafficking in human beings.¹⁴⁰ Following is a brief summary:

- The **police** are responsible for setting up the organizational units responsible for initiating and coordinating protection measures at the Länder level;
- The **specialised counselling centres** must ensure that qualified independent counselling and assistance services are set-up in all Länder;
- The Länder have the responsibility to provide interdisciplinary **training** as well as training for specific professional groups;
- Continuous cooperation and reflection on the work done are encouraged through regular meetings of the stakeholders.

The Cooperation Concept also regulates coordination of procedures upon first contact with victims (see Obligations of Police and Obligations of Counseling Services below).

Eligibility for protection under the Cooperation Concept is decided by the police and the prosecutor’s office, in consultation with the service providers. Eligibility criteria are also defined.

Obligations of the Police¹⁴¹

Upon first contact with a potential victim, the investigative authorities shall inform the person of the possibility to receive support from an independent counseling service.¹⁴²

The counseling services have to be involved in the decision-making process to determine access to protection measures.

¹³⁹ Abstracts from the Federal Cooperation Concept 2007.

¹⁴⁰ “Persons affected” are the following groups of persons: victims, witnesses and witnessing victims of trafficking in persons. Cooperation Concept, 2007

¹⁴¹ Abstracts from the Federal Cooperation Concept, 2007.

¹⁴² According to KOK, the implementation of this measure is not always guaranteed and counselling centres report that the police do not always contact them.

The counseling services have the right to be present during all interviews that are conducted by police, public prosecutors or courts, provided that the interviewees agree:

“As soon as the investigating authority suspects that the subject may be a victim of human trafficking, it shall immediately establish contact with the counseling service and the specialised police unit responsible for protection measures.”

Police officers are required to hand out multilingual information material of the counseling services.

The police and the counseling services handle the formalities with the appropriate authorities in close cooperation; if necessary the police make arrangements to guarantee that no information about the victim/witness is divulged.

The police carry out the necessary protection measures before, during and after crime scene inspections, interviews and court hearings.

The police provide advice on protection of the female counselors, carry out mandatory security screenings of the cooperation partners, and support the counseling services with regard to the return of the affected persons to their countries of origin (risk assessment).

On the basis of cooperation and trust, the police inform the counseling services of developments relating to the security of the affected persons (in Germany or in the country of origin), the situation of the female counselors, and any important modification relating to protection measures.

Obligations of the Counseling Services

The counseling services provide the following services to victims/witnesses: housing (in consultation with police); psycho-social counseling and medical care; assistance before, during and after crime scene inspections, interviews and court hearings; education and training.

Female counselors are available for interviews (to be conducted jointly with police officers) if the victim/witness prefers this.

Counseling services provide support if the victims/witnesses wish to return to their country of origin and be assisted in the process of return with support and assistance measures.

The counseling services continue to support the persons affected also after the conclusion of the criminal proceedings if the person requests further support.

On the basis of cooperation and trust, the counseling services inform the police of any developments relating to the security situation of the affected persons (in Germany or in the country of origin), the situation of the female counselors, any important information in relation to the offence of trafficking in persons, and any information relevant to the investigation, if consent of the victim has been given.

COOPERATION PRACTICES AT THE OPERATIONAL LEVEL

IDENTIFICATION

Identification Procedures

A broad range of actors may identify a presumed trafficked person. This ensures a low threshold for identification and access to support and assistance services.

Identification Tools

Identification guidelines for law enforcement officers have been developed. They include indicators to facilitate identification of trafficked persons for sexual exploitation.¹⁴³

Despite the new legal provisions criminalizing trafficking in persons for the purpose of labour exploitation, guidelines for law enforcement officers do not yet include elements to identify victims of trafficking for labour exploitation, slavery-like practices, illegal practices/delinquency, forced begging, removal of organs and forced marriage.

Police officers receive specialised training during which they are made aware of the sensitive nature of first-contact interviews with trafficked persons. A specific questionnaire has been developed as a guiding tool for interviews.

According to the federal cooperation concept, police officers shall immediately establish contact with the counselling service and the special police unit responsible for protection measures; however in practice this contact is not always established.

Counselling centres normally have a first joint conversation with the police and the victims/witnesses to clarify respective roles and procedures. If the victims/witnesses prefers that the counselling centre is present during the interview(s), joint interviews are conducted.

However counselling centres prefer not to be present in interviews as they are then obliged to give testimony in the case. The counselling centres' potential testimony on offences that the trafficked person may have committed undermines the trust relationship that the counselling centre tries to establish with the trafficked person. Therefore counselling services request a right to refuse testimony. The Federal Working Group on Trafficking in Women has accepted this request, which is among its objectives for the forthcoming phase of work.

Recent Good Practices

The Federal Financial Control and Illicit Work entity, which has the general mandate to combat undeclared work and illegal employment (no specific mandate against Human Trafficking) has recently forwarded cases of suspected trafficking in persons for labour exploitation to the police. This has led to a preliminary inquiry headed by the prosecutor's office.

In January 2009, KOK e.V. with financial support from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has published the report, "Frauenhandeln in Deutschland" (Trafficking of Women in Germany), which gives an overview of the situation of trafficking in women from the NGO perspective and contains the list of contacts of specialised counselling services in Germany.

In 2009, the BKA distributed via the Länder Criminal Police Offices (LKAs) guidelines on traumatized victims of trafficking for the purpose of sexual exploitation in order to further improve the treatment of victims and witnesses by police and raise awareness about the complexity of investigating trafficking cases.

¹⁴³ The guidelines are not for public dissemination and therefore have not been reviewed.

REFERRAL

First Point of Contact

Due to the Federal structure, each Land has one or more first points of contact specified in the cooperation agreements or in administrative guidelines.

Guidelines for Referral

Guidelines on referral are contained in the Cooperation Concept (see Formal Agreements above). Statistics on referral are available.

Joint Interviews

See procedures described in the section Cooperation Agreements above.

Joint Risk Assessment

See procedures described in the section Cooperation Agreements above.

ASSISTANCE AND SUPPORT SYSTEM

Assistance services to trafficked persons are provided by State-based services (health care providers, assigned counselling services, etc.), civil society actors (counselling services, shelter, support in approaching State authorities with bureaucratic procedures, etc.) and inter-governmental organizations (i.e. IOM for the return of foreign victims).

The provision of assistance services after the reflection period (minimum one month), depends on the willingness of the trafficked person to cooperate with law enforcement and on the decision of the authorities that the person is needed as a witness.

In all 16 Länder, counselling services provide assistance to women and children victims of trafficking for the purpose of sexual exploitation (as per Action Plan II). During interviews it emerged that some services also support persons trafficked for the purpose of labour exploitation or slavery-like practices, illegal practices/delinquency and begging. Some counselling services do not limit their services to women but assist also men.

Full medical and psychological assistance is only granted to persons that are residing legally in Germany; persons with an illegal status receive benefits according to the German Law on Benefits for Asylum Seekers. These cover basic needs but are below subsistence levels and are generally not sufficient for this target group. Medical care for such category of victims is limited to emergency treatment; psychological assistance is rarely covered.

RESIDENCE REGIMES

A **reflection period** of at least one month is granted to allow a victim of trafficking to recover and consider whether s/he would like to cooperate with the police in criminal proceedings. NGOs indicate that the one month minimum term is not sufficient for victims of trafficking to stabilise and make an informed decision, and recommend a three-month reflection period as a minimum.

If the person decides to cooperate and the criminal proceeding has been registered, a **temporary residence permit** can be granted by the prosecutors' office. Temporary residence permits are in general issued for six months, with the option of successive renewals. Since 2007, trafficked persons cooperating in criminal proceedings can be issued a residence permit for as long as the state prosecutor deems it appropriate. The residence permit can be withdrawn if the witness contacts the accused.

It has been pointed out during interviews that the question of whether victims of trafficking receive a permanent residence permit is crucial. If the victims become aware that they have to return to their country of origin sooner or later, they often do not give evidence, fearing for their own safety and the safety of their family. Temporary residence permits can, however, be extended, if the public prosecutor's office cannot exclude a threat to the trafficked person.¹⁴⁴

In addition, while legal proceedings can take up to three years, access to education, vocational training, and ultimately to the labour market, though being foreseen, is often impeded by the lack of employment opportunities.

VICTIMS/WITNESSES IN COURT PROCEEDINGS

In Germany all hearings are public, except for cases that fall under youth criminal law, and where if there is a danger to life and limb.

In human trafficking cases, the police escorts victims/witnesses to court and is present during the trial to protect them from direct confrontation between the defendants or relatives/friends. Separate access to court is possible and is used in case of threats. Separate waiting rooms for victims/witnesses are not available everywhere.

Special court procedures are not in use during the hearing to protect the victims/witnesses. Hearings are public and witnesses/victims are in the same room with the defendants. Sometimes the witness is allowed to sit slightly screened off from the rest of the room. However, this practice is rarely used.

Although there is a possibility for audio-visual questioning of the victims/witnesses, this is not routinely used in trafficking cases.

The counselling services report that defence lawyers often act aggressively to intimidate the victims/witnesses. For a traumatised individual, it is often sufficient to see the offender in order to withdraw testimony. Cases of defendants speaking to the witness in their mother tongue to scare them or intimidate them are often reported.

In addition, victims often have to be present in court for days. Proceedings may be debilitating for some victims/witnesses. Counsellors and lawyers may accompany and support the victim and breaks may be requested to allow the victims/witnesses rest as needed. Despite this, incidents where victims/witnesses pass out during proceedings have been reported.

Judges are reportedly not always aware about the traumatizing effects of court proceedings on victims.

REGIONAL COOPERATION FOR THE SAFE REFERRAL, RETURN AND RE/INTEGRATION OF VICTIMS OF HUMAN TRAFFICKING

Counselling centres provide assistance for return and re-integration of trafficked persons to their country of origin.

The Federal Working Group on Trafficking in Women tasked the KOK to strengthen networking among counselling services and the police in Germany and to further linkages with counselling services and the police abroad. In collaboration with counselling centres in Germany and in countries of origin, contacts between German police at the Länder level and the police of countries of origin have been established.¹⁴⁵

¹⁴⁴ Public prosecutor's office, Berlin; and Bundeskriminalamt.

¹⁴⁵ This has also led to successful transnational investigation of cases (for example in Poland and Bulgaria).

Other return programs exist at Länder level, such as the returnee project managed by the NGO Solidarity with Women in Distress (SOLWODI).

At the federal level, two return programs have been set up under the auspices of the Ministry of Interior: The Reintegration and Emigration Program for Asylum-Seekers in Germany (REAG) and the Government Assisted Repatriation Program (GARP). The programs are implemented by IOM. They target migrants (regular and irregular) and refugees with the objective to encourage voluntary return. These programs are not specifically designed for trafficked persons. Both programs provide financial aid upon return and cover travel costs.

While IOM provides the flight/bus tickets and financial aid upon return through the above-mentioned programs, the counselling centres in Germany prepare the trafficked persons for return and contact partner organizations (e.g. La Strada) in the countries of origin to ensure that the trafficked person is picked up from the airport or bus station upon arrival, if the person wishes so. Some trafficked persons prefer not to be picked up by anyone to avoid stigmatization. In general, however, counselling centres recommend that returnees are picked up by a specialised counselling centre in their country of origin to ensure continued victim assistance.

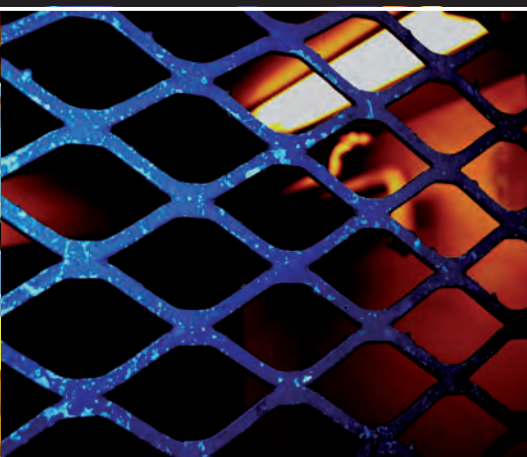
Concerns over data protection and safety of trafficked persons are often expressed by various stakeholders, who stress that cooperation in this area needs to be based on a high level of trust among counterparts.

Risk assessments are carried out if needed and collaboration with the police in the countries of origin is established to varying degrees. Counselling centres indicated a wish to establish more contact with the police in countries of origin to facilitate protection upon return, pointing out that proving an existing risk upon return is generally difficult, although in many cases a real situation of endangerment exists for the victims.

Challenge in relation to travel documents

Counselling centres report difficulties in obtaining travel documents for trafficked persons who originate from Ukraine, Belarus and Russia. Trafficked persons from these countries who have testified in court proceedings against traffickers and are living in Germany are requested by their embassies to register with a valid passport. Trafficked persons often do not have a valid passport either because it was taken away from them or because it has expired. They are requested to travel to their country of origin to ask for a valid passport. As the trafficked persons are endangered in their country of origin, it is impossible for them to receive a passport.





SUMMARY

Overview

Iceland has recently started to develop anti-trafficking policies and measures.

The first study on the phenomenon of human trafficking in Iceland was published in 2009 under the auspices of the Red Cross Iceland.¹⁴⁶

Recent Measures

First anti-trafficking national plan of action approved in March 2009

Specialist and Coordination Team appointed in October 2009

Regulation on access to health services for victims of trafficking illegally residing in Iceland

Forthcoming Measures

Amendments to the Penal Code and to the Aliens Act expected

Focus Areas

Awareness-raising for all stakeholders

Specialised multi-disciplinary training for selected professionals

Involvement of labour actors into anti-trafficking efforts

Establishment of procedures to define roles and responsibilities

Residence regime

Drafting and dissemination of identification tools

Fine-tuning of support and assistance services based on victims' needs

Implementation of the policy measures foreseen in the National Action Plan (NAP) is about to start at the time of writing. The status of victim of trafficking (VoT) is not yet recognised in Iceland, pending the ratification of international legislative tools and the revision of national legislation. However legislative revisions are expected in the near future.

ANTI-TRAFFICKING NATIONAL ACTION PLAN

Iceland approved its first NAP in March 2009, covering the period 2009–2012. The NAP is the result of a Government resolution from December 2007, following the recommendations of the Minister of Social Affairs and the Minister of Justice (MoJ). A working group was appointed in January 2008. The working group submitted its recommendations to the Minister of Social Affairs and Social Security in March 2009. The NAP was approved immediately after.

Focus Areas

The NAP is divided into nine chapters:

1. Ratification of international treaties and harmonisation of Icelandic legislation
2. Specialist and Coordination Team and monitoring of the human trafficking phenomenon in Iceland
3. Education and training of professionals and public officials

¹⁴⁶ Fríða Rós Valdimarsdóttir, "Trafficking in Iceland" (Summary in English), Red Cross Iceland, Iceland, September 2009.

4. Protection and assistance of victims of trafficking
5. Police provisions and investigation
6. Actions against demand in the prostitution and pornography industry
7. International co-operation
8. Proactive search and emergency phone numbers
9. Data and intelligence gathering

Reporting

N.A.

Monitoring and Evaluation

A first evaluation and revision of the NAPs measures is foreseen at the end of the second year of implementation.

NATIONAL COORDINATION MECHANISMS

Fig. 9 Iceland: National Coordination Mechanism

National Coordinator	Ministry Coordinating THB Efforts	Inter-Agency Coordination Body	Anti-Trafficking Coordination Unit	Working Groups operational/ local Level	Specialised Units
Chair of the Expert and Coordination Team	MoJ	Expert and Coordination Team	N.A.	N.A.	N.A.

NATIONAL COORDINATOR

The Chair of the Specialist and Coordination Team performs equivalent duties to a National Coordinator (NC).

The post is defined as a 25% position, with some flexibility to exceed that ratio when needed. The chair is simultaneously the general secretary of a ministerial committee on gender equality, consisting of the Prime Minister, the Minister of Finance, the Minister of Social Affairs and Social Security (also Labour and Integration) and the Minister of Justice and Human Rights. This structure provides for the issue of trafficking in persons to be discussed at the ministerial level.

INTER-AGENCY COORDINATION BODIES

An inter-agency coordination body (IACB), called **Specialist and Coordination Team** was appointed in November 2009. It consists of representatives from the MoJ, the Ministry of Health, the Ministry of Social Affairs and Social Security, the Ministry of Foreign Affairs, the Directorate of Immigration, The National Commissioner of Police, the Kvænnaathvarf (Womens shelter) and Stígamót (Centre for victims of sexual violence).

Acting as a pilot initiative, the team's mandate will be evaluated and revised three years after its establishment in consideration of its possible institutionalisation.

The mandate of the Specialist and Coordination Team outlined in the NAP encompasses a broad range of duties and responsibilities, including the supervision of the implementation of the action plan, the monitoring of matters regarding human trafficking in Iceland, and an advisory role to the government. In addition to such responsibilities, the team is also mandated with operational duties, such as identifying VoTs; granting of the status of a VoT; ensuring referral within the system to allow VoTs access to assistance and protection as appropriate; and developing identification guidelines and indicators. Furthermore, the team is responsible for supervising research and the registration of cases of human trafficking; collecting information and carrying out educational activities with respect to the issues of human trafficking; carrying out an educational campaign against demand for prostitution services targeting young males; and providing training to professionals and civil servants.

An **Emergency Team** rendering assistance to victims within a period of 24 hours from first contact operates within the Specialist and Coordination Team on human trafficking. The role of the Emergency Team is to take the first measures to assist and protect a victim of human trafficking, such as providing emergency services to those who do not have health insurance, providing a safe refuge, interpretation services and legal aid. Members of the Specialist and Coordination Team can activate the Emergency Team on short notice. Other parties would be summoned for collaboration according to the circumstances of each case.

ANTI-TRAFFICKING COORDINATION UNITS

N.A.

WORKING GROUPS AT THE OPERATIONAL/LOCAL LEVEL

N.A.

SPECIALISED UNITS

There are currently no specialised anti-trafficking units. Because of reductions in law enforcement staff endowments as well as cuts in budgets for all Ministries, the establishment of specialised units within the Police or other bodies is not likely in the near future.

NATIONAL *RAPPORTEUR* OR EQUIVALENT MECHANISMS

An independent National *Rapporteur* or equivalent mechanism is not currently planned. The Expert and Coordination Team is responsible for collecting data on human trafficking and producing analysis on the human trafficking phenomenon in Iceland.

FORMALISED COOPERATION AGREEMENTS

N.A.

COOPERATION PRACTICES AT THE OPERATIONAL LEVEL

IDENTIFICATION

Overview

Iceland is at the very beginning in terms of anti-trafficking efforts. Knowledge of the definition of the crime of human trafficking, of up-to-date modus operandi of traffickers and of indicators pertaining to different aspects of the phenomenon are limited. Awareness levels and technical skills vary considerably among practitioners. In practice, identification capacity needs to be established for most stakeholders.

Multi-disciplinary training involving law enforcement personnel, criminal justice authorities, civil society personnel and labour market related actors, such as trade unions, the directorate for labour and migrants' organizations, is a crucial first step to make the implementation of anti-trafficking policy measures effective. The NAP foresees training for different stakeholders.

Identification Procedures

The debate about identification procedures seems to be currently revolving around two alternatives: That only law enforcement officers will have the authority to identify VoTs; that the Expert and Coordination Team will be in charge of evaluating cases and deciding collectively upon revision of each individual case.

