



Policy Proposal on

Trafficking in Human Beings

A European joint effort against an international crime

Brussels, April 23rd 2017

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Executive Summary

Trafficking in human beings (hereafter: THB) is a gross violation of human rights that still takes place within the European Union. This policy proposal takes a victim-centred approach in addressing THB by prevention and harm reduction. That being said, this proposal compresses the insights and knowledge of NGOs and scholars in the field of THB that we encountered during the research process. For that reason, this proposal can help to find long-term solutions in regard to THB that would work towards a more encompassing and efficient strategy in order to tackle THB.



1. Introduction

Trafficking in human beings is a severe and yet expanding crime. It constitutes an abuse of human rights and human dignity which may take various forms depending on the nature of exploitation.

Article 3(a) of the Palermo Protocol defines it as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. As such exploitation can include forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

In theory and practice the close link of THB to smuggling is well documented. Even though two separate phenomena it has become apparent through the research the lines of definition might be blurred. Generally speaking smuggling defines the practice of helping irregular migration with the purpose of the mere transport towards a country. Agreements are often, yet not always voluntarily and obligations end once the migrant reached the place of destination whereas trafficking includes other elements that go beyond the mere transfer of the persons.

Trafficked victims often face threat or use of force or other forms of coercion in forms of abduction, fraud, and deception, among others. Victims tend to come from economically disadvantaged backgrounds, which makes them partially vulnerable to the promises and deceptions of traffickers. Once an interdependent relationship between the trafficker and the victim has been established it is being upheld for long period of time through debt bondage and over the entire time of the gruelling journey.

Eurostat, in its working paper *Trafficking in Human Beings* (2015), states as its key findings that during 2010-2012 there were registered in total 30146 victims of trafficking in human beings in the EU of which 65 % were EU citizens.

Among other endeavors to tackle THB the issue has been addressed through the United Nations' Palermo Protocol which itself is designated to prevent trafficking in human beings and assists parties to regulate laws raise awareness building. Similarly the Council of Europe Convention on Action Against Trafficking In Human Beings (2005) equally aims to protect victims, safeguard their rights and enable efficient implementation of policies on European level.

The EU framework provides the Directive 2011/36/EU and the Council Directive 2004/81 of 29 April 2004 on the residence permit issued to third-country nationals who are victims of THB. These Directives set the minimum standards to be followed although the Member

States are free to regulate beyond them if necessary.

Despite several policies being in place their efforts are neither fully harmonized on European level nor reflecting the importance of both prevent and harm reduction.

This proposal seeks to contribute to the existing endeavors with victims-centered approach and seeks to prevent THB in first place and minimize the negative effects of it.

2. Problem Statement

As THB constitutes a severe transnational crime it cannot be fought by individual Member States alone. According to estimations of the International Labour Organisation there are approximately 2.4 million victims of THB, with most of the victims being trafficked with the territory of the EU.

Given the high mobility of victims and international criminal organisations the issue is getting more complex and less assessable. By the same token, the increasing use of the internet for the purpose of THB makes it easier to recruit the potential victims while there are no sufficiently salient supervisory mechanism in place.

Currently the EU is not cooperating in combating THB as effectively as they should considering the magnitude of the matter. Taking into account the increasing refugee crisis and socio-economic, and legal environment the proposal would fall within the 2020 poverty reduction goals of the EU.

3. Prevention of Trafficking in Human Beings

3.1 Raising Awareness in Countries of Origin

Education is a key factor in preventing THB. Recruitment usually begins in the country of origin, where victims are often deceived by false promises of traffickers. People at risk should be made aware of these practices. It is proposed here that through awareness campaigns in the countries of origin the European Commission can work towards these goals by:

1. focusing on the trafficker's most important source countries on EU (Romania, Bulgaria, Hungary, Poland) and non-EU level (Albania, Brazil, China, Vietnam, Nigeria, Morocco);
2. bringing forward and support the development of country-specific campaigns;
3. working closely together with the MS's embassies, migration NGOs, marketing companies, organisations and initiatives dealing with THB, and the press on the most local level possible.



The campaign should be developed with regard to former best practices in combating THB. For instance, the NGO Relief International implemented a two-year programme in the Jamalpur District of Bangladesh in order to raise awareness of migrants' legal rights. As a successful example it managed to explain the risks and warning signs of exploitation and contributed to assist victims with local support offices. In addition, special attention must be given to children to tackle the continuing gaps in the prevention of child trafficking and the identification and protection of the rights of child victims.

The campaign should not aim to prevent migration itself but rather focus on educating the possible risk of trafficking and exploitation that might appear within the process of migration. To fight THB the campaign should not only educate on THB but also on regular ways of migration from 3rd countries to countries in the EU. It should inform 3rd country nationals on the risks and consequences of migrating irregularly.