It is worth stressing that it is widely acknowledged that the percentage of VoTs identified by law enforcement agencies (police forces and border personnel) is rather low with respect to a broad range of other governmental and non-governmental actors; and that identification is a process that usually requires time and the involvement of different professionals. Another aspect that must be emphasised is that the system should be flexible and foresee the possibility for victims to be assisted without necessarily being reported to the authorities.¹⁴⁷

There is awareness among some of the key actors that ensuring an informal approach to identification of presumed victims and a low threshold for access to support and protection is necessary. However, information gathered during interviews indicates that awareness of the sensitivity and complexity of identification of VoTs, while available to some stakeholders, is not widespread among all key players.

Identification tools

Guidelines to facilitate the identification of VoTs have not been developed either for individual categories of practitioners or as a shared tool for different stakeholders.

REFERRAL

First Point of Contact

The Specialist and Coordination Team is the first point of contact for referral.

Rules for Referral

The NAP also indicates the need to establish Rules of Procedure for the police which pertain to referral:

“The police should establish rules of procedure for contacting and dealing with alleged victims of human trafficking that are also intended to ensure that alleged victims are informed of the remedies available to help them. The utmost efforts must be made to summon the representatives of relief organizations who are members of the specialist and co-ordination team for assistance as soon as possible [...]. Cooperation between the police and private entities specialising in contacting and assisting the victims of sexual crimes and human trafficking should be strengthened. Such co-

¹⁴⁷ Report of the Expert Group on Trafficking in Human Beings, European Commission, 2004, pp.101-104.

operation is vital for increasing the likelihood of the victims being ready to assist the authorities by revealing alleged incidents of human trafficking, as well as for the support of the victims by all available means.”¹⁴⁸

Joint Interviews

Although procedures are not established yet, the first instances of joint interviews have been carried out recently.

Joint Risk Assessments

N.A.

Additional Remarks

At the moment referral takes place mostly among service providers: non-governmental organizations (NGOs), shelters and other support organizations refer cases to each other and provide assistance in order to access State services as needed. Occasionally, referrals from police to NGOs occur. Recently, cases of victims intending to cooperate and referred to the police were also recorded.¹⁴⁹

An interesting feature of the Iceland context is that in some cases, collaboration efforts among different stakeholders have taken place to address or redress situations of abuse or irregular labour conditions, without the possibility of human trafficking schemes being considered and reported as such, the presence of trafficking indicators not being acknowledged by the professionals involved.

While it is impossible to determine ex post facto, if the circumstances mentioned by interviewees were connected to human trafficking schemes, many practitioners interviewed indicated that there is a chance that in the past few years, numerous cases may have gone undetected or may have been dealt with in another ways due to lack of awareness about the crime of human trafficking.¹⁵⁰

ASSISTANCE AND SUPPORT SYSTEM

No specialised services for VoTs exist in Iceland at the time of writing. There are however civil society stakeholders assisting victims of violence, as well as NGOs assisting migrants.

The range of services offered includes legal and psychological counseling, financial assistance, shelters, health and social assistance, vocational training and reintegration measures. Services are targeted for men, women and children. They may address cases of sexual exploitation, as well as labour exploitation.

The existence of an institution such as the Intercultural Centre, providing counseling to migrants, represents a valuable asset in the current service provision frame. With its mandate, the Intercultural Centre is strategically positioned to spot cases of foreign nationals who may end up in a trafficking situation. In fact, the organization reports to have come across a very broad range of cases of possible trafficking, including cases of sexual exploitation, domestic servitude, bride mail-order, and forced labour exploitation.¹⁵¹

The NAP foresees the establishment of the right for support and assistance of victims of trafficking, including the introduction of special rules concerning the assistance and counselling by local authorities.

¹⁴⁸ NAP, Action 12.

¹⁴⁹ This seems to be changing as the focus of attention on trafficking cases has recently increased and some cases may be tried in Court soon.

¹⁵⁰ Some of the interviewees indicated that they may have dealt with cases that would have required reporting as possible human trafficking cases as “other” due to lack of knowledge of how the crime is defined.

¹⁵¹ F.R. Valdimarsdóttir, *Trafficking in Iceland*, Summary in English, Red Cross Iceland, 2009.

A regulation on health services for foreigners who do not have right to health services in Iceland (e.g. people from outside the European Economic Area (EEA) without residence permits or from within the EEA area who have stayed in Iceland for a shorter period than six months and are not covered by transferrable health insurance in their own country) has been changed in order to cover VoTs irrespective of nationality or legal/illegal residence in Iceland.

The NAP states that the need for assistance services should be assessed by the social workers of the local authorities in collaboration with the specialist and coordination team on human trafficking and other professional staff.

RESIDENCE REGIMES

There are currently no legal provisions granting the possibility of a reflection period or of a temporary residence permit to trafficked persons, but legislative measures are expected to introduce them. An amendment act to the Act on Foreigners No 96/2002 is in preparation in the Ministry of Justice and Human Rights to enact art. 13 and 14 of the Council of Europe Convention on Action against Trafficking in Human Beings. It is expected that the bill will be put before the Parliament at the latest in the beginning of the year 2010.

The national action plan anticipates an amendment to the Act on Foreigners n. 96/2002 to introduce a special category of residence permits for victims of human trafficking, granting foreign victims the possibility to remain in the country for the purpose of considering cooperation in criminal proceedings and for a period of time “comparable to the statutory practices of neighbouring countries”. State officials indicated that a reflection period of the duration of six months is being considered.

VICTIMS/WITNESSES IN COURT PROCEEDINGS

A first indictment against persons charged with having violated article 227a of the General Penal Code (the human trafficking provision) has been recently issued. A criminal case is before the District Court of Reykjavik at the time of writing. Moreover, an extensive trafficking in person case is now under police investigation and five alleged perpetrators have been in custody for some weeks.

Although in general, special procedures e.g. identity protection, use of video or audio equipment, the use of screens and closed hearings, are not foreseen in Iceland, interviewees noted that in the recently identified cases, video equipment to secure testimony is expected to be used.

REGIONAL COOPERATION FOR THE SAFE REFERRAL, RETURN AND RE/INTEGRATION OF VICTIMS OF HUMAN TRAFFICKING

No program for the voluntary return of VoTs is currently in place in Iceland.

Iceland took part in a three-year regional initiative (2005-2008) implemented under the auspices of the Nordic-Baltic Project. The project had among its objectives to help build a network to facilitate regional referral for women victims of trafficking for sexual exploitation.¹⁵²

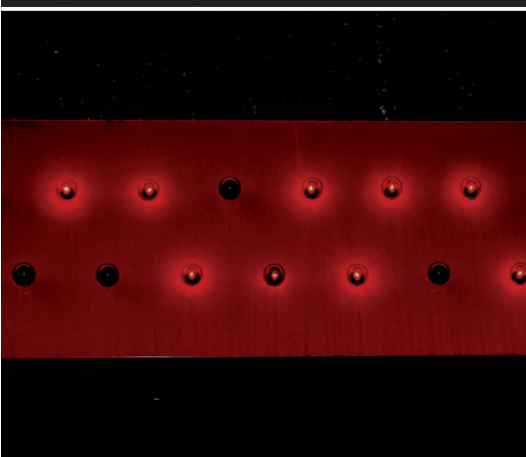
The NAP makes reference to the possibility of involving the International Organization for Migration (IOM) in the future. State officials indicated that such talks are currently under way.

¹⁵² “The Nordic Pilot Project for the Support, Protection, Safe Return and Rehabilitation of Women Victims of Trafficking in Human Beings for Sexual Exploitation” implemented by the European Women’s Lobby. Countries involved: Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden.

Perception of Cooperation Practices by Icelandic Stakeholders

Surveyed practitioners indicated:

- Cooperation [among different service providers] would benefit from being formalised and recognised by the authorities
- [To improve cooperation among service providers] what needs to be done is to implement the action plan to establish formal procedural rules and channels for cooperation in assistance to victims
- [What needs to be done to improve cooperation among service providers is] to establish formal guidelines, memoranda of understanding and procedures in the framework of the Specialist and Coordination Team on trafficking in persons
- About cooperation among all stakeholders – “We could use a formal ground for cooperation, specialised training and a common understanding of what has to be done”



SUMMARY

Recent Measures

Proposal to establish an independent anti-trafficking coordination agency developed

Forthcoming Measures

Agreement regulating cooperation between law enforcement agencies (LEAs) – non-governmental organizations (NGOs) Memoranda of Understanding (MoU) are expected in 2010

Focus Areas

Higher profile for the National Working Group

Revision of funding rules for service providers

Improvement of identification capacity of human trafficking for different forms of exploitation

Formalisation of existing good practices among State service providers and NGOs

Involvement of labour actors in anti-trafficking efforts

Institutionalisation of multi-disciplinary anti-trafficking training for different stakeholders

Creation of capacity on anti-trafficking for forced labour exploitation

Regional cooperation for referral, return and re-integration of victims

ANTI-TRAFFICKING NATIONAL ACTION PLANS

Latvia's first National Action Plan (NAP)¹⁵³ was approved in March 2004. It covered the period 2004–2008. In 2009 there was a delay due to budgetary issues and the new action plan was approved in August 2009.¹⁵⁴

NAP Focus

The NAP is a concise document. It comprises a short summary, a list of goals and expected results and a timetable detailing tasks and responsible bodies in charge of implementation.

It includes 36 measures, five of which are devoted to support services for victims of human trafficking.

Reporting

The National Coordinator (NC) reports annually to the Cabinet of Ministers on implementation of the action plan.

Monitoring and Evaluation

The Ministry of the Interior (MoI) is responsible for gathering input on progress made on the implementation of the action plan (self-monitoring and evaluation process).

¹⁵³ National Program for the Prevention of Human Trafficking 2004–2008.

¹⁵⁴ National Program for the Prevention of Human Trafficking 2009–2013. The text of the revised national action plan has not been reviewed in time to be inserted in this study.

NATIONAL COORDINATION MECHANISMS

Fig. 10 Latvia: National Coordination Mechanism

National Coordinator	Ministry Coordinating THB Efforts	Inter-Agency Coordination Body	Anti-Trafficking Coordination Unit	Working Groups operational/ local Level	Specialised Units
Director of Department at the MoI	MoI	National Working Group	N.A.*	Ad hoc	State Police Prosecutor's Office

* A proposal for a model cooperation agency has been recently developed. The proposal has not yet been submitted for approval.

NATIONAL COORDINATOR

The NC is based at the MoI. The post is at the level of Director of Department and it is not a full-time position. The office of the NC is allocated one staff member based at the MoI.

The NC organizes meetings of experts at all levels and represents the interests of anti-trafficking stakeholders in the Cabinet of Ministries and in the Parliament. The NC is also in charge of ensuring communication with embassies in anti-trafficking matters.

In Latvia, the NC has also been assigned the task of data gathering and analysis.

INTER-AGENCY COORDINATION BODY

A **National Working Group** is tasked to monitor progress on the implementation of the national action plan. Some stakeholders indicate that a higher-profile Strategic Council to be located at the level of the Prime Minister would be beneficial to anti-trafficking efforts.¹⁵⁵

ANTI-TRAFFICKING COORDINATION UNIT

A proposal to establish an independent anti-trafficking coordination agency has been developed under the auspices of a recently implemented project.¹⁵⁶ Funding problems may delay the establishment of the agency in the foreseeable future.

¹⁵⁵ Interview with senior officials at the MoI.

¹⁵⁶ The EQUAL project Open Labour Market for Women financed by the European Union and Latvia. Work conducted in this area within the scope of the project is documented in a publication of the MoI: *Cooperation to Prevent Human Trafficking, Situation Analysis and the Optimal Model for National Cooperation*, Riga 2007.

WORKING GROUPS AT THE OPERATIONAL/LOCAL LEVEL

The MoI convenes sub-working groups to deal with specific issues related to anti-human trafficking on an ad hoc basis.

SPECIALISED UNITS

An anti-trafficking police unit has been established. It is staffed by 19 full-time police officers. Furthermore, four police officers in the regional boards of the State Police are responsible for cases of human trafficking.

The Prosecutor's Office has set up a specialised unit to fight organised crime with about ten prosecutors investigating human trafficking cases (2001). The units were trained in multi-disciplinary seminars involving judges, prosecutors, police officers and service providers.

NATIONAL *RAPPORTEUR* OR EQUIVALENT MECHANISM

The NC is tasked with data gathering and reporting duties.

FORMALISED COOPERATION AGREEMENTS

Fig. 11 Latvia: Formalised Cooperation Agreements

Stakeholders	MoU	Other
LEAs-NGOs	Planned for 2010	-
State Service Providers-NGOs	-	General
Criminal Justice Authorities-NGOs	-	-
LEAs-Labour Inspectors-NGOs	-	

A MoU regulating cooperation between law enforcement and NGOs is expected to be developed by 2010.

An agreement between the Ministry of Welfare and an NGO regulates the sub-contracting of service provision to victims of trafficking (see assistance and support system below).

Human Trafficking for Forced Labour Exploitation

Capacity Building

Stakeholders interviewed indicated they were aware of the importance of involving labour actors in anti-trafficking efforts. However cooperation practices are not established yet and expertise to create capacity, introducing specialised training for instance, is not available according to State officials at the MoI.

Critical Law Enforcement Perspective on Revised Cooperation Procedures

From the beginning of 2009 police representatives have not taken part in the licensing process for companies planning to deal with international labour services. State police representatives indicated that in the past cooperation in this field allowed the prevention of some trafficking cases at an early stage.

Assessment Visit, Riga, July 2009

COOPERATION PRACTICES AT THE OPERATIONAL LEVEL

IDENTIFICATION

Identification Procedures

In Latvia a formal procedure to identify and grant the status of victim of trafficking (VoT) and determine access to assistance services is currently in place. Victims of trafficking can be officially identified by law enforcement agencies, the Prosecutor's Office and service providers (NGOs). However, NGOs are not entitled to identify trafficked persons independently.

In cases in which a service provider is the first point of contact of a presumed trafficked person, an identification commission must be convened at the initiative of the NGO. The identification commission comprises a social worker, a psychologist, a lawyer representing the presumed victim, a general practitioner, police officials and other specialists depending on the case.

The commission assesses whether the person is a VoT based on a set of **official regulations**.¹⁵⁷ The identification process is based on the examination of documents and information presented by the lawyer of the presumed victim. The presumed trafficked person need not be interviewed by the commission.¹⁵⁸

The identification procedure has to be completed within three days at the latest and the information communicated to the Social Service Board. The Board can take up to three additional days to decide what services are to be provided. During this interim period, the presumed victim has no status and therefore legally no rights to access protection and assistance services.

In emergency cases however, access to shelter services has been granted based on an informal procedure initiated by the NGO in direct contact with the Social Service Board in charge of authorising the provision of services until the identification commission can be summoned to complete the process. This is a good practice and should be formalised.

The fact that only those victims identified through the system of the identification commission are eligible for support and protection creates higher barriers to access than in most other countries in the region.¹⁵⁹

Identification tools

The above-mentioned **regulations on identification and access to services** came into force in January 2007. The regulations are an internal tool for members of the identification commission and Social Service Board. They briefly outline the criteria for identification and define the procedure on the basis of which the provision of services is granted to VoTs.

The language of the regulations is in compliance with article 154² of the criminal code on human trafficking. In practice, though, in cases where women trafficked for sexual exploitation had consented to work as prostitutes,

¹⁵⁷ "Regulations on Criteria for the Recognition of Victims of Human Trafficking and Procedures for the Administration of Social Rehabilitation Services to Victims of Trafficking in Human Beings", Regulation No 889, adopted 31 October 2006.

¹⁵⁸ The option was originally considered. It was ruled out upon request of the NGO who pointed out the potential re-victimisation that could occur.

¹⁵⁹ For a summary of best practices on identification of trafficked persons, Report of the Expert Group on Trafficking in Human Beings, European Commission, 2004, pp.101-104.

the cases are not prosecuted under the human trafficking article in the penal code, but under article 165¹ regulating “Sending a person for sexual exploitation”.¹⁶⁰

A short **identification questionnaire** for interviewers has also been developed.¹⁶¹

A **pocket-size brochure for law enforcement officers** on what to do in case of first contact with a presumed trafficked person had been developed with the support of International Organization for Migration (IOM). The tool is considered useful but outdated. Stakeholders interviewed recommended updating the brochure and re-introducing it with specialised training on awareness raising, identification, first contact techniques and referral etc. for non specialised police units.

REFERRAL

First Point of Contact

All presumed victims are currently referred to the identification commission in order to be formally granted the status of trafficked persons and access support services.

A proposal for a national cooperation model has been developed but has not been approved yet. The model would establish a coordination agency that would become the first point of contact for all presumed VoTs and be responsible for ensuring systematic referral as appropriate.

Guidelines for Referral

See regulation on identification and access to services above.

Joint Interviews

Social workers from the support service provider (NGO) are sometimes requested by the police to be present during first contact interviews.

Joint Risk Assessments

Risk assessments seem to be carried out throughout the process individually by different actors without coordination among them. Below are some of the indications given by respondents in questionnaires:

“Risk assessments are carried out at the Police and Prosecution Office during pre-trial investigation; at the Court during the trial; at the Ministry of Welfare when making a decision on the provision of assistance; at NGOs when administering services to a trafficked person.” (Prosecutor’s Office)

“Risk assessments are carried out but not on a regular basis.” (Anti-Trafficking Police)

“Risk assessments are carried out based on necessity.” (Anti-Trafficking Police)

ASSISTANCE AND SUPPORT SYSTEM

In the past few years a mixed system of State-funded provisions and project-based services was in place. Currently, the State sub-contracts the service provision to NGOs through a tender process administered by the Ministry of Welfare.

¹⁶⁰ Interview with law enforcement officers, Riga, July 2009.

¹⁶¹ MoI, *Cooperation to Prevent Human Trafficking, Situation Analysis and the Optimal Model for National Cooperation*, Riga, 2007, Appendix 7.

Since December 2008, there is only one NGO providing assistance services to victims of trafficking in Latvia – the shelter “Safe House” (Drosa Maja). Funds are allocated to the NGO on the basis of the provision of specific services to be administered to victims. Only victims identified through the actors and the procedures described above (see Identification) are eligible to receive support and assistance services in Latvia. Victims’ needs are determined by the Social Service Board.

This tightly-regulated mechanism is meant to avoid abuse in public fund spending, but results in a number of counter-effects that all actors within the system deem negative. State officials, including representatives from the MoI and law enforcement officers, stated that the current system makes NGOs dependent on the number of identified victims to survive as service providers. This is not a sustainable approach. There is currently a very limited availability of service providers offering assistance to trafficked persons. According to most practitioners, this is a result of the existing approach.

Furthermore, the rules are not flexible enough to ensure the provision of services also to all presumed victims of trafficking as they limit the discretionary power of the specialised service providers. Another side effect of the current funding system is that it hampers the capacity of NGOs to apply for international funding programs.

According to all actors surveyed, current funding rules should be revised to ensure that the service providers are capable of operating independently.

Assistance services are administered in six-month cycles.

Services offered by the Latvian NGO Shelter “Drosa Maja” (Safe House) are summarised in the table below.

Services provided are targeted to female victims of sexual exploitation.

Fig. 12 Services offered by the Latvian NGO Shelter “Drosa Maja” (Safe House)

Type of Service	Women
Specialised shelter for trafficked persons	X
Shelter in one location	X
Financial Assistance	X
Health Care	X
Psychological Assistance	X
Legal Assistance	X
Support in dealing with authorities	X
Education or vocational training	X
Employment Assistance	X

RESIDENCE REGIMES

A **reflection period** of 30 days may be granted to trafficked persons to allow individuals to consider cooperating in investigations and criminal proceedings.

A six-month **temporary residence permit** can be granted to victims who decide to cooperate in criminal proceedings.

The Citizenship and Migration Board is responsible to grant permits for the reflection period and temporary residence permits to foreign victims of human trafficking. Permits are granted on the basis of a request submitted by the police.

Reflection periods and temporary residence permits have been requested only once since the rule was introduced in 2007. The case concerned three Thai citizens involved in a case initially investigated as trafficking for labour exploitation. Upon request from the anti-trafficking police unit, a six-month residence permit was granted immediately to the three presumed trafficked persons involved. The permit was later revoked because the case was upon further investigation found not to be one of human trafficking.

VICTIMS/WITNESSES IN COURT PROCEEDINGS

An experienced prosecutors' specialised team is currently in place. Prosecutors are aware of the importance of protecting victims/witnesses in court proceedings. For human trafficking cases, the Prosecutor's Office can request the competent Judge to apply identity protection measures, closed hearings, and use of special equipment (e.g. video) to avoid contact with defendants. Attention to other measures (separate entrance, protection of victims/witnesses from contact with other witnesses) is exercised although not regulated.¹⁶²

REGIONAL COOPERATION FOR THE SAFE REFERRAL, RETURN AND RE/INTEGRATION OF VICTIMS OF HUMAN TRAFFICKING

IOM used to coordinate a program for voluntary return and re-integration of VoTs. Currently no agreement between the MFA and IOM is in place and no funding is available to run the program.

In 2007, no victims could reportedly be repatriated to Latvia due to lack of funding. To correct the situation, the Government introduced a provision in the national action plan to cover return of trafficked persons to Latvia. The funds are administered by the Ministry of Welfare. The budget allocation is limited.

No formalised cooperation agreements exist between the Latvian NGO providing services to victims of trafficking and NGOs based in other countries. However transnational referral does occur in practice. In the case of Latvian victims identified abroad, the shelter Safe House is often contacted through Latvian embassies or through the IOM office. Occasionally families of victims contact the NGO, which in turn contacts a service provider abroad to try and facilitate return and assistance.¹⁶³

Latvia also took part in a three-year regional initiative (2005–2008) implemented under the auspices of the Nordic-Baltic Project. The project had among its objectives to help build a network to facilitate regional referral for women victims of trafficking for sexual exploitation.¹⁶⁴

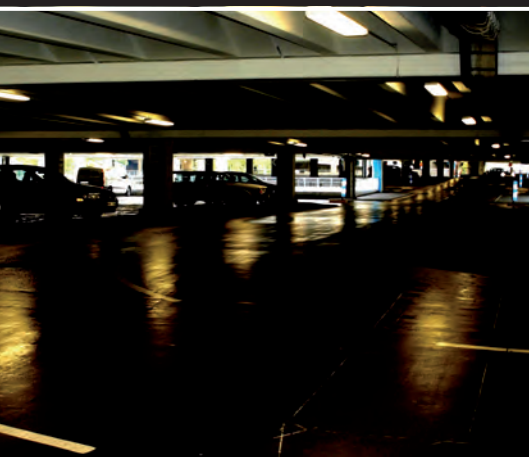
¹⁶² Cases where procedures to protect victims/witnesses were not applied correctly have however occurred in the past. The case of a victim encountering the defendants in court resulted in the trafficked person changing her statement at the last minute. This case seems to be an isolated incident.

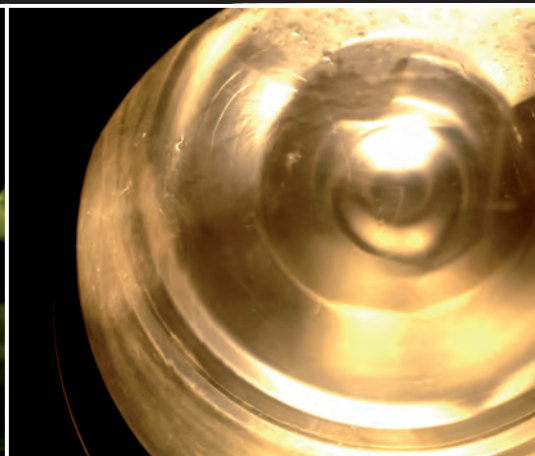
¹⁶³ Interview with a social worker from the shelter "Safe House", Riga, July 2009.

¹⁶⁴ "The Nordic Pilot Project for the Support, Protection, Safe Return and Rehabilitation of Women Victims of Trafficking in Human Beings for Sexual Exploitation" implemented by the European Women's Lobby. Countries involved: Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden.

Perception of Cooperation by Latvian Stakeholders

- Non-specialised police needs more training to be able to identify and deal with human trafficking cases
- Trafficking cases for labour exploitation remain unreported due to lack of awareness that they are human trafficking
- Anti-trafficking training used to be conducted by foreign experts. There is no overview of the training that has taken place (who has been trained, on what, with what curriculum) and there is limited capacity to offer up-to-date specialised training (on trafficking for labour exploitation for instance)
- Cooperation works quite well informally, but it is based on personal contacts. It would be important to define the rules in MoUs and establish good practices also formally.





SUMMARY**Recent Measures**

Establishment of databases on cases of trafficking and coordination on data analysis (Ministry of Interior (MoI) and International Organization for Migration (IOM))

Forthcoming Measures

Foster multi-disciplinary cooperation at the municipal level

Joint training for police, prosecutors and judges with integrated non-governmental organization (NGO) training sessions

Establishment of an Anti-Trafficking Information Centre to improve information flow and coordination among service providers and service delivery to victims of trafficking

Focus Areas

Clarification of referral procedures

Involve labour actors in anti-trafficking efforts

Formalisation of cooperation procedures among State actors and civil society organizations

ANTI-TRAFFICKING NATIONAL ACTION PLANS

Lithuania was among the first countries in the region to introduce an anti-trafficking National Action Plan (NAP). The first NAP (2002–2004) had a specific focus on trafficking for sexual exploitation and prostitution.¹⁶⁵ The second NAP¹⁶⁶ had a broader focus, acknowledging different forms of exploitation, and covered a longer period of time (2005–2008). The third NAP was approved by the government in September 2009.¹⁶⁷

NAP Focus

The NAP¹⁶⁸ is divided into two main parts: A narrative part containing general provisions, an assessment of the situation, objectives and tasks, assessment criteria, expected results, and funding; and a timetable that lists 31 measures and the institutions responsible for implementing them.

¹⁶⁵ “Program for the Control and Prevention of Trafficking in Human Beings and Prostitution for the Years 2002–2004”. On the implications of terminology, see I. Orfano, “Trafficking in human beings: An analysis of the literature and an overview on the phenomenon in six European countries”, in I. Orfano et al., *Headway. Improving Social Intervention Systems for Victims of Trafficking*, Noktus, Warsaw, 2007.

¹⁶⁶ “Program for the Prevention and Control of Trafficking in Human Beings 2005–2008”.

¹⁶⁷ Program for the Prevention and Control of Trafficking in Human Beings 2009–2012

¹⁶⁸ The information presented in this section is based on the first two policy tools. The text of the 2009 NAP was not available in time to be included in the research. According to a summary provided by the TF-THB member: “The main focus of new NAP is to continue the work started by the second NAP, improve established systems of victim protection and assistance, prosecution of traffickers and THB prevention”. Comments to the draft of the study received in November 2009.

The objectives of the NAP may be summarised as follow:

- to determine the scope of trafficking in human beings and prostitution in Lithuania (dynamics and tendencies of the phenomenon)
- to create a data-gathering and analysis information system about traffic in human beings and related topics
- to build a common depersonalised data base on victims of trafficking (VoTs) in human beings
- to establish early prevention measures
- to introduce measures reducing the demand for prostitution
- to build a system of social assistance to VoTs, focusing on protective and social issues as well as re-integration into society
- to develop cooperation among public (municipal), NGOs and international organizations (IOs)
- to strengthen Lithuania's specialised police units combating trafficking in human beings
- to ensure effective cooperation between regional organizations and IOs

The focus of the action plan is explicitly on trafficking for sexual exploitation and prostitution. Cases of trafficking for labour exploitation have however been reported.

Reporting

The National Coordinator (NC) reports to the Government on progress in the implementation of the action plan every six months. It is foreseen that reporting will be scheduled yearly from 2010.

Monitoring and Evaluation

The MoI commissions an independent report from a research institute or similar organization at the end of each year to evaluate the implementation of the NAP and the general situation regarding trafficking in persons in Lithuania¹⁶⁹ (see also National *Rapporteur* or equivalent mechanisms).

NATIONAL COORDINATION MECHANISMS

Fig. 13 Lithuania: National Coordination Mechanism

National Coordinator	Ministry Coordinating THB Efforts	Inter-Agency Coordination Body	Anti-Trafficking Coordination Unit	Working Groups operational/ local Level	Specialised Units
Vice Minister of the Interior	MoI	National Task Force	N.A.*	Some at Regional Level	Police Prosecutors

*Establishment of an Anti-Trafficking Centre expected (see below).

¹⁶⁹ Ibid., p. 57.

NATIONAL COORDINATOR

A NC was appointed in 2007. The post is at the level of Vice Minister of the Interior.

The mandate of the Anti-Trafficking National Coordinator entails supervision of the implementation of the NAP; initiating and supporting relations among governmental institutions, NGOs and IOs; reporting to the Government and to the Parliament on implementation of the NAP and on the situation of human trafficking in Lithuania. The function is carried out in addition to other duties.

The NC reports twice a year to the Government on the implementation of the first two action plans. It is envisaged that in the future, reporting duties will be scheduled once a year. The NC also reports to the Parliament upon request.

The NC's office comprises two staff: the Deputy Head of Public Safety Policy Division and a Senior Policy Specialist based in the same division.

INTER-AGENCY COORDINATION BODY

A **National Task Force** was established in 2005 under the auspices of the Ministry of Interior. The Task Force comprises State actors. Civil society and an intergovernmental organization are part of it with the status of observers.¹⁷⁰ Meetings of the National Task Force are held quarterly.

ANTI-TRAFFICKING COORDINATION UNIT

Under the first and the second NAPs funds were allocated for the opening of a specialised **Anti-Trafficking Information-Coordination Centre** aimed at ensuring better coordination among State and non-State actors, information flow and delivery of services to trafficked persons.

Difficulties emerged in the implementation phase and the centre has not been established yet due to logistical difficulties related to the location of the centre. Funding limitations emerged in the meantime and plans have been postponed.

WORKING GROUPS AT THE OPERATIONAL/LOCAL LEVEL

Working groups/task forces have been established at the regional level: Seven municipalities out of 61 have already started organizing coordination meetings. In some cases, municipalities have felt the need to be backed-up by a policy measure to legitimate their initiatives on legal and administrative grounds. Upon request from local authorities, the 2009 action plan includes a provision to strengthen such efforts and encourage similar coordination mechanisms in other regions and municipalities.

The composition of the working groups is being considered. Actors currently included are police forces, NGOs, child protection services, municipal social services and local prominent figures in favour of awareness-raising and prevention. The composition of the working group is to be decided by the local authorities.

Some stakeholders pointed out that including professionals from the labour sector would be useful.¹⁷¹

¹⁷⁰ A list of actors is provided in Annex I.

¹⁷¹ Interviews with State officials, Assessment Visit, June 2009.

SPECIALISED UNITS

An Anti-Trafficking Police Unit is based within the Lithuanian Criminal Police Bureau. It comprises 16 dedicated officers, six at the national level and ten at the regional level. The Head of the Unit is also the Deputy Chair of the National Task Force.

The Prosecutor's Office designated 32 prosecutors for anti-trafficking cases (one at the national level, 31 at the regional level).

NATIONAL RAPPORTEUR OR EQUIVALENT MECHANISM

The MoI commissions an independent report from a research institute or similar organization to evaluate the implementation of the national action plan and the general situation of human trafficking in Lithuania. Such an independent report system was established in 2005 through the NAP. A first report was issued in 2007 and is available also in English.¹⁷² Reports are issued on yearly basis.

In accordance with the NAP, IOM set up a database in 2006 which records identified cases of presumed and potential victims of trafficking. The project is financed by the MoI.

FORMALISED COOPERATION AGREEMENTS

Fig. 14 Lithuania: Formalised Cooperation Agreements

Stakeholders	MoU	Other
Law Enforcement-NGOs	2 agreements	-
State Service Providers-NGOs	-	-
Criminal Justice Authorities-NGOs	-	-
Law Enforcement-Labour Inspectors-NGOs	-	-

The following formal agreements have been signed:

- Police Department and the Missing Persons' Family Support Centre (NGO)
- Police Department and Caritas Lithuania (NGO)

The agreements focus on information exchange between police and NGOs.¹⁷³ They do not detail mandates and responsibilities or operational coordination.

¹⁷² Lithuanian Human Rights League, *Situation of Trafficking in Human Beings in Lithuania*, Summary Report 2006, Vilnius 2007.

¹⁷³ The text of the agreements mentioned in this section was not available in translation and could not be reviewed. Information provided is based on questionnaires and interviews.

Improving Cooperation through Memoranda of Understanding (MoUs)

“The specialised police units are very competent in Lithuania. The ten district police offices have an officer from the criminal police in charge for human trafficking. It is an important step, but police officers have a lot of other tasks and for THB there is not always enough attention. Part of the non-specialised police still looks at possible victims of trafficking as prostitutes.”

“MoUs could help define better respective roles of NGOs and police in protecting victims. This functions but it is ad hoc work and depends on people in the job. It should be formalised so that it is made sustainable.”

Questionnaires and interviews with service providers, Vilnius, June 2009

COOPERATION PRACTICES AT THE OPERATIONAL LEVEL

IDENTIFICATION

Identification Procedures

In Lithuania there is a low threshold for the identification of presumed victims of trafficking. A broad range of actors, including the public and victims themselves, may report to the support services. Presumed victims of trafficking are not obliged to cooperate with criminal justice authorities in order to obtain assistance.

If the person decides to cooperate in investigative efforts, a number of successive steps are taken by law enforcement and NGO personnel until the person is formally identified as a victim of trafficking. This is how the process is described by the police anti-trafficking unit:

“The identification process starts with the involvement of specialised police officers. A first contact interview and risk assessments are carried out (starting at this stage and continuously throughout the process). NGO personnel and if appropriate other specialists are involved. If the person agrees and the specialists allow, the first collection of information leads to the preparation of a formal interview to gather corroborative material. On the basis of this process, it is decided if the person is recognised as a victim of trafficking.”

Identification Tools

Guidelines and a form for the identification of trafficked persons have been developed with police and NGO input.¹⁷⁴ The tool is meant for multiple stakeholders i.e. police, border authorities, prosecutors and NGOs. It contains indicators focusing on trafficking for different forms of exploitation and contacts of all anti-trafficking actors for referral purposes.

REFERRAL

First Point of Contact

There is currently no designated first point of contact for referral.

¹⁷⁴ The guidelines and the form are not available in English. Information in this section is based on a verbal summary provided during interviews and on information gathered through questionnaires.

Guidelines for Referral

Referral from police to service providers is formally regulated. Police forces are required to refer trafficked persons to NGOs offering assistance services by order of the Police Commissioner General¹⁷⁵ and by the guidelines for identification of victims of trafficking developed and approved by the national task force. The guidelines list competent NGOs, responsible police officers for internal referral, the list of indicators and corresponding instructions to identify trafficked persons. Contact addresses are provided in the identification form (see section on identification above).

If a person is identified by an NGO and does not want the case to be treated by law enforcement, information on the circumstances of the case is provided to the police anti-trafficking unit without personal details of the victim.

Information provided during interviews indicates that guidance on referral for other actors is contained in the above-mentioned guidelines for identification for multi-stakeholders. They are addressed to police, border authorities, prosecutors and NGO personnel (see Identification Tools above). Other actors, such as for instance labour inspectorates or the public are reportedly not addressed.¹⁷⁶

Joint interviews

It was not possible to ascertain to what extent joint interviewing of presumed trafficked persons upon first contact is carried out as an established practice. The description of the procedure provided above (Identification) indicates that law enforcement specialised units and service providers enter in contact at a very early stage in the process.

Joint Risk Assessments

Risk assessments are intended to take place upon identification and continuously throughout the process by police and NGO personnel jointly. According to police officials from the specialised units, risk assessments may be carried out also if the presumed victim is not willing to cooperate in criminal proceedings; a flexible degree of police protection measures may be provided both to victims/witnesses and occasionally to non-cooperating victims.¹⁷⁷

The Importance of Agreed upon Rules to Ensure Mutual Trust and Effective Response

There have been incidents where protection was requested by NGOs but could not be provided by police forces. The reason for the refusal to offer protection was not clear to the service providers. This created the perception that protection measures could not be expected or that they would not be reliable, as there was no shared assessment of needs and priorities.

Although recently the specialised police units have made efforts to improve cooperation on this front, information does not seem to have reached out to all service providers.

Clearer rules and better information flow would be needed to ensure that NGO personnel as well as police officers are aware of what protection may be offered to victims of trafficking and in what circumstances. Procedures should be discussed and agreed upon.

Assessment visit, Vilnius, June 2009

¹⁷⁵ Interview with the Head of the Police specialized unit, Vilnius, 2009.

¹⁷⁶ Information provided during interviews with police and labour inspectorate officials, Assessment Visit, June 2009.

¹⁷⁷ Interview with the Head of the Anti-Trafficking Unit, *ibid*.

ASSISTANCE AND SUPPORT SYSTEM

Assistance and support measures are provided to victims of trafficking, presumed victims of trafficking and potential victims of trafficking through NGOs¹⁷⁸ and IOs (i.e. IOM).

There are currently about 15 NGOs providing assistance and support services to victims of trafficking in Lithuania. They offer housing, psychological and legal counselling and help to access health services offered by the public health system. Although some funding is available to pay for medical tests and medicines, most medical assistance can be provided only to individuals entitled to national health services.

Services are currently targeted to women (and children) trafficked for sexual exploitation.

A few cases of male victims of exploitation for sexual purposes have been recorded. The victims were not willing to cooperate with the police and reportedly did not accept support and assistance.

There are no specific services for victims of trafficking for labour exploitation. Trafficked persons exploited in labour identified so far have been offered access to support services but have declined them.

A Program for the Psychological Rehabilitation, Vocational Guidance and Employment of Victims of Trafficking in Human Beings and Prostitution in six municipalities was drafted and implemented for the period 2003-2004 with the aim of creating conditions for the reintegration of victims into the labour market. Currently the program is offered at the national level. Services offered include professional training courses, social competence groups, purposeful leisure-time activities, self-help courses and job placement assistance.

The law gives incentives to employers to recruit trafficked persons and employment services are mandated to facilitate placement. Confidentiality regarding the condition of the trafficked person is not guaranteed as employment services are currently obliged to share such information with employers. Service providers have raised this issue which may hamper the effectiveness of the measure. A possible revision of the rules is currently being discussed.

Some NGOs offer also follow-up assistance after the person has recovered and re-integrated into social life.

Personnel in public health and social institutions are reportedly less aware of the needs and vulnerabilities of trafficked persons and more reluctant to interpret the rules in favour of victims, fully acknowledging their right to support and assistance. Although some training has been provided to staff in the public service in co-operation with NGOs, the approach to trafficked persons within State services might require further attention to be brought up to standards.

RESIDENCE REGIMES

Article 130 of the Law on Legal Status of Aliens establishes the right to a reflection period for victims of trafficking illegally residing in Lithuania. The duration of the reflection period is not indicated in the provision, which has not been implemented yet.

Article 49 of the Law on Legal Status of Aliens establishes that a **temporary residence permit** can be issued to a foreign national who cooperates in criminal proceedings for a maximum period of six months.

Article 49 has never been applied so far.

¹⁷⁸ There are about 15 NGOs in Lithuania with different mandates; some of them also offer assistance to victims of trafficking.

Questionnaire responses seem to indicate that information on the legal provisions regulating permits for foreign victims of trafficking illegally residing in Lithuania is not widely disseminated. The police specialised unit indicated a six month term both for reflection and temporary residence permit, specifying that it can be extended up to five years and further if appropriate. NGO personnel indicated that a reflection period of up to three months can be granted to a presumed trafficked person; a temporary residence permit of six months to victims who decide to cooperate. A procedure to clarify how to implement these provisions is being prepared at the time of writing.¹⁷⁹

VICTIMS/WITNESSES IN COURT PROCEEDINGS

Information in this section is based on partial data as no questionnaires were received from the Prosecutor's Office and no counterpart was available for interviews during the country visit.

Provisions of the criminal procedure code aimed at protecting victims of crime during court proceedings include the following:

During criminal proceedings, the dignity of persons involved in proceedings must be respected. It is prohibited to disclose preliminary investigation data (including personal data of the victim); *"closed judicial investigation is allowed during the legal proceedings in cases of sexual crimes, as well as in other cases"*. At the request of persons involved in the hearing or upon its own initiative, the court may decide while making its judgement or ruling to discontinue the criminal case, that the case material or parts of it are not public.

The protection of data regarding the personal identity of a victim or witness is available for cases of serious crime. In such cases data is stored separately from the case together with a special annex containing the interrogation protocol. Only the investigators, prosecutor and judges involved in the case shall have the right to access the personal data of the victim.

During judicial investigation, protected victims are heard following a special procedure:

"Arrival to the interview shall be organized in such a way as to guarantee the secrecy of data identifying personal identity, he/she is interviewed in closed court hearing by creating acoustic and visual obstacles for other persons involved in the legal proceedings to identify the personal identity data of interrogated person and if there is no such opportunity – he/she shall be interviewed in another place than the court hearing room in the absence of other persons involved in the legal proceedings and the evidences are later read in the court hearing".¹⁸⁰

According to law enforcement sources, the choice of different levels of protection is guaranteed in Lithuania and ranges from full-fledged witness protection schemes (entailing for instance change of identity, limited freedom of movement, etc.) or more limited safety measures (e.g. NGO safe shelter) that allow some personal freedom to victims.

However, the data available for review indicated that court proceedings used in trafficking cases are not the ones described above, as if the level of awareness of the needs and vulnerability of trafficked persons in court was not recognised. Cases of victims having to face defendants in court and not being guaranteed any special consideration of their situation of vulnerability have been recorded.

The law guarantees the right to legal assistance and translator's services for victims participating in criminal proceedings. It must be noted that only for the latter does the law specify that services are free of charge.

¹⁷⁹ CBSS TF-THB Member, November 2009.

¹⁸⁰ Situation of Trafficking in Human Beings in Lithuania, Summary Report 2006, p. 43-44.

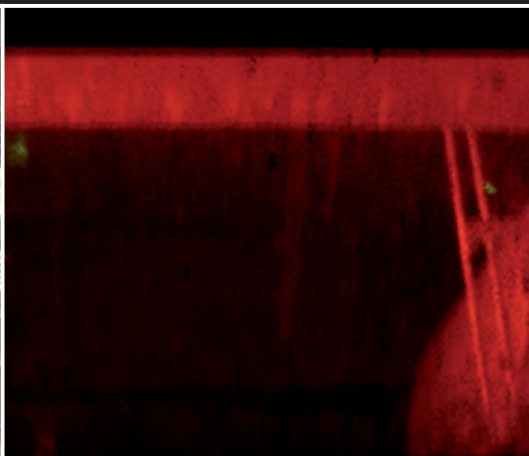
REGIONAL COOPERATION FOR THE SAFE REFERRAL, RETURN AND RE/INTEGRATION OF VICTIMS OF HUMAN TRAFFICKING

An agreement between IOM and the Ministry of Foreign Affairs regulating return expired in 2008 and was not renewed. Despite this, IOM still provides support for the return, referral and re-integration of victims.

NGOs assisting victims report that a certain degree of informal cooperation with other service providers in the region exists.

Lithuania took part in a 3-year regional initiative (2005–2008) implemented under the auspices of the Nordic-Baltic Project. The project had among its objectives to help build a network to facilitate regional referral for women victims of trafficking for sexual exploitation.¹⁸¹

¹⁸¹ “The Nordic Pilot Project for the Support, Protection, Safe Return and Rehabilitation of Women Victims of Trafficking in Human Beings for Sexual Exploitation” implemented by the European Women’s Lobby. Countries involved: Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden.



SUMMARY

Recent Measures

Two pilot projects to enhance multi-agency cooperation and victim's assistance and protection measures:
Coordination Unit for Human Trafficking (KOM) (since 2006)
Re-establishment, Organizing safe accommodation, Safety and Assistance (ROSA) Project (since 2005)
Establishment of the specialised police units "Stop" in Oslo and "Exit" in Bergen focused on trafficking for sexual exploitation, pimping and the purchase of sexual services
Multi-stakeholder identification guide

Forthcoming Measures

New pilot project to enhance Police-Labour Inspectorate cooperation
Handbook on Cooperation with input from all anti-trafficking stakeholders

Focus Areas

Improve information flow among different actors
Involvement of labour institutions in anti-trafficking efforts
Strengthen the system by negotiating Memoranda of Understanding (MoUs) among different stakeholders
Raise awareness about human trafficking cases within criminal justice authorities
Support the program for the safe referral, return and re-integration of victims

ANTI-TRAFFICKING NATIONAL ACTION PLANS

Norway approved its first NAP in 2003.¹⁸² The focus of anti-trafficking policies at the time was exclusively on trafficking for prostitution. Women were the only target group addressed.

As legislation evolved, the focus was broadened and the latest plan of action (2006–2009)¹⁸³ reflects awareness of other forms of exploitation in human trafficking. Men, women and children are all considered possible target groups. The action plan mentions in particular an increased attention to cases of trafficking in persons for forced labour, forced begging and organs removal.

Reporting

Reporting on implementation of the NAP to the Government is foreseen annually (see National Coordinator (NC) below).

Monitoring and Evaluation

Evaluation reports for one of the pilot projects set in place under the auspices of the latest NAP have been carried out by an independent evaluator.¹⁸⁴

¹⁸² Plan of Action to Combat Trafficking in Women and Children 2003.

¹⁸³ Plan of Action to Combat Human Trafficking 2006–2009 "Stop Human Trafficking".

¹⁸⁴ A. Brunovskis (2007) argues in favour of an evaluation of the all plan of action to complement other discrete evaluation processes.

NATIONAL COORDINATION MECHANISMS

Fig. 15 Norway: National Coordination Mechanism

National Coordinator	Ministry Coordinating THB Efforts	Inter-Agency Coordination Body	Anti-Trafficking Coordination Unit	Working Groups operational/ local Level	Specialised Units
Senior Adviser at the Ministry of Justice and the Police	Ministry of Justice and the Police	Inter-Ministerial Commission	KOM (National Coordination Unit for VoTs) Project Group Reference Group	Local Coordination Units (municipal level)	"STOP" and "Exit" Police Units

NATIONAL COORDINATOR

Under the first national action plan in 2003, Norway appointed a **National Coordinator** (NC) placed in the Ministry for Justice (MoJ) and the Police, who has the main responsibility for coordinating the Government's effort against trafficking.

The NC chairs the monthly meetings of the Inter-Ministerial Commission and is responsible for reporting to the Government on a yearly basis.

In addition, the NC currently performs duties not related to anti-human trafficking.

INTER-AGENCY COORDINATION BODY

The Inter-Ministerial Commission, also established in 2003, consists of representatives from six Ministries.¹⁸⁵ Each Ministry is responsible for implementing agreed measures in its area of competence.

Civil society organizations are not part of the inter-ministerial commission. They are involved in the decision-making process through KOM, the National Coordination Unit.

ANTI-TRAFFICKING COORDINATION UNIT AND WORKING GROUPS AT THE OPERATIONAL/LOCAL LEVEL¹⁸⁶

The **Anti-Trafficking National Coordination Unit (KOM)** was established in 2006 as a two-year project. Its mandate has been extended until October 2010. The possibility to institutionalize a coordination unit based on the lessons learnt from the KOM project is under consideration.

During the pilot phase, the KOM unit has been based within the Police Directorate, though not under the authority of the police. Its location was deemed instrumental in strengthening police responses. It allowed for

¹⁸⁵ Annex I.

¹⁸⁶ Two sections have been merged as this allows a clearer representation of the system.

close cooperation with the police anti-trafficking “STOP” unit (details below) and for enhanced cooperation of the police forces with other key stakeholders, e.g. the Directorate for Immigration (UDI).

KOM acts as an anti-trafficking coordination mechanism and resource unit. It operates in collaboration with a **Project Group** and a **Reference Group**. The former includes State actors with a mandate in anti-trafficking, i.e. police, prosecutors, immigration authorities, social, health, labour authorities, child welfare institutions; the latter comprises non-State actors (NGOs, labour unions, employers agencies, International Organization for Migration (IOM), projects). KOM gathers input from the Reference Group and discusses it with the Project Group or vice-versa. It relays answers as appropriate or raises issues that deserve attention ensuring follow-up by the relevant actors. Problems that cannot be resolved at this level, are reported to the inter-ministerial commission.

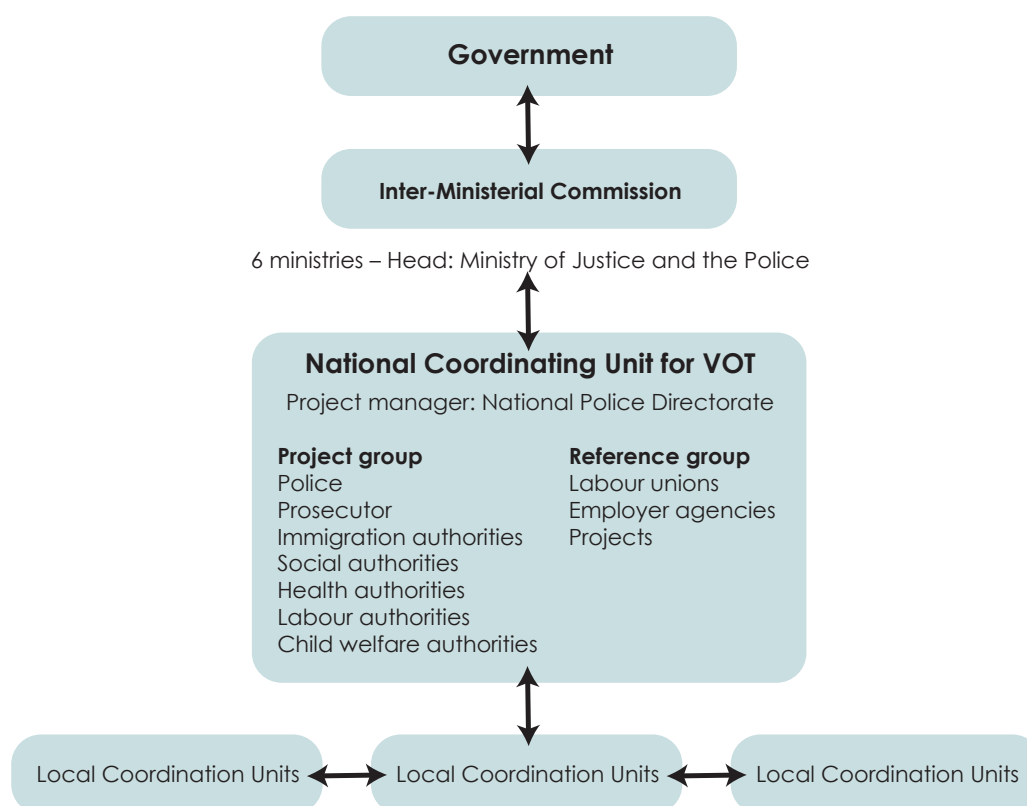
Each respective group meets eight times per year; joint meetings take place twice a year.

The KOM unit provides support and coordination to anti-trafficking actors on specific problems as they emerge at the operational level. It identifies gaps and needs in anti-trafficking responses, and develops support tools in order to build competences. The unit also operates a hotline for victims of trafficking¹⁸⁷ and facilitates/co-ordinates referral on a case by case basis.

The activities of the **Local Coordination Units** at the municipal level are linked to the other coordination bodies through the KOM unit.

An overview of the Norwegian system is represented graphically below.

Fig. 16 The Anti-Trafficking Coordination Unit (KOM) within the Norwegian coordination system



Source: KOM Unit

¹⁸⁷ The Rosa project also operates a hotline for women victims of trafficking.

The KOM Project – Lessons Learnt

An evaluation report carried out by the members of the KOM project states that awareness-raising and identification training have resulted in a higher number of identified trafficked persons, especially in cases of human trafficking for sexual exploitation.

The importance of further efforts to train a broader range of professionals is highlighted by incidents of mishandling of trafficking cases due to lack of understanding of the crime on behalf of law enforcement and criminal justice authorities.

The report also stresses that there is still insufficient information about trafficking for forced labour and begging within the system, as well as limited capacity to counter such manifestations of the human trafficking crime.

The report also identified gaps in the interpretation of legislation about expulsion in connection with norms applying to trafficked persons, in particular in cases that fall under the Dublin Regulation.

The Dublin Regulation¹⁸⁸ coordinates applications from asylum seekers who have applied for asylum in two or more Member States covered by the Regulation, such that, if an applicant has been granted asylum in another Member State, his/her application shall be removed from any other country where status is pending. This norm is applied irrespective of their potential status as victims of human trafficking.

The KOM project has been working for the introduction of exceptions to this norm for victims of human trafficking that are willing to cooperate with the Norwegian authorities. The evaluation report highlights the need for more consistent legislation and guidelines for asylum and residence permits for victims of human trafficking.

Enhancing the Fight against Trafficking for Labour Exploitation

Some new initiatives have been recently approved in Norway:

- Labour inspectorates will be included in KOM-chaired coordination meetings.
- A six month pilot project to foster Police-Labour Inspectorate cooperation has recently been approved.

SPECIALISED UNITS

Law Enforcement Anti-Trafficking Unit

A special police unit called “STOP” was established under the latest action plan. It currently comprises 14 staff of which 13 are police officers and one is administrative staff. The unit was originally supposed to have exclusively a front-line mandate, but since March 2009, it is also in charge of anti-trafficking investigations. The unit’s capacity has been limited to date to investigating cases of trafficking for sexual exploitation.

¹⁸⁸ Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.

In the Hordaland police district, another unit was set up at the end of 2009 under the “EXIT” project. Consisting of five staff members, the unit is tasked with fighting trafficking, pimping and the purchase of sexual services.

NATIONAL *RAPPORTEUR* OR EQUIVALENT MECHANISMS

Norway does not have a National *Rapporteur* or equivalent mechanism.

FORMALISED COOPERATION AGREEMENTS

N.A.

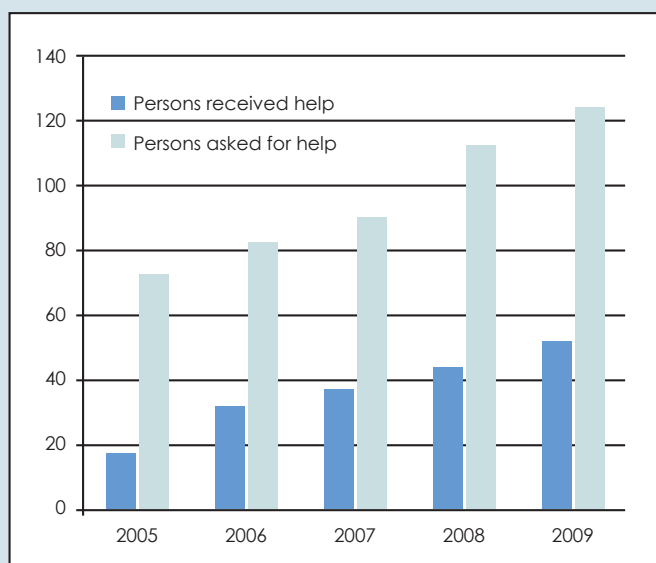
COOPERATION PRACTICES AT THE OPERATIONAL LEVEL

IDENTIFICATION

Identification Procedures

Norway has adopted a low threshold policy to be granted a victim of trafficking and to receive support services.

Fig. 17 Identification Data gathered through the ROSA Project



Source: The ROSA Project

N.B. Not all persons who register with the project and receive information about possible assistance from ROSA end up accepting shelter.

The need to enhance identification and investigative capacity for forced labour cases and other forms of exploitation is being addressed through new measures (see pilot project on trafficking for labour exploitation in the text box above).

Anecdotal data also indicates that non-specialised front-liners, e.g. police in small towns and rural areas, may still not be endowed with sufficient identification capacity, despite the dissemination of guidelines and contact points for referral.

Identification Tools

1. A guide for the *Identification of Possible Victims of Trafficking* has been developed by KOM in coordination with other stakeholders. The guide is a compilation of different tools covering the following areas:
 - Legal definitions
 - The rationale and importance of identifying victims of human trafficking
 - A description of the Norwegian identification system
 - General and specific indicators (child victims, sexual exploitation and labour exploitation)
 - Guidelines on how to identify victims
 - Contacts of assistance organizations

The guide is meant as a general tool for preliminary identification for all actors who may come across a possible victim of human trafficking, including the public. The guide is intended as a minimum common denominator to be complemented by more specific identification tools for different categories of professionals.

REFERRAL

The establishment of the KOM unit and of the ROSA project have greatly enhanced the framework for referral among all stakeholders.

If a problem emerges that requires special attention, the KOM unit raises it among the members of the project group so that it can be addressed as needed.

In principle, all agencies, organizations, or individuals who find ground for concern that a person may be in a human trafficking situation have the responsibility for identifying the person as a possible victim. In most cases, the identifying part cooperates with various agencies and NGO's in order to get the presumed victim in touch with the responsible authorities and assistance programs. The agencies and NGOs facilitate access to services of victims to address their needs and protect their rights (e.g. health and social care, safe housing and legal assistance) and to determine options available to obtain a residence permit under the reflection period scheme for victims of trafficking, or when appropriate, whether the person should apply for asylum.

There is no obligation to cooperate in criminal proceedings. Risk assessments and security measures may be provided by the police to protect the person from a situation of immediate danger regardless of his/her willingness to participate in any criminal proceedings.¹⁸⁹

Tools to Enhance Referral

A "Handbook on Cooperation" is being currently developed by the KOM unit in coordination with other stakeholders.¹⁹⁰

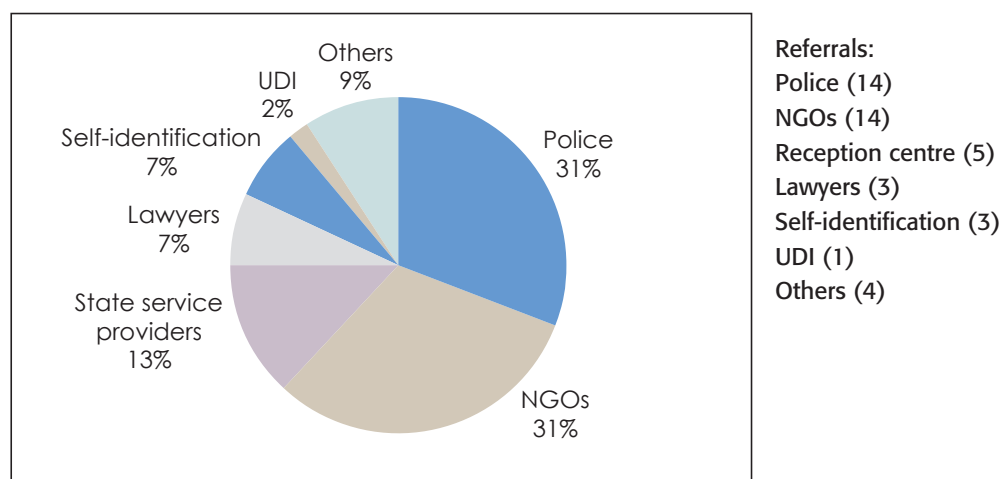
This is a wide-range effort aimed at clarifying the responsibilities and best practises in identifying and assisting presumed victims of human trafficking. All stakeholders are involved in the process of creating the handbook.

¹⁸⁹ Sources: KOM unit, ROSA Project and Police "Stop" Unit.

¹⁹⁰ Although the handbook is not available yet, the description of the process that is currently under way provided during interviews with a representative of the KOM unit indicates that the handbook is aimed at describing entry points, mandates, responsibilities and procedures for all anti-trafficking actors.

According to the statistics provided by the ROSA project for 2008, most victims are identified by the police and NGOs, reception centre staff, lawyers, the organization for asylum seekers and the Immigration Interview Unit of UDI, the Directorate for Immigration of the Foreigners Office. Self-identification is also common.

Fig. 18 Referrals to the Rosa Project in Norway



Source: UNODC-CBSS based on data provided by the ROSA Project

ASSISTANCE AND SUPPORT SYSTEM

The Norwegian system adopts a flexible case management approach that allows victims of trafficking to access a number of services. Presumed trafficked persons have the right to the following services:

- Legal assistance and free legal aid in advance of criminal charges¹⁹¹
- Necessary security measures following a risk assessment
- Safe accommodation
- Tailored care services
- Necessary medical assistance
- Social assistance and employment services support
- Tailored activities to stimulate self-help
- Safe voluntary return and re-establishment in the home country

ROSA Project (Re-establishment, Organizing safe accommodation, Safety and Assistance)

A three- year trial initiative set-up by the MoJ in 2005, the ROSA project has been providing accommodation and follow-up services for trafficked women, in addition to a 24-hour telephone service offering information on available victims' rights and assistance services. The project has operated as a coordination mechanism for assistance services. It is run by the Secretariat of the Shelter Movement, an NGO based in Oslo.

Accommodation is provided mostly through crisis centres across the country. The crisis centres are meant for different target groups and as temporary solutions in emergency situations; they are not suitable for longer stays. In cases of cooperation in criminal proceedings, some victims of trafficking have remained in the crisis centres for extended periods of time. Stakeholders in Norway agree that more housing options are needed. There is awareness of the problem and solutions are being considered.

¹⁹¹ The government has recently expanded the free legal counsel scheme, increasing the provision of free legal aid for victims of human trafficking, Interview with the NC, June 2009.

Despite its official mandate targeting only women, services have been occasionally provided to male victims of trafficking (two victims in 2007). However female victims have the right of priority over male victims. The Government is willing to consider the need for accommodation for male victims of human trafficking on an ongoing basis.

An evaluation of the project has been carried out. State actors indicate that the ROSA project has proved very efficient. A formalization of cooperation options and possibilities based on lessons learnt within the ROSA Project experience would institutionalize capacity and make the system more sustainable.

The assistance system is functioning well overall but not yet optimal. Ensuring the provision of services to all victims at the appropriate time is still a challenge (see also residence regimes below).¹⁹² Victims of trafficking who opt for the reflection period have rights to access health and social services, but few people out of the active circle of anti-trafficking practitioners are aware of such rights. Service providers and health care staff reportedly have a different interpretation of legal provisions – the latter being more restrictive in terms of what rights should be guaranteed. Ultimately, solutions are found pragmatically, but there is a certain degree of uncertainty in the system.

Enhancing Cooperation among State and Civil Society Service Providers

Representatives of a State service provider and of NGOs indicated that MoUs for NGOs, health and social services to clarify and disseminate information about what services are available to trafficked persons could be useful to address current problems.

[Interviews with Norwegian stakeholders, June 2009]

RESIDENCE REGIMES

The **reflection period** was originally foreseen as a 45-day postponement of the expulsion order that would make the granting of temporary residence permit possible, but conditional to cooperation in criminal proceedings. However, this scheme was deemed inadequate and radically modified. Since December 2006, the reflection period has been extended to six months, it is granted unconditionally and it entails a residence and a work permit. The immigration authorities (UDI) are responsible for issuing permits.

From May 2008, the scheme was extended to encompass EU citizens residing legally in Norway or foreigners with a residence permit issued by another Schengen country.

Residence and work permit can be extended beyond the first six months under the following circumstances:

- a. The victim is not in communication with the traffickers any longer
- b. S/he decides to cooperate with the authorities
- c. The case is investigated by the police
- d. The authorities require the presence of the person in country

The number of victims utilizing the new residence scheme has increased since the rules were modified.¹⁹³ However the scheme is still under scrutiny for further optimization. One of the problems identified by the

¹⁹² Assessment reported in the NAP.

¹⁹³ A. Brunovskis (2007), “Norway Discussion Paper”, in Peer Reviews, *Social Aspects of Human Trafficking*, p. 3.

Norwegian authorities is that victims of trafficking tend to apply for asylum instead of applying for the reflection period. Practitioners indicate that this is due to the fact that the residence regime for victims of trafficking and its correlated rights and entitlements is perceived as less well-regulated, clear and secure than the regime for asylum seekers. For instance, to be granted services during the reflection period victims of trafficking currently depend on local authorities (e.g. for financial assistance) and their entitlements vary depending on the local authority in charge. Furthermore, information about the rights of victims of trafficking is not well known to all service providers (e.g. health services). While in the case of asylum seekers, the benefits regime is administered centrally by state authorities and does not vary. For trafficked persons, this results in different access to services depending on the entry point.

Various actors, including State and civil society representatives, indicated the necessity to further streamline the assistance system for victims of trafficking, ensuring a level of rights protection similar to the rights of asylum seekers, clearly regulated in terms of access to services and with financial assistance guaranteed on an equal basis by the State. Some stakeholders indicated the need to grant long-term residence permits to victims of trafficking on humanitarian grounds, independently of criminal proceedings. The police indicated that a six month reflection period is problematic for investigative purposes as six months is the term beyond which some records cannot be accessed (e.g. communications records).

VICTIMS/WITNESSES IN COURT PROCEEDINGS

No data available for this section.

REGIONAL COOPERATION FOR THE SAFE REFERRAL, RETURN AND RE/INTEGRATION OF VICTIMS OF HUMAN TRAFFICKING

An agreement between the Ministry of Foreign Affairs and the IOM provides for assistance for repatriation from Norway and reintegration in the country of origin for victims of human trafficking. IOM has been carrying out this service since 2006. The agreement is renewed on a yearly basis.

Service providers (both State and NGOs) have requested IOM to get involved in providing information on voluntary return to victims of trafficking. This is an area of friction in the system as service providers are not inclined to give information on return programs in order not to compromise the trust relationship with victims. IOM is willing to fill in this gap in principle, but it has limited resources to do so.

Norway took part in a 3-year regional initiative (2005-2008) implemented under the auspices of the Nordic-Baltic Project. The project had among its objectives to help build a network to facilitate regional referral for women victims of trafficking for sexual exploitation.¹⁹⁴

A report published by the Institute for Applied International Studies (FAFO) points out that there are currently some serious limitations with respect to transnational referral of victims:

¹⁹⁴ “The Nordic Pilot Project for the Support, Protection, Safe Return and Rehabilitation of Women Victims of Trafficking in Human Beings for Sexual Exploitation” implemented by the European Women’s Lobby. Countries involved: Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden.

*“Still, no-one has wanted to be followed up by a local NGO after repatriation. In general, communication between country of destination and origin is an enormous challenge in victim repatriation. (...) A recent report analysed reasons why victims of trafficking declined assistance, and one finding was that many services only suited the needs of a particular group of trafficked persons.”*¹⁹⁵

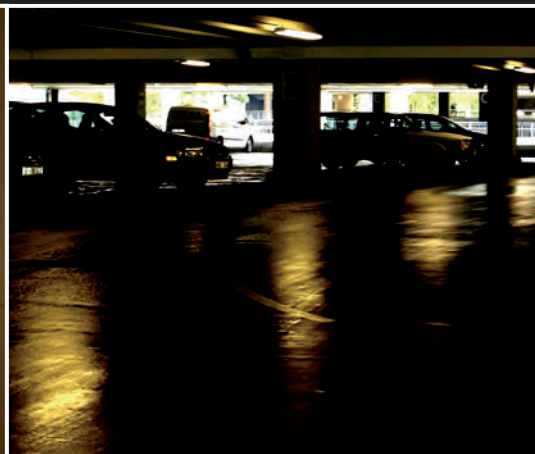
Perception of Cooperation Practices by Norwegian Stakeholders

Practitioners in Norway made the following remarks:

- Cooperation functions well but there are sometimes conflicting perspectives among professionals from different institutions, e.g. law enforcement and service providers;
- Cooperation is based on mutual trust, but it is dependent on personal contacts;
- Lack of clarity about rules and respective roles of different agencies is sometimes a problem;
- Cooperation between immigration authorities (UDI) and law enforcement has been strengthened, especially between UDI and the “Stop” unit or the police districts from bigger towns. This has improved things considerably;
- Cooperation with police from smaller districts is still problematic. The lack of experience in this area may lead to faulty procedures e.g. incomplete checks;
- Anti-trafficking front-line capacity of non-specialised units within police needs to be fostered;
- Cooperation linking UDI with labour authorities, trade unions or other actors (e.g. lawyers, service providers) who may have important information for UDI should be strengthened;
- Linking the judicial system better with the immigration authorities to ensure that information on court proceedings reaches UDI in time is an area that deserves attention;
- Cooperation between State and NGO service providers with UDI could be improved with the aim of clarifying administrative procedures to access health and social services;
- There is a need to improve information flow to victims about the process of cooperation in criminal proceedings;
- A solution to many of the current problems could be found through the introduction of MoUs.

¹⁹⁵ Brunovskis, Surtees, (2007): “Leaving the past behind? When victims of trafficking decline assistance”, Fafo report 2007:10, Fafo, Oslo. The authors point out that, given the high rate of victims declining assistance in their country of origin, Norway in its capacity as a major international donor, should evaluate the quality of the programs it finances and the service provision packages offered to victims under those programs.





POLAND

SUMMARY

Recent Measures

Establishment of a Centre for Crisis Intervention complementing previous victims assistance measures
Provisions for reflection period and temporary residence permits introduced (amendment 2009)

Forthcoming Measures

Amendment of the Penal Code to introduce a definition of the crime of human trafficking
Update of identification and referral guidelines for law enforcement officers
Introduction of pilot regional working groups (voivodship teams)

Focus Areas

Revision of identification procedures to harmonise them with current legislation and anti-trafficking best practices
Streamlining of referral procedures to ensure referral to service providers upon first contact with presumed victims
Extensive training for all stakeholders (possibly based on multi-disciplinary approach)
Awareness-raising and specialised anti-trafficking training for prosecutors
Awareness-raising for judges on the human trafficking crime and implications of trauma for victims of trafficking
Improvement of court proceedings focussing on preventing re-victimisation of victims of trafficking
Regional referral, return and re-integration of victims. Enhance focus on the status and needs of victims of trafficking.

ANTI-TRAFFICKING NATIONAL ACTION PLANS

Bi-yearly “National Programs for Combating and Preventing Trafficking in Human Beings” have been regularly approved since 2003. The latest policy instrument is called “National Action Plan against Trafficking in Human Beings in 2009-2010”.

NAP Focus

The latest National Action Plan (NAP) comprises:

- An introduction describing the evolution of the human trafficking phenomenon in Poland, listing international legal tools, outlining the objective of the NAP, describing the implementation and monitoring system foreseen for the NAP, and detailing financial resources necessary to cover activities.
- Preventive measures and research.
- Measures foreseen for 2009 and 2010 (e.g. legislative revisions, introduction of new coordination bodies, training, etc.
- Support and Protection of Victims.

Reporting

A report on the work carried out to implement the NAP by the inter-ministerial committee (see below) is submitted to the President of the Council of Ministers every year.

Monitoring and Evaluation

N.A.

NATIONAL COORDINATION MECHANISMS

Fig. 19 Poland: National Coordination Mechanism

National Coordinator	Ministry Coordinating THB Efforts	Inter-Agency Coordination Body	Anti-Trafficking Coordination Unit	Working Groups operational/ local Level	Specialised Units
Under-Secretary, Ministry of the Interior and Administration (MoIA)	MoIA	Inter-Ministerial Committee for Combating and Preventing THB	Unit against Trafficking at the MoIA*	Working Group Thematic Working Groups Regional Working Groups (awaited)	Police Border Guard Prosecutors

*The unit is based at the MoIA and has a mixed mandate, different from other countries. See details below.

NATIONAL COORDINATOR

The Chair of the Inter-Ministerial Committee for Combating and Preventing Trafficking in Human Beings has equivalent functions to a National Coordinator (NC).

INTER-AGENCY COORDINATION BODY

An **Inter-Ministerial Committee for Combating and Preventing Trafficking in Human Beings** was established in 2004. It is chaired by the Undersecretary of State of the Ministry of the Interior and Administration (MoIA) and acts as an Advisory Board to the Prime Minister.

The Committee comprises representatives of the governmental administration units and NGOs. It meets at least twice a year.

ANTI-TRAFFICKING COORDINATION UNIT

An **anti-trafficking unit** is based at the Migration Policy Department of the MoIA. The unit has a mixed mandate encompassing the duties of support staff of a National Coordinator but with some of the features of coordination units established in other countries. Its tasks include:

- Monitoring the implementation of the action plan
- Drafting revised policy documents for the national action plans
- Implementing the program for the support and protection of victims/witnesses of trafficking in persons

A substantial difference with respect to coordination units established in other countries is that in Poland the anti-trafficking unit does not take care of referrals directly and has less operational tasks than in other countries. The implementation of the program for victim/witness support is carried out by sub-contracting the provision of services to civil society actors. The unit is also not in charge of capacity building programs.

WORKING GROUPS AT THE OPERATIONAL/LOCAL LEVEL

A **working group** comprising experts from the same institutions represented in the inter-ministerial committee was established to carry out the daily work necessary to fulfil the mandate of the committee. The working group meets once a month.

Thematic working groups can be established to work on specific issues.

The latest plan of action anticipates the creation of **regional (Voivodship) working groups** comprised of representatives from the Public Prosecutor's Office, the Police, the Border Guard, the social policy departments of regional offices, the Labour Inspectorate and non-governmental organizations. This measure, which has not yet been implemented, is strongly welcomed by all the stakeholders surveyed.

SPECIALISED UNITS

Special units and anti-trafficking assignments have been introduced in the Police Forces, the Border Guard and the Prosecutor's Office, as well as in regional governmental offices (Voivode). They are aimed at enhancing anti-trafficking responses and ensuring tighter cooperation in investigative efforts. These include:

- A Central Unit for Combating Trafficking in Human Beings, Human Organs, Child Pornography and Paedophilia in the Criminal Office of the National Police Headquarters.
- Unit for monitoring and coordination of actions undertaken by the Border Guard in the field of preventing and combating human trafficking
- 13 anti-trafficking coordinators and 12 assistant coordinators within the Border Guard.
- 16 anti-trafficking consultants within the Prosecutor's Office.

Other features

- Teams in every regional government office. Teams usually consist of 2-3 police coordinators responsible for human trafficking.
- 16 consultants in the regional government offices.

Furthermore the national action plan foresees the establishment of fully dedicated anti-trafficking teams in the regional offices (Voivode). However, funding is currently not available to implement this measure.

NATIONAL RAPPORTEUR OR EQUIVALENT MECHANISMS

N.A.

FORMALISED COOPERATION AGREEMENTS

Fig. 20 Poland: Formalised Cooperation Agreements

Stakeholders	MoU	Other
Law Enforcement Agencies (LEAs)-		
Non-governmental organizations (NGOs)	-	-
State Service Providers-NGOs	-	Contractual Agreement
Criminal Justice Authorities-NGOs	-	-
LEAs-Labour Inspectors-NGOs	-	-

An agreement between the Border Guard and Labour Inspectorates regarding site inspections, and an agreement between the Border Guard and the Police have been signed recently. Neither is specific to trafficking in persons. The involvement of civil society actors and the regulation of roles pertaining to the protection of victims' of trafficking are not within the scope of such agreements.

A formal contractual agreement regulates the terms according to which the provision of services to victims of trafficking are financed by the State and administered by NGOs.

COOPERATION PRACTICES AT THE OPERATIONAL LEVEL

IDENTIFICATION

Identification Procedures

Police, Border Guards, and the Prosecutor's Office can identify victims of human trafficking. NGOs can only identify Polish victims and have no authority to adjudicate the status of foreigners illegally residing in the country.

In principle, the field staff of the Office for Foreigners and the National Labour Inspectorate personnel can identify presumed victims and forward the information to law enforcement agencies. Only law enforcement officers may confirm identification of a victim of trafficking in persons.

This being said, the perception of the role of the different actors with respect to identification duties varies greatly among stakeholders. Information outlined by a State official at the central level and the description of operational activities by the stakeholders interviewed indicates that there is a substantial gap in perceptions of reality with respect to identification capacity.

Although new forms of exploitation are acknowledged by all stakeholders (e.g. forced begging, forced labour) identification capacity for forced labour cases is considered not yet adequate.

Identification tools

Guidelines for identification and first contact with presumed victims of human trafficking for law enforcement officers were developed in 2003. They are commonly referred to as "the Algorithm" due to the original name of the document in Polish.¹⁹⁶ The document includes a summary of procedures to be followed in case of first contact with a victim of trafficking in human beings. The guidelines are partly outdated. Stakeholders interviewed indicated that they are currently being revised.

In 2003, the Office on Organized Crime of the Prosecutor's Office created the "Methodological guidelines for prosecutors carrying out or supervising criminal procedures dealing with trafficking in human beings". The guidelines encourage prosecutors not to prosecute victims for acts committed by them by using existing legal possibilities (discontinuation of criminal procedure, refusal to institute proceedings or extraordinary mitigation of penalty). The recommendations were transmitted to organizational units of the prosecutor's office all over the country. They were modified and updated once in 2005.

¹⁹⁶ "Algorithm on the Conduct of Law Enforcement Officers in Human Trafficking Cases", 2003. Parts of the document were provided in translation, courtesy of the Police Central Unit for Combating Trafficking in Human Beings.

The guidelines, in addition to a recommendation issued by the Ministry of Justice, include indications on how to conduct interrogations of victims of trafficking and on guaranteeing the presence of a psychologist during interrogation. A survey based on interviews conducted in Poland interviewing victims of trafficking indicates that the rules pertaining to first contact and identification are not yet consistently applied.¹⁹⁷

REFERRAL

First Point of Contact

N.A.

Guidelines for Referral

Referral practices are currently not clearly established among key practitioners. Most of the specialised actors surveyed and interviewed, especially among State actors, had difficulties explaining rules and procedures applicable to trafficking cases.

The rules for police officers

The procedure to be applied upon first contact with a presumed trafficked person, as it is described in the guidelines for law enforcement officers (Algorithm), is to interrogate and obtain cooperation from the victims; referral to support services is not among the listed tasks upon first contact/identification of a victim of trafficking.

Yet, knowledge about good practices on referral is available. The data analysed through questionnaires and interviews clearly highlights that specialised law enforcement officers in particular are aware that

*“the best process is ensured when a victim is first identified by the service provider and then reports to the police”.*¹⁹⁸

Representatives of anti-trafficking police units indicated in their responses that in such cases, the fact that the first needs of the victim are taken care of by the service provider creates better conditions for the police officers to carry out their tasks. Paradoxically, this kind of remark does not lead to the conclusion that referring presumed victims is the correct way to proceed when first contact occurs with law enforcement officers. As current operational procedures do not foresee this measure, it seems that law enforcement officers cannot perform their duties according to best practices, even though they are aware of them. Consequently, most victims are reportedly first interrogated and then referred to the support services. Information on the reflection period (during which victims of trafficking have the right not to be interrogated by the authorities) is often not provided to victims, as evidence gathering is considered to be the priority.

The forthcoming revised guidelines for law enforcement should clearly recommend referral to service providers as a first step for all law enforcement officers coming across a presumed victim. Training on first contact interview techniques with victims of trafficking as opposed to full-fledged interrogations should be integrated into training modules to complement the introduction of the updated guidelines.

Referral according to the specialised units of the Border Guard

On paper, the same guidelines described above apply to Border Guards. However, during interviews with specialised Border Guard Units, referral procedures for trafficked persons were described differently.

¹⁹⁷ La Strada, *Monitoring of the Observance of Human Rights with regard to Victims of Human Trafficking, Report Summary*, Warsaw, March 2008.

¹⁹⁸ Questionnaire from the anti-trafficking police unit, Poland, July 2009.

According to border personnel, officers coming across a presumed trafficked person should fill in an application and file it with the Ministry of Interior and Administration. The MoIA is in charge of contacting the service provider (NGO). Only in cases of a particular vulnerability, can contact with the NGO be made directly by the Border Guard.¹⁹⁹

Contrary to what is reported above, according to staff at the Unit against Trafficking of the MoIA, the Border Guards may contact NGOs directly in any case in which they suspect to have come across a trafficked person. This seems to indicate a problem area with respect to information sharing among different State actors.

Referral according to field personnel of the Office for Foreigners

According to representatives from the Office for Foreigners, the same guidelines described above apply to field personnel of the Office for Foreigners. However, the Unit against Trafficking of the MoIA indicated that this is not the case. This might explain some confusion in interpreting duties and responsibilities and ultimately identifies a clear procedural gap in the system. Procedures for all staff need to be developed and streamlined into their other duties.

For instance, staff at the Foreigners Office indicated that although the possibility exists to refer presumed victims to service providers through “anti-trafficking coordinators” (i.e. competent staff in law enforcement agencies), most refer individuals without documents to detention centres. There is no clear understanding of the need to involve service providers as early as possible in the process to ensure assistance and support to presumed trafficked persons.

In theory, victims of trafficking are not obliged to cooperate in criminal proceedings. But the rules for law enforcement officers specify that victims should be interrogated before deportation regardless of their willingness to cooperate with the authorities and also regardless of the contribution that their statement may bring to a case. Such rules should be revised in order to make sure that victims’ rights are guaranteed.

ASSISTANCE AND SUPPORT SYSTEM

In Poland, support services are administered by the La Strada Foundation mostly with public funding (through a tender process).

A “Program for the Support and Protection of Victims/Witnesses of Trafficking in Human Beings” was established in 2006. The target group for this program is foreign victims of human trafficking. The program is administered by the La Strada Foundation in coordination with the Anti-Trafficking Unit of the Department of Migration Policy of the Ministry of Interior and Administration, the Border Guard and the Central Team for Combating Trafficking in Human Beings of the General Headquarters of Police. Funds can cover support and assistance services for up to 30 victims.

Services offered under the program included:

- Crisis intervention measures
- Evaluation of the victim’s needs
- Case management
- Interpretation services
- Safe shelter (transport, accommodation, satisfying basic needs: food, clothing, hygiene)
- Medical support (tests and medicines)
- Psychological support
- Assistance during contacts with law enforcement agencies and criminal justice authorities
- Support with administrative procedures to obtain a residence permit

¹⁹⁹ Specifications of how particularly vulnerable categories of victims are defined are not available.

- Organization of safe return to the country of origin (facilitating contact with a competent organization in the country of origin on the basis of a victim's consent in order to provide continuity of support if possible)

A Centre for Crisis Intervention has been recently established (2009) to ensure the provision of support and assistance services to victims of human trafficking, including Polish victims. Services offered at the centre include:

- A 24-hour hotline for victims of human trafficking
- Support in identification and referral
- Facilitation of crisis intervention
- Facilitation of contact with competent authorities responsible for support and protection of victims
- Shelter service for victims/witnesses
- Preventive consultations for individuals and institutions

La Strada cooperates with the "Women of Trust Network" to ensure coverage in parts of the country where it is not present. State social services and NGOs ensure complementary coverage of the territory when needed.

Current funding is based on yearly budget cycles. The MoIA is considering a proposal to Parliament to ensure longer term funding (two-three years).

RESIDENCE REGIMES

Since 2009, victims of trafficking may be granted a three-month **reflection period** or a six-month **residence permit**, renewable upon request of the Prosecutor for up to two years if the victim cooperates in criminal proceedings. No work permit is associated with the residence permit.

Potential forthcoming amendments to the Aliens Act include the possibility to grant a work permit to victims/witnesses.

The current residence regime is characterized by a high level of uncertainty regarding the channels through which requests can be made and the procedure to be followed. It seems that at the moment the rules are still not applied.

The regional authorities (Voivode) are responsible for granting reflection periods and residence permits.

VICTIMS/WITNESSES IN COURT PROCEEDINGS

Identity protection, closed hearings and the use of equipment for testimony from a distance are possible. They can be granted by the judge upon request by the prosecutor. However victims/witnesses are not always granted all the options available through the Criminal Procedure Code.

The judge may also take a statement at the beginning of the case, according to the Criminal Procedure Code, but this option is rarely used.

Awareness of the importance of protecting victims/witnesses in criminal proceedings is reportedly not well established.²⁰⁰

²⁰⁰ Some problems related to court proceedings are documented in La Strada, *Monitoring of the Observance of Human Rights with regard to Victims of Human Trafficking. Report Summary*, Warsaw, 2008.

REGIONAL COOPERATION FOR THE SAFE REFERRAL, RETURN AND RE/INTEGRATION OF VICTIMS OF HUMAN TRAFFICKING

The Program for the Support and Protection of Victims/Witnesses of Trafficking in Human Beings includes funds to finance the return of foreign victims. Only victims of trafficking who undergo the identification procedure by the police can be offered support to return to their country within the program.

The La Strada Foundation takes care of transport arrangements and of contacting service providers in the country of origin to try and ensure support and assistance. The management of safe referral, return and re-integration of victims of trafficking is carried out on a case-by-case basis.

IOM used to run a program for voluntary return, however it still informally provides support and contacts in countries where the La Strada Foundation is not present (e.g. Africa, Asia).

Perception of Cooperation Practices by Polish Stakeholders

- Most actors surveyed indicated that although cooperation between law enforcement and NGOs has been functioning for years with continuity in terms of actors involved, there are areas where the understanding of each other's role, mandate and priorities could be improved.
- Some of the stakeholders interviewed suggested that cooperation could be enhanced through a MoU. One of the stakeholders indicated that implementing what is already foreseen and introducing quality control in the training of all professionals would be sufficient to address existing difficulties.
- Different interpretations of the law seem to hamper cooperation among different State actors in investigative approaches.
- Law enforcement officials indicated the need to improve cooperation with labour inspectorates and other labour actors.
- Among some practitioners, the existence of physical violence seems to still be a determining factor in whether a case is human trafficking.
- Attempts to involve trade unions in anti-trafficking efforts have recently failed. A State official mentioned that in order to overcome resistance, trade unions should be invited to seminars and trainings to allow them to take a more active role in anti-trafficking efforts.





THE RUSSIAN FEDERATION

SUMMARY

This country profile was compiled with limited access to information. As the data gathering process could not be carried out in the Russian Federation like in the other CBSS Member States, the information contained in this section is partial and incomplete. An assessment of the current situation in the Russian Federation could not be carried out with respect to any of the parameters identified for this research.²⁰¹

Recent Measures

The Federal Law on state protection of victims, witnesses and other participants in criminal court proceedings entered into force in 2005 (amended in 2007 and 2008)

Forthcoming Measures

An anti-trafficking national action plan is being considered for approval by the Government

A draft Federal Law on Countering Human Trafficking (2004) is pending approval by the State Duma (State Parliament)

1. ANTI-TRAFFICKING NATIONAL ACTION PLAN

A draft National Action Plan (NAP) on Human Trafficking has been developed and is pending approval from the Government of the Russian Federation.

Other policy tools comprising measures related to anti-trafficking include:

1. The Mid-Term Program of Russia's Socio-Economic Development (2006–2008), which envisaged several activities on prevention and suppression of illegal migration and human trafficking, among which:
 - The development and implementation of the national program on the regularization of illegal migrants;
 - The introduction of strict sanctions for smuggling and trafficking of human beings, and the reinforcing of sanctions for using illegal migrants labour;
 - The modernization of the immigration control system;
 - Strengthening international cooperation, including cooperation within the framework of agreements on organized crime and readmission agreements.

²⁰¹ This country profile was prepared on the basis of a questionnaire on implementation of the UN Convention on Transnational Organized Crime and its Trafficking Protocol submitted to UNODC by the Russian Federation (2005–2006); national legislation and draft legislation; a brief report provided by the focal point for the Russian Federation in the CBSS THB Task Force; presentations given at the Conference «Improvement of International Cooperation in Counteracting Human Trafficking» organized by IOM and the Executive Committee of the Commonwealth Independent States on 29-30 September 2009 in Moscow. Informal interviews were held with the Chief of the Specialized Unit of the Criminal Investigation Department of the Ministry of Interior, the Advisor of the Committee on Family, Women and Children of the Lower Chamber of the Russian Parliament, and a Prosecutor of General Prosecutors' Office of the Russian Federation. Statistical data was taken from the 2006 IOM Country Report and the UNODC Country Office profile. Project questionnaires aimed at assessing the current status of civil society and state actors cooperation at the national level were distributed to State actors and NGOs in the Russian Federation in July 2009. No questionnaire was returned to the research team. A follow-up mission to be conducted by a UNODC AHTMSU Expert scheduled for July–August 2009 could also not take place.

2. The 2007–2010 Program of the Commonwealth of Independent States (CIS) on Cooperation in Countering Human Trafficking, a regional initiative of which the Russian Federation is part as a member of the CIS. The program is supplemented by the Plan of the Council of Ministers of Interior of the CIS Member States.²⁰²

Cooperation in the Development of Policy Tools

In 2004, the Coalition “Angel”²⁰³ in cooperation with State agencies, developed the Counter-Trafficking Protocol and Plan of Action for the Russian Federation, a compilation of recommendations made by the member organizations of The Angel Coalition.

The Counter-Trafficking Protocol and Plan of Action addresses ethical, social and legal problems connected with trafficking in human beings to, from and within Russia and makes recommendations for effective responses addressing national and international governmental and non-governmental agencies.

It is foreseen that the document will be revised and expanded following the development of laws, inter-agency and international cooperation, and the increasing involvement of non-governmental organizations in trafficking prevention, victim assistance, repatriation and rehabilitation.

2. NATIONAL COORDINATION MECHANISM

Fig. 21 The Russian Federation: National Coordination Mechanism

National Coordinator	Ministry	Inter-Agency Coordination Body	Anti-Trafficking Coordination Unit	Working Groups operational/ local Level
N.A.	Ministry of Interior	Inter-Agency Working Group under the Committee on Legislation of the State Duma (Parliament) Federal Interdepartmental Commission – awaited	N.A.	Regional Commissions

²⁰² Recent measures promoted by the CIS initiative include the approval by the Intra-Parliamentary Assembly of the CIS of a Model Law on Human Trafficking (April 2009), introducing unified definitions, criminalising the human trafficking offence and envisaging a number of actions related to the prevention and suppression of human trafficking.

²⁰³ “Angel” is a coalition of 61 non-governmental organizations working since 1999 on counter-trafficking in the Russian Federation. The Coalition supported the establishment of five shelters for victims of human trafficking in St. Petersburg, Murmansk, Petrozavodsk and Kazan. (<http://www.angelcoalition.org/drupal/content/o-koalitsii>)

2.1 NATIONAL COORDINATOR

N.A.

2.2 INTER-AGENCY COORDINATION BODIES

An **Inter-Agency Working Group**, operating under the auspices of the Committee on Legislation of the State Duma (Parliament) is in charge of developing national legislation and strategies to combat human trafficking. It comprises representatives of law enforcement, a number of State agencies, and civil society organizations.

A Federal Interdepartmental Commission to Counter Trafficking in Persons is expected to be nominated by the President of the Russian Federation following the approval of the draft Federal Law on Combating Human Trafficking.

Once established the Commission should be responsible for the coordination of activities of State agencies involved in countering trafficking in persons.

These include the Ministry of the Interior (MoI), the Federal Security Service, the Department of the General Prosecutor, the State Customs Committee, the Ministry of Labour and Social Development, the Ministry of Education, the Ministry of Healthcare, the Ministry for Foreign Affairs, diplomatic representatives and consular offices of the Russian Federation.

The involvement of civil society actors in the policy development and coordination bodies is foreseen in the draft federal law on Combating Human Trafficking.

2.3 ANTI-TRAFFICKING COORDINATION UNIT

N.A.

2.4 WORKING GROUPS AT OPERATIONAL/LOCAL LEVEL

At the regional level, interdepartmental commissions to counter trafficking in persons (regional commissions henceforth) should be set up in accordance with the procedure prescribed by the draft federal law on Combating Human Trafficking.²⁰⁴

3. SPECIALISED UNITS

A Specialised Unit on Combating Human Trafficking and for the Protection of Victim, Witness and other Participants of Criminal Proceeding of the Investigation Department has been established at the MoI.

NATIONAL *RAPPORTEUR* OR EQUIVALENT MECHANISMS

There is no National *Rapporteur* in the Russian Federation.

²⁰⁴ Draft Federal Law of the Russian Federation “On combating Human Trafficking”, art. 9.

Different roles relating to monitoring the effects of the implementation of national policies and legislation are delegated to federal executive and legislative bodies e.g. the Inter-Agency Working Group under the Committee on Legislative Issues of the State Duma, the Ministry of Interior and the General Prosecutor's Office of the Russian Federation.

FORMALISED COOPERATION AGREEMENTS

Not enough data is available to develop this section.

COOPERATION PRACTICES AT THE OPERATIONAL LEVEL

An analysis of cooperation practices at the operational level could not be carried out without surveying and interviewing practitioners, and without access to specialised sources such as directives, cooperation agreements, identification tools, etc. Information contained in this section is therefore not comparable to the corresponding sections of the other country profiles.

A GLANCE AT THE ASSISTANCE AND SUPPORT SYSTEM

Support to victims of trafficking is currently provided through rehabilitation centres established and managed by non-governmental organizations (NGOs) and through State health services.²⁰⁵ State actors recognise the role of some NGOs and public rehabilitation centres in victim support.²⁰⁶

Most NGOs are currently funded by international organizations and bilateral donors.²⁰⁷ According to the First all-Russian Assembly of NGOs working in anti-trafficking, in 2006 there were approximately 100 NGOs active in this field in Russia.²⁰⁸ The Ministry of Health and Social Development reports officially to have cooperation with 47 NGOs on human trafficking.

²⁰⁵ Some fifty crisis centres have been set-up by NGOs in various cities across the country. The crisis centres work in close cooperation with law enforcement agencies and local authorities. The target group is trafficked women. A rehabilitation centre for victims of trafficking was opened in 2007 in Moscow offering comprehensive medical and psychological assistance and other services. UNODC-UN.GIFT Global Report on Trafficking in Persons, February 2009.

²⁰⁶ NGOs that were frequently mentioned by State officials during informal interviews: Support Centre for victims of sexual violations "Sisters" (Moscow city), Coalition "Angel" (St.Petersburg), Association of Crises Centres "Stop Violation", Baykal Centre of Legal Reforms (Irkutskaya oblast), Centre against Violation and Human Trafficking (Perm), "Women's Allianz" (Barnaul), Public Innovation Fund and Women's Crisis Centre "Fatima" (Kazan), "Ingo", "Stellit" (St. Petersburg), Support Centre for Family and Children (Yaroslavl).

²⁰⁷ IOM for instance has been implementing projects "aimed at building the capacity of the national authorities and local NGO networks to protect and reintegrate victims of trafficking, promoting inter-agency cooperation and co-ordination in assisting victims of trafficking through the establishment of sustainable referral mechanisms in the selected regions with participation of governmental agencies, NGOs and international organizations".
<http://www.no2slavery.ru/eng/project/>

²⁰⁸ E.V.Tirukanova, "Human Trafficking in the Russian Federation: Inventory and Analysis of the Current Situation and Responses", Report of The Institute for Urban Economics for the UN/IOM Working Group on Trafficking in Human Beings, Moscow, 2006.

The government funds NGOs involved in civic and social work issues throughout Russia (approximately \$40 million in 2008). However, State funding is not currently available to NGOs working on anti-trafficking activities – the exception being that during 2007, the Public Chamber reportedly provided funding to three anti-trafficking NGOs.²⁰⁹

The draft Federal Law “On Counteraction of Human Trafficking” (Article 26) requires the federal commission and regional commissions to invite public associations and non-governmental organizations working in the area of countering trafficking in persons to cooperate with State authorities. Once the law is approved, financial support may be granted to a public association or a non-governmental organization with funds allocated from the federal budget.

RESIDENCE REGIMES

No specific regulations granting a reflection period or temporary residence permits for victims of human trafficking are in place.

In case of cooperation in criminal proceedings, a temporary residence permit may be granted (to a victim of trafficking in persons as to other victims/witnesses of crime). The victim/witness is provided with security and legal support. Accommodation is generally ensured through the NGO rehabilitation centres on a temporary basis.

VICTIMS/WITNESSES IN COURT PROCEEDINGS

The Federal Law “On state protection of victims, witnesses and other participants in criminal court proceedings” establishes a system of measures to ensure government protection to participants in criminal proceedings. Measures include the provision of security as well as social assistance.

The Federal Law has been implemented through the “2006–2008 State Program on the provision of security for victims, witnesses and other participants of criminal proceeding.”²¹⁰

Government protection envisaged by the Federal Law foresees that a protected person can be subject to one or several of the following security measures implemented concurrently:²¹¹

- personal protection, protection of home and property
- provision of the protected person with special individual protection, communication and security alarm devices
- protection of confidential information on the protected person
- relocation
- new identity/documents
- change of appearance
- transfer to a new job (employment) or educational institution
- temporary relocation to a secured shelter
- additional security measures with respect to protected persons held in custody or serving a sentence, including transfer to another custody location or penal institution

²⁰⁹ UNODC Country Profile on the Russian Federation, UNODC Country Office, 2008.

²¹⁰ The 2006–2008 State Program is approved by the Government Resolution # 200 of 10 April 2006

²¹¹ Article 6 of the “Federal Law on state protection of victims, witnesses and other participants in criminal court proceedings” (2004 with amendments of 2007 and 2008).

Subject to eligibility criteria listed in Article 16 of this Federal Law, a protected person can be offered other security measures envisaged by laws of the Russian Federation. The Law also determines the eligibility criteria and the procedure for the application of the above measures.²¹²

The criteria for the application of security measures include information that a protected person is under a real threat of murder, violence or destruction of or damage to his/her property in connection with his/her involvement in criminal proceedings. The information must be provided by the body deciding on adjudicating government protection.

If a victim's presence is required for criminal proceedings but is not willing to be protected through a full-fledged victim/witness protection scheme, s/he is provided with security and legal support. Accommodation is ensured through the NGO rehabilitation centres on a temporary basis.

The criminal procedure legislation²¹³ considers it admissible to conduct judicial proceedings in closed hearings on the ground of a court ruling or resolution, if this is called for by the interests of guaranteeing security for the participants in the judicial proceedings, their close relatives, relations or near persons.

Moreover, if it is necessary to provide for the security of the victim and/or the witness, of his close relatives, relations and near persons, the court shall have the right to conduct the interrogation without making public the personal data of the victim/witness, also precluding a visual observation of the witness by the other participants in the judicial proceedings.²¹⁴

²¹² Ibid. article 16.

²¹³ Article 241, Part 2, Para 4, 5 of the Criminal Procedural Code of the Russian Federation.

²¹⁴ Art. 277, 278 part 2 and 5 of the Criminal Procedural Code of the Russian Federation.





SUMMARY**Overview**

In Sweden the role of civil society organizations in support of victims of trafficking is more limited than in other countries, as State and municipal actors are responsible for most assistance services. Yet differences in perception of the trafficking phenomenon, for instance between State service providers and law enforcement agencies, are reported in Sweden too, as well as tensions in interpreting legislation and determining priorities in a way that ensures a balanced approach at the operational level.

These and other features seem to indicate that mandates are more important in shaping perceptions of priorities in anti-trafficking efforts than the status of the stakeholders involved – i.e. State actors or civil society.

In Sweden, anti-trafficking work currently focuses on trafficking in persons for sexual exploitation within the Framework of the National Action Plan (NAP) on combating prostitution and trafficking in human beings for sexual purposes. Practitioners recognize the need to address forced labour as well.

Recent Measures

- The National Coordinator (NC) was appointed in January 2009 tasked by the NAP to develop and increase the level of cooperation between the relevant state actors as well and civil society actors in Sweden
- An anti-trafficking NAP against prostitution and human trafficking for sexual exploitation was approved in 2008
- An operative national coordination unit (National Support Operations against Prostitution and Trafficking in Human Beings) has recently been established
- The anti-trafficking provision in the Penal Code (2002) was revised to address all forms of exploitation and internal trafficking in 2004
- Legislative amendments have been proposed to increase efficiency (2008)

Forthcoming Measures

- Legislative amendments have been proposed to the increase efficiency of the Trafficking provision in the Penal Code (2008) and the intention is to amend the law in 2010

Focus Areas

- Improve coordination at national policy level by ministries and the Government – also in relation to instructing and managing the work of the authorities
- Address trafficking for labour and other forms of exploitation through policies and operational measures
- Involve relevant stakeholders related to the labour market e.g. trade unions
- Sensitise criminal justice authorities on human trafficking cases and implications of trauma for victims of the crime of trafficking (VoTs)

ANTI-TRAFFICKING NATIONAL ACTION PLANS

The Government of Sweden adopted its first NAP against Combating Prostitution and Trafficking in Human Beings for Sexual Purposes in July 2008.

NAP Focus

The plan covers five priority areas and includes 36 measures and tasks for Swedish authorities and other relevant stakeholder, focusing in particular on:

- 1) Greater protection and support for people at risk
- 2) More emphasis on preventive work
- 3) Higher standards and greater efficiency in the justice system
- 4) Increased national and international cooperation
- 5) A higher level of knowledge and awareness

Although legislation covering different forms of human trafficking has been adopted in 2004, policy measures addressing other aspects of the human trafficking phenomenon (e.g. trafficking for labour exploitation, illegal purposes, forced begging, removal of organs, etc.) have not been developed yet.

A draft NAP against Trafficking for other forms of exploitation than sexual purposes has been developed by the Ministry of Labour (2008) but it has not yet been presented by the Government to the Parliament. At the time of writing it is unclear if it will be in the future.

Reporting

The National Rapporteur reports to the Government annually on progress in implementation of anti-trafficking measures, investigations, court rulings, and other relevant developments in the field of human trafficking (see National Rapporteur below).

Monitoring and Evaluation

The NAP covers the period 2008-2010. An evaluation of the current NAP and a proposal for follow-up measures is expected to be presented to the Parliament in 2011. It is not yet known whether a revised NAP will be considered. Policy measures contained in the NAP are currently being evaluated by the Swedish National Council for Crime Prevention. A first draft of the evaluation report will be presented in 2010. Furthermore, Malmö University is conducting research on the measures contained in the NAP and how the activities are coordinated.

NATIONAL COORDINATION MECHANISMS

Fig. 22 Sweden: National Coordination Mechanism

National Coordinator	Ministry Coordinating THB Efforts	Inter-Agency Coordination Body	Anti-Trafficking Coordination Unit	Working Groups operational/ local Level	Specialised Units
County of Administrative Board of Stockholm*	Ministry of Integration and Gender Equality	N.A.**	National Support Operations against Prostitution/ THB	Regional Operative Teams Local Teams (civil society)	Specialised police units and prosecutors (in the 3 main cities)

*The NC has a limited mandate for the time period of the NAP with the responsibility to increase the level of cooperation and coordination at the operational level (see National Coordinator below). Government actors report to the Ministry of Integration and Gender Equality or other responsible Ministries (e.g. the Police reports on its anti-trafficking work to the Police Unit at the Ministry of Justice).

**There is no permanent mechanism for coordination meetings on the topic of human trafficking in particular, as inter-ministerial cooperation is an established practice for all cross-sector matters in Sweden.²¹⁵

NATIONAL COORDINATOR

A NC was appointed in January 2009 under the auspices and for the duration of the national action plan. A number of features differentiate the mandate of the Swedish NC from similar institutions in other countries in the region.

The NC is based at the County Administrative Board of Stockholm and will “develop methods for increased cooperation and coordination in the field of counter trafficking between key stakeholders at the operative level in Sweden”. The NC does not have an overall coordinating role for the counter trafficking work in Sweden, nor is he coordinating the various measures in the NAP. Moreover, the NC in Sweden is only responsible for efforts related to human trafficking for sexual exploitation. He reports to the Ministry of Integration and Gender Equality (MIJ).²¹⁶

In terms of specific tasks, the NC was mandated to develop and streamline existing regional cooperation networks and expand them into a national network.²¹⁷ To implement this task, the National Support Operations against Prostitution and Trafficking has been established (see anti-trafficking coordination unit below)²¹⁸ with the aim to ensure coordination of different stakeholders in order to enhance support and assistance services to victims of trafficking. The NC is also responsible for strengthening cooperation between the regions through the 21 County Administrative Boards of Sweden, and to disseminate information and raise awareness among actors involved in this field.

²¹⁵ In the framework of the ministerial conference organized by the Swedish EU Presidency for the EU Anti-Trafficking in Persons Day, the Ministry of Justice has set up an inter-ministerial working group. The Government offices use this forum to cooperate on the issue of human trafficking.

²¹⁶ In most countries, the NC is based at the same Ministry that acts as a focal point.

²¹⁷ National Action Plan, measure 26.

²¹⁸ Ibid.

INTER-AGENCY COORDINATION BODIES

There is no inter-agency coordination body at the policy level. Ministries in Sweden coordinate routinely on multi-disciplinary issues. This is also the case for policies and decisions on trafficking in human beings.

The responsible institution acting as a focal point for anti-trafficking efforts within the Government Offices is the Ministry of Integration and Gender Equality (MIJ). Many State actors report to the MIJ, although the Ministry does not have an overall coordinating role at the policy level. The counter trafficking work of the law enforcement agencies is reported to the Ministry of Justice (MoJ); the Ministry of Social Affairs manages the work of the Social Board of Welfare in their support to victims of trafficking and work against trafficking for labour exploitation takes place in the Ministry of Labour.

State actors refer to the MIJ as an overall focal point against trafficking for sexual exploitation. However the MIJ does not have an overall coordination mandate and is not responsible for trafficking for other forms of exploitation than sexual exploitation. This set-up does not seem to be conducive to a clear division of tasks and responsibilities and it may ultimately be an obstacle to efficient synergies and lead to duplication of efforts.

In terms of specific tasks, the NC was mandated to develop and streamline existing regional cooperation networks and expand them into a national network.²¹⁹ To implement this task, the National Support Operations against Prostitution and Trafficking have been established (see anti-trafficking coordination unit below)²²⁰ with the aim to ensure coordination of different stakeholders in order to enhance support and assistance services to victims of trafficking. The NC is also responsible to strengthen cooperation between the regions through the 21 County Administrative Boards of Sweden, and to disseminate information and raise awareness among actors involved in this field.

The NC is working on the establishment of a Permanent Secretariat on Trafficking in Human Beings to ensure the set-up of a sustainable cooperation framework beyond the expiry of his mandate foreseen by 2010.

ANTI-TRAFFICKING COORDINATION UNIT

To enhance the cooperation at the operative level, a unit called “**National Support Operations against Prostitution and Trafficking in Human Beings**” (Nationellt Metodstödsteam mot prostitution och människohandel/NMT) has recently been set up. This body is composed of representatives from the Swedish National Police Board, the National Criminal Police, the Specialised Police Units on human trafficking as well as the Border Police, the Migration Board, the Prosecutors Chambers and the Social Welfare Authorities from the three big city areas in Sweden.²²¹

The unit focuses on operational work, coordination of activities, tasks, case management and tries to ensure efficient information-sharing among agencies and information-gathering at the national level. This effort builds upon experiences gathered through the project “Cooperation against Trafficking” (see Formalised Cooperation Agreements below).

²¹⁹ Ibid.

²²⁰ National Action Plan, measure 26.

²²¹ See www.nmtsverige.se for more information

WORKING GROUPS AT THE OPERATIONAL/LOCAL LEVEL

Since 2005, **Regional Operative Teams** have been active in the three capital areas in Sweden: Stockholm, Göteborg and Malmö. The teams are composed of Police, Migration Board, Social Welfare Department and the Prosecutorial Authorities.²²²

The regional teams are complemented by **local teams** of civil society actors which are contacted on an as needed basis.

SPECIALISED UNITS

The National Police Board and the National Criminal Police have specialized staff focusing on counter trafficking work. Specialized police units dealing with human trafficking cases for sexual exploitation and related crimes are present in the cities of Stockholm, Gothenburg and Malmö.

In Stockholm the Commission against Trafficking in Human Beings within the Stockholm Police has about 25 staff and works as a support unit for other police authorities in Sweden. The Commission deals with trafficking for sexual exploitation and related crimes, while the Border police are in charge of cases of trafficking for labour exploitation and trafficking of children for other purposes than sexual exploitation.²²³ Cases are handled with the assistance of the National Criminal Police if appropriate. In Gothenburg and Malmö the distinction of mandates for the different forms of human trafficking does not exist.

The special law enforcement units work jointly with a social worker from the local social welfare authority. The social worker has the main responsibility of ensuring that victims have access to all necessary assistance (see Referral and Support and Assistance System below).

The International Chamber of the Prosecutors Office, responsible for prosecuting trafficking cases, has three specialized units in Stockholm, Göteborg and Malmö.

NATIONAL *RAPPORTEUR* OR EQUIVALENT MECHANISM

The Government assigned to the National Police Board with the task of a National *Rapporteur* on trafficking in human beings in December 1997. The task was subsequently delegated to a detective inspector who works at the National Police Board.

The responsibilities of the National *Rapporteur* include:

- Collection of information on the extent of trafficking in human beings in Sweden and abroad
- Study of effective action to prevent and combat trafficking
- Monitoring progress in the fight against trafficking (e.g. assessment of the effectiveness of the legislative and policy framework on trafficking in human beings, including policies and legislation criminalizing the demand for sexual services)
- Analysis of investigations, prosecutions and sentencing of buyers, procurers, traffickers and organized crime networks

²²² See Regional “Myndighetssamverkansplan för stöd till personer utsatta för människohandel”, Stockholm 2007–2008 (National Plan on Cooperation of Authorities on Support to Persons Subject to trafficking in human beings).

²²³ The division of responsibilities was agreed between the Commission and the Border Police in 2008.

- Monitoring, evaluation and dissemination of information about emerging issues, such as new forms and methods of trafficking in human beings to and within Sweden
- Organization of seminars and trainings nationally and internationally
- Development of networks nationally and internationally
- Relations with the media and the public

To make it possible for the National *Rapporteur* to get information from the whole country, contact persons have been appointed at every police authority.

In her capacity, the National *Rapporteur* reports annually to the Government on the results of counter-trafficking efforts, investigations, court rulings and trends in trafficking in persons. Furthermore the National *Rapporteur* formulates recommendations to foster improvements.

The Swedish National Rapporteur has a similar mandate to equivalent institutions in other countries but is not an independent institution.

FORMALISED COOPERATION AGREEMENTS

In the field of counter trafficking, some agreements exist based on projects e.g. “Cooperation against Trafficking” (Samverkan mot Trafficking).²²⁴ The latter is often referred to as having contributed to establishing more effective cooperation practices among different stakeholders, including the Prosecutor’s services, Migration authorities, Law Enforcement Agencies, Social Welfare authorities, and various civil society counterparts (churches, museums, universities and non-governmental organizations).

“Cooperation against Trafficking” started in 2005 and was organized into three thematic areas, one of which was focussed on improving cooperation to combat human trafficking. No detailed information is available as to what procedures have been addressed through the project and with what tools (e.g. if and what cooperation practices have been agreed upon, involving what stakeholders, what tools, if any, have been developed/ formalized, etc.).

Given the specificities of the Swedish system, where the Welfare State covers most services and civil society actors have a minor role in victims’ assistance with respect to other countries, it may be argued that the need for cooperation agreements such as MoUs is less needed. However, insights into operational activities indicate that differences in perceptions of priorities may create tensions linked to mandates rather than to the status of the stakeholders involved. The following chapter attempts to shed some light on such aspects.

In fact, the option of negotiating MoUs or similar cooperation agreements among different stakeholders is currently being considered by the stakeholders within the framework of the “**National Support Operations against Prostitution and Trafficking in Human Beings**” (NMT).

COOPERATION PRACTICES AT THE OPERATIONAL LEVEL

IDENTIFICATION

Identification Procedures

Identification can be carried out by any stakeholder without high degrees of formality. The rules applying to victims of human trafficking are the same as for victims of crime, therefore presumed victims who either self-report or are identified by any front liner or operator do obtain access to support and assistance services.

²²⁴ <http://www.samverkanmottrafficking.se/english.asp>

Procedurally however, the legal identification of a victim of trafficking in persons is carried out by the prosecutor. The police present the case to one of the Prosecutors of the International Chamber who decide whether the case can be brought to court. The victim is then legally identified as such and can benefit from the special resident permit for people involved in court proceedings.

Identification focus is still limited to trafficking cases for sexual exploitation both at the policy and at the operational level.

Identification Tools

Nationwide indicators and guidelines for identification of trafficked persons are currently being developed. No details are available about what forms of exploitation are going to be addressed by the forthcoming tools.

REFERRAL

The rules for referral are the same as those applied to other victims of crime (see also Assistance and Support System). Stakeholders interviewed reported that victims (of crime) would always be referred to the Social Welfare Department in the municipalities, as they have the obligation by law to provide support and services to all victims of crime in their respective municipality, including victims of trafficking.

In Sweden, there is a long tradition of cooperation between police and the Board of Health and Welfare in the field of support and protection of victims of crime and cooperation is considered efficient.

The special law enforcement units work closely with a social worker from the local Social Welfare authority (in some regions Social Welfare officers are located within the specialized police force units). This renders the critical link between law enforcement agencies and service providers easier to coordinate than in other countries, facilitating the integration of security considerations and victims' support measures by competent professionals. In the joint teams, the social worker is responsible for keeping contact with the victim, ensuring access to all the necessary assistance services and trying to address the individual needs of the victim. At the same time, a threat assessment is carried out and helps determine where to place the victim depending on the circumstances. This favours the provision of prompt and effective support to victims. Such practices guarantee qualitative and humane assistance to victims in accordance with their individual needs and have proven to be a very efficient way of operating during investigations.²²⁵

Prosecutors are also involved in this close cooperation effort, together with the Swedish Migration Board.

These specific features of the Swedish system are conducive to an integrated approach to dealing with trafficking cases. Yet tensions between the Social Welfare authorities and law enforcement agencies have been reported in cases of trafficking in persons.

According to the police, the Social Welfare authorities sometimes do not report a trafficking case to law enforcement agencies invoking the Swedish Secrecy Act. As any crime entailing a punishment amounting to more than two years in prison lifts the secrecy clause, the police consider such decisions questionable. This seems to point out that such type of tensions, reported also in other countries, are independent from the fact that the service providers are State or civil society actors. Differences in understanding of the crime of trafficking lead to different interpretation of what rules to apply in specific cases and conflicting priorities. The lack of an agreed procedure for victims of trafficking addressing the issue of the right not to report cases to law enforcement agencies, if the victim so requests, emerged as a focus area within the Swedish system too, as in other countries.

²²⁵ Such cooperation models can be found in Stockholm for example.

This seems to indicate that although the actors involved at this stage of the process are all State actors, the need for clearer rules and a shared understanding of what needs to be done with trafficked persons as a specific category of victims of crime seems to deserve attention.

ASSISTANCE AND SUPPORT SYSTEM

Protection and assistance to victims of human trafficking are provided mostly by the State and the municipalities in Sweden, the Social Welfare Departments of the municipalities being one of the main service providers. According to the Swedish Social Services Act (section 5, paragraph 11), the municipalities are responsible for providing support to victims of crime, such as medical support, psychological support, shelter and other forms of social assistance. As many shelters are run by NGOs, municipalities often provide the support in close cooperation with civil society actors.²²⁶

Services offered are for victims of crime in general. There are also some specific services targeted in particular to victims of human trafficking. Victims of trafficking for sexual purposes get assistance from specialized prostitution units in the big cities. These units are responsible to ensure that victims of trafficking get the assistance and support needed.

As mentioned above, in Sweden there is a long tradition of cooperation between police and the Board of Health and Welfare with respect to support and protection of victims of crime and assistance is provided by the Social Welfare units in the municipalities in close cooperation with the law enforcement agency handling the case.

Awareness of the special needs of victims of trafficking is rather low in health structures. Health care personnel in hospitals are reportedly not always informed of trafficked persons' rights, in particular with respect to foreign victims of trafficking who have been granted a special residence permit and are entitled to free health care. Many stakeholders indicate a general lack of knowledge about what rights the special permit grants to victims.

In this area, the Social Welfare units seem to face similar difficulties as social workers from NGOs in other countries and the lessons to be learnt are also very similar (e.g. clearer definition of rules pertaining to victims of trafficking, information to be disseminated more widely and effectively, awareness-raising of personnel etc.).

It is usually the Police or the Social Welfare officer who inform the victim of her rights. This information is conveyed to the victim in a language the victim understands.

Victims are also assigned a lawyer to support them during the court proceedings if appropriate.

Integration measures, such as professional training and other courses, are offered by civil society organizations.

RESIDENCE REGIMES

Victims of trafficking are entitled to a reflection period of 30 days. The reflection period is however rarely used as, according to State officials, most victims opt for return.

²²⁶ Church organizations and communities as well as women's shelters organizations such as Sveriges Kommuner och Landsting (Kvinnofridsarbete)/Sweden's County and Municipality Board (gender based violence department), Riksorganisationen för kvinnojourer och tjejjourer/National Organization for Women's and Girls' Shelters in Sweden, and Stiftelsen Unga Kvinnors Värn/Foundation for Young Women.

Amendments to the Aliens Act (2004) have introduced the possibility to issue a temporary residence permit to foreign victims of trafficking in Sweden. The permit is for six months initially and may be extended upon application by the prosecutor based on investigation needs.

VICTIMS/WITNESSES IN COURT PROCEEDINGS

Victims and witnesses in court proceedings benefit from the same measures applicable to other victims of crime. Evidence can be gathered and presented to court without the presence of the victim. The victim can also be interrogated in her/his home country. Furthermore, the defendant may be asked to leave the court when the victim testifies.

Due to specific circumstances linked with necessary surveillance in trafficking in persons cases, and in order to avoid further trauma for the victim, the special prosecutor and the police often try to collect as much evidence as possible before the trial to render proceedings more respectful of victim/witness' needs.

Protection of the identity of the victim/witness is possible but has not been foreseen by the Swedish legal system. Other special court procedures, such as the use of equipment (video, audio equipment or screening) to avoid personal or eye contact between the victim/witness and defendants in court do apply. There is for example, the possibility to hear witnesses and the plaintiff via video link under specific circumstances.

Victims are entitled to be accompanied by a social worker and are provided with a victim's legal adviser, a lawyer whose task is to protect the rights of the victim in court.

REGIONAL COOPERATION FOR THE SAFE REFERRAL, RETURN AND RE/INTEGRATION OF VICTIMS OF HUMAN TRAFFICKING

The responsibility for the return of victims is currently not coordinated nationally in Sweden. Activities related to return are dealt with by the municipalities, local police and NGOs (and to some extent the Migration Board). Return of victims of trafficking is carried out on an ad hoc basis.

Sweden also took part in a three-year regional initiative (2005–2008) implemented under the auspices of the Nordic-Baltic Project. The project had among its objectives to help build a network to facilitate regional referral for women victims of trafficking for sexual exploitation.²²⁷

Contacts with the countries of origin are limited. The number of victims declining the offer to be referred for assistance in their country of origin is rather high.

Cooperation with Embassies and Consulates is deemed only partly useful. Contrary to the situation in other countries, in Sweden NGOs are not the main service providers and do not have a network of contacts to facilitate transnational referral.

With the support of the EU Commission a new cooperation project has recently been initiated between the law enforcement and social service providers in Sweden, Poland, Estonia and Romania to enhance cross-border cooperation in different areas, one of which is safe return.

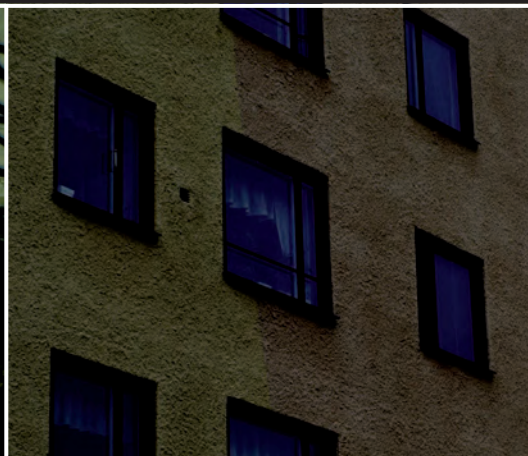
The Office of the National Coordinator has been mandated with assessing the current system and developing a joint nation-wide cooperation model for safe return of victims of trafficking.

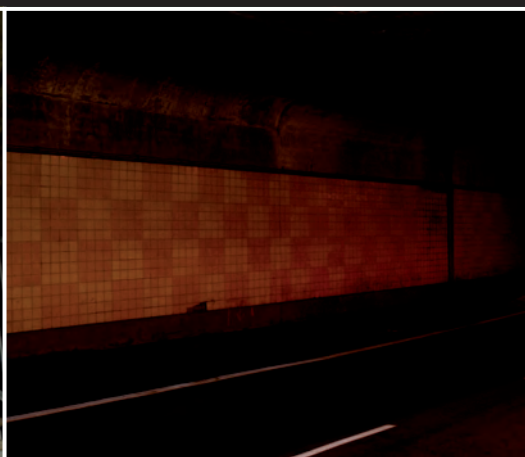
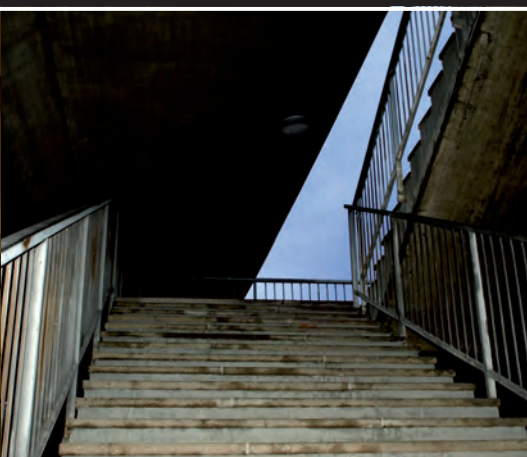
²²⁷ "The Nordic Pilot Project for the Support, Protection, Safe Return and Rehabilitation of Women Victims of Trafficking in Human Beings for Sexual Exploitation" implemented by the European Women's Lobby. Countries involved: Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden.

Perception of Cooperation Practices by Swedish Stakeholders

Stakeholders interviewed during the country visit indicated that:

- Cooperation is very good among the Social Welfare, Immigration, Prosecutors and the Police in the main cities, but it is not as good in smaller regions and sometimes among social services operating in different geographical areas
- There are no policy lines or instructions on how to deal with trafficking cases for other forms of exploitation than sexual (labour, forced begging, etc.). The level of awareness/knowledge about such cases is low within the system
- There is a need to improve coordination at the national policy level by ministries and the Government
- There is sometimes a problem of attitude towards trafficking. Many stakeholders have little understanding of the severity and complexity of the crime and perceive cases as just prostitution cases
- The national action plan defines objectives to combat trafficking in persons but does not always specify how to achieve them. For some areas there is no clear vision of how tasks should be implemented
- There is a risk of duplication and inefficiencies (e.g. information on cases getting lost in the system) as the mandate to combat trafficking has been divided between different units within the police
- Cooperation with judges needs to be improved (while the independence of the judiciary is mentioned as an important principle to respect, most stakeholders perceive it as an obstacle to legitimate capacity building initiatives)
- There is a need to reach out to front line officers and local authorities and administrations
- Cooperation among the different authorities on the issue of education and awareness-raising should be improved





ANNEX I – ANTI-TRAFFICKING ACTORS IN THE CBSS REGION²²⁸

Denmark

Ministry for Employment

Ministry of Refugee, Immigration and Integration Affairs

Ministry of Justice

Ministry of Foreign Affairs

Department of Gender Equality, Ministry of Employment

Danish Centre against Human Trafficking (under the National Board of Social Services)

Danish Immigration Service

The Danish National police

Local police units

The Public Prosecutor's Office

Danish Centre on Prostitution

The Nest International (NGO)

Pro Vest (NGO)

Hope Now (NGO)

Save the Children – Denmark

The Red Cross – Denmark

Health services at different levels

Relevant local municipality authorities

Women's crisis centres

Estonia

Ministry of Justice (Department of Criminal Policy, Criminal Statistics and Analysis Division, Penal Law and Procedure Division, International Judicial Cooperation Division)

Ministry of Social Affairs (Labour Market Department, Social Welfare Department, Gender Equality Department)

Ministry of Foreign Affairs (Legal Department, Human Rights Division, Consular Department)

Estonian Social Insurance Board

Citizenship and Migration Board (different departments)

Border Guard

Ministry of Interior (Law Enforcement and Criminal Policy Department)

Estonian Migration Foundation

Labour Inspectorate

Human Rights Centre

Estonian Open Foundation Institute

The Public Prosecutor's Office

Central Criminal Police

Police Board, Police Prefectures (mainly Northern Police Prefecture)

Living for Tomorrow (NGO)

Eluliin, ATOLL Centre (NGO)

Estonian Women's Shelter Union (NGO)

Tartu Laste Tugikeskus (NGO)

National Institute for Health and Development

ENUT – Estonian Women's Studies and Resource Centre (NGO)

EURES (European Employment Services) in Estonia

INNOVE – Foundation for Lifelong Learning Development

²²⁸ Information in this section is updated as of November 2009.

Finland

Ministry of the Interior (Migration Department, Police Department, Border Department, International Affairs Unit)

National Bureau of Investigation

Finnish Immigration Service

Joutseno Reception Centre

Oulu Reception Centre

Ministry for Foreign Affairs

Ministry of Social Affairs and Health

Ministry of Justice

Ministry of Employment and the Economy

Office of the Prosecutor General

Helsinki Police Department

Association of Finnish Local and Regional Authorities

Other Actors active in Anti-Trafficking in Finland

National Rapporteur: Ombudsman for Minorities

Ministry of Education

District courts and courts of appeal

City of Helsinki

Pro-tukipiste (NGO)

MONIKA – Multicultural Women's Association in Finland (NGO)

Victim Support Finland (NGO)

Central Union for Child Welfare in Finland

The Federation of Mother and Child Homes and Shelters (NGO)

SALLI – United Sex Professionals of Finland (NGO)

Refugee Advice Centre (NGO)

Central Organization of Finnish Trade Unions

Confederation of Finnish Industries

Evangelical Lutheran Church of Finland

University of Helsinki

Finland's Slot Machine Association

Other authorities, municipalities, religious communities and associations

Germany

Trafficking for the purpose of sexual exploitation

Federal Ministry for Family Affairs, Senior Citizens, Women and Youth

Federal Ministry of the Interior

Federal Ministry for Justice

Federal Ministry for Labour and Social Affairs

Federal Ministry for Foreign Affairs

Federal Ministry for Development and Economic Cooperation

Federal Criminal Office

Technical Conference of the Länder Interior Ministers

Technical Conference of the Länder Justice Ministries

Technical Conference of the Länder Social Ministries

Technical Conference of the Länder Gender Equality Ministries

KOK – NGO umbrella organization*

Coordination group of the German Welfare Organizations represented by the Diakonische Werk

Solwodi e.V. (NGO)

Technical Conference of the Länder Justice Ministries

Trafficking for the purpose of labour exploitation

The Federal Ministry for Labour and Social Affairs, Division "Group Social Europe", as coordinator and competent Ministry, is establishing an equivalent network of actors to combat trafficking in persons for the purpose of labour exploitation.

*German nationwide activist coordination group combating trafficking in women and violence against women in the process of migration. Functions as contact partner for NGOs at local level.

Iceland

Ministry of Social Affairs and Social Security

Ministry of Justice and Human Rights

Ministry for Foreign Affairs

Ministry of Health

Directorate of Immigration

Directorate of Labour

Government Agency for Child Protection

National Commissioner of the Icelandic Police

The Metropolitan Police

The Red Cross – Iceland

Save the Children – Iceland

Stígamót – Information and Counselling Service for Victims of Sexual Violence (NGO)

The Women's Shelter (NGO)

The Intercultural Centre

The Council of Immigration

The Centre for Gender Equality

The Social Services of the City of Reykjavík

Latvia

Ministry of the Interior (State Police, State Border Guard, The Office of Citizenship and Migration Affairs)

Ministry of Welfare (Social Service Board, State Employment Agency)

Ministry of Justice

Ministry of Foreign Affairs

Ministry of Education and Science

Ministry of Economics

The Prosecutor General's Office

The Police Academy (until end of 2009). From the 1 January of 2010 The Police College (State Police)

Shelter "Safe House" (NGO)

The Office of Citizenship and Migration Affairs

Ministry of Health

Lithuania

Ministry of the Interior (Mol)

Ministry of Justice (MoJ)

Ministry of Social Security and Labour

Ministry of Education

Ministry of Health

Ministry of Foreign Affairs

Police Department (Mol)

The Office of Equal Opportunities Ombudsman

Migration Department (Mol)

State Border Guard Service (Mol)

Prosecution Service of the Republic of Lithuania

Law Institute (MoJ)

Approximately 15 NGO's (none of which is specialized only in THB)

International Organization for Migration

Children's Rights Ombudsman Institution

Municipalities

Poland

Ministry of National Education	Office for Foreigners
The competent Minister in charge of Social Security	The Police
Ministry of Justice	The Border Guard
The National Public Prosecutor's Office	La Strada Foundation against Trafficking in Women (NGO)
Ministry of Foreign Affairs	Caritas of Warsaw Archdiocese
Ministry of Health	Nobody's Children Foundation (NGO)
Ministry of the Interior and Administration	ITAKA – Centre for Missing Persons (NGO)
The Office of the Committee for European Integration	

Norway

Ministry of Labour and Social Inclusion	The Women's Front of Norway (NGO)
Ministry of Children and Equality	Network against Prostitution and Trafficking in Women*
Ministry of Defence	REFORM – Resource Centre for Men (NGO)
Ministry of Health and Care Services	Pro Centre
Ministry of Justice and the Police	Nadheim Women's Centre
Ministry of Foreign Affairs	NOAS – Norwegian Organisation for Asylum Seekers (NGO)
KOM (Coordination Unit) (NGO)	Crisis Centres
The Rosa Project (NGO)	International Organization for Migration (IOM)
Police Districts, Police Directorate	
UDI – Norwegian Directorate for Immigration	

*Includes: Center for Gender Equality, Women's Front of Norway, JURK-Legal Advice for Women, the Women's Shelter Secretariat, the secretariat of FOKUS- Forum for Women and Development, Ottar, Women's Group Ottar, Norwegian Association for Women's Rights.

Sweden

Relevant Ministries at the Government Offices

The Ministry of Justice

The Ministry of Integration and Gender Equality

The Ministry of Health and Social Affairs

The Ministry of Labour

The Ministry for Foreign Affairs

NMT – The Swedish National Support Operations against Prostitution and Trafficking (i.e. including representatives from c, d, e, g)

Law Enforcement – The Swedish National Police Board, the National Criminal Police, 21 regional Police authorities – three specialized anti-trafficking units in the capital areas, the Swedish National Rapporteur

The Swedish Migration Board

The Municipal Social Service Units – three specialized prostitution/trafficking units in the three capital areas

The regional County Administrative Boards (21)

The International Public Prosecution Office

CBSS Task Force against Trafficking in Human Beings (regional)

Crime Victim Compensation and Support Authority

The National Board of Health and Welfare

The Swedish Women's Lobby

Women's shelters organizations:

SKR – The Swedish Association of Women's Shelters and Young Women's Empowerment Centres (NGO)

ROKS – The Swedish National Organisation for Women's and Girls' Shelters (NGO)

UKV – Shielding Young Women's Foundation (NGO)

Gryning AB

Save the Children – Sweden

Soroptimisterna (NGO)

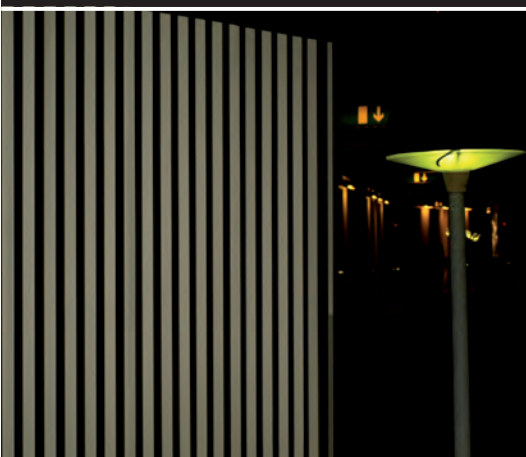
BalticFem (NGO)

Foundation Cooperation against Trafficking

ECPAT – End Child Prostitution, Child pornography and Trafficking of Children for Sexual Purposes (NGO)

Män för jämställdhet – Men for Gender Equality (NGO)

Church organizations and communities



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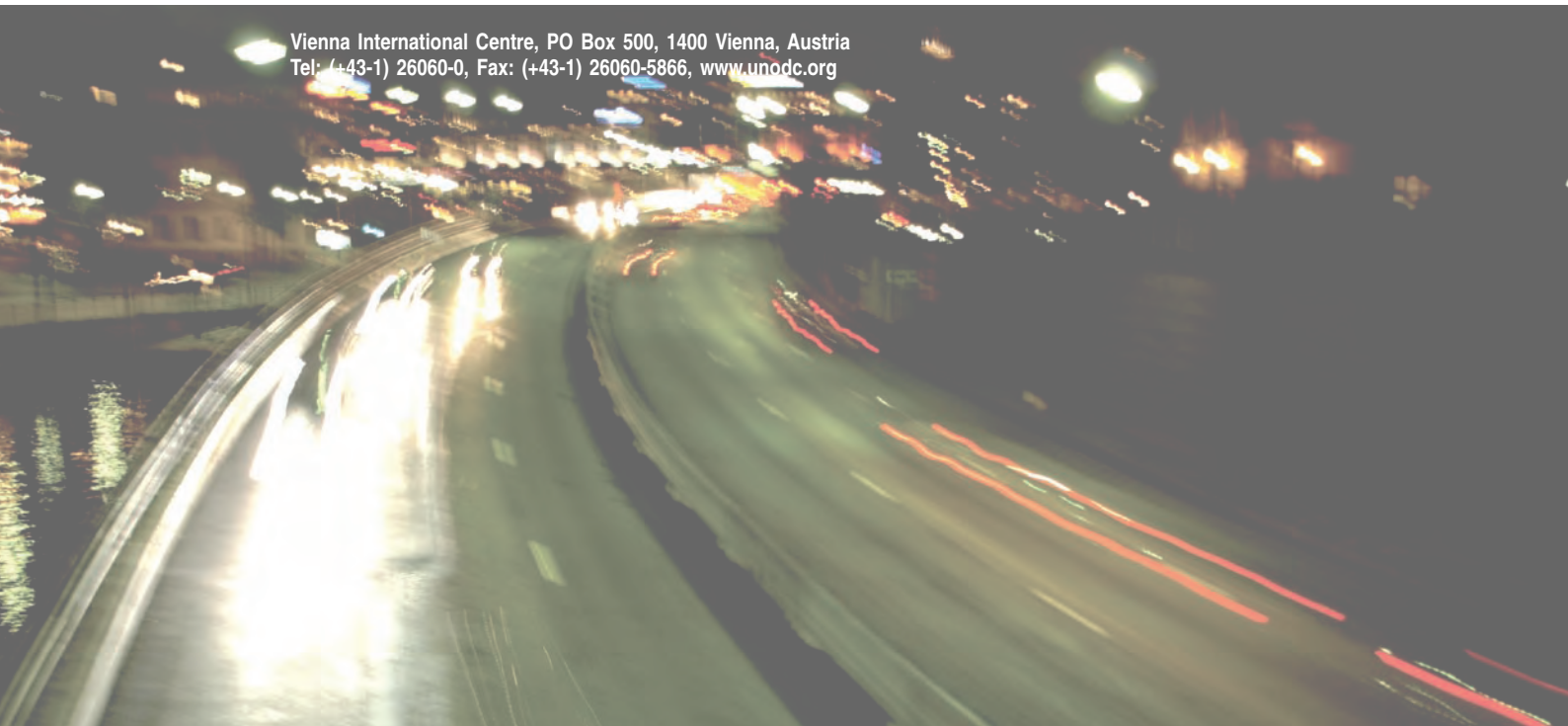
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