In both, EU and non-EU countries targeted by the campaign, the expectations of people at risk should be levelled. The trafficker's false promises of employment, good working conditions, free housing and a livable salary should be addressed. The future labour market possibilities of potential victims of THB should therefore be addressed.

3.2 Regular Ways of Migration

According to the European Commission EPSC Strategic Notes Issue 2 of 2015, migration flows will double for the next 35 years compared to the previous period. Therefore, Europe will be a top destination for migrants regardless of the stricter regulations towards migration flows. Migration is not always done in a regular way and many times human trafficking is the way people are brought to Europe. Since controlled regular migration will be beneficiary for Europe in the long run, it is the only way to prevent human trafficking and smuggling. To give a few examples of long and short term positive effects of migration:

1. Migration benefits the destination countries' labour markets and boosts economic growth;
2. In most countries, migrants are contributing more in taxes and social contributions than they receive for themselves;
3. Migrants are a source of innovation and entrepreneurship.

Therefore, instead of having reactionary policies, long-term visions are necessary for dealing with irregular migration flows and THB. However, even though migration policies for well-educated and high-skilled labour force (Blue Card system) are issued and appealing for these people, policies towards seasonal workers and low-skilled labour, who often have to face exploitation and can be afflicted to THB, are lacking. For that reason, the approach of prevention has to be two-sided, issuing the countries of origin and destination. Firstly, in order to raise the awareness of people in countries of origin it is necessary to supplement

the alternative, which are legal ways of migration on the basis on supplying information to people aiming to migrate to the destination countries.

1. Cooperation with local authorities, NGO's operating in these regions and administrative representatives of Member States of the EU through making information accessible, and having activities for this purpose on the field;
2. Agencies bound to local administration of the Member States of the EU shall be the person of contact for people aiming to migrate.

Furthermore, activities mentioned above are under the responsibility of these agencies likewise the cooperation with local agencies. Since many Member States of the EU have agencies operating in third-countries, they can implement this objective into their activities. Those countries without agencies can provide teaching and establish the foundation for an agency, which should be aimed over the long term. Through regulating the ways of migration flows, THB and all kind of labour exploitation would lose more ground, and each Member States of the EU will have stronger supervising roles.

3.3 Create a Labour Union

Due to the lack of legal framework and possibility to create a Labour Union . It should play an active role in preventing THB victims by giving legal advice to its members and equally supervising the respective companies. This Labour Union would focus on people who are working in a sector where the exploitation is most common (seasonal and general agricultural work, textile production, seasonal services, hospitality, the sex industry and beauty industry).

As a new instrument this Trade Union could add up on the already existing Trade Union within the European Union to include their considerations on THB. Principally undeveloped regions in countries such as Romania, Bulgaria, Hungary, Poland, and third-countries in the Balkans, Ukraine, Nigeria, and Vietnam could be target, among others.

It could be a European labour organization for people affected by THB to guarantee their rights and create a huge negotiating power just by the numbers represented by the labour union. It shall be extended for people working in the sex industry in the countries where the sex industry is judicially legalized. That being said, the main tasks of the Labour Union would be:

1. Ensure and promote advocacy for good working conditions for migrant workers from the EU and third-country nationals;
2. Ensure and provide legal assistance for workers in case of exploitation;
3. Ensure protection of workers, educating them in how to recognize and reporting labour exploitation;
4. Ensure these working unions can be implemented in every type of work and in



- domestic work it is advised to only have a worker from a working union to prevent exploitation;
5. Ensure a working union can educate their workers to aim for better jobs in the future;
 6. Ensure social integration of workers and their family members in the country of destination or in the country of origin;
 7. Ensure that the EU could control the use of an Anti-THB symbol (label). This monitoring could be done also by the Labour Union and the monitoring organization could go by hand in hand in the implementation of an Anti-THB label.

As a communality, people exploited could have more negotiating power and speak for their own causes. The proposal would differ from the existing DIRECTIVE 2014/36/EU in that it applies to EU-citizens and third country national.

3.4 Establish a THB Free Label and the Rise of the Conscientious Consumer

An active interest in conscientious consumerism in Europe is on the rise the prevention of Trafficking in Human Beings can also benefit from this tendency. This policy recommends the extending the EU's pre-existing abuse-free label to set a clear and definable standard for companies seeking to achieve the status of the label.

It also promotes a stronger emphasis and promotion of the label to encourage companies, particularly those within the garment and food production industries with previous reports of human rights exploitations both domestic and abroad.

The THB Free symbol raises awareness on the danger of trafficking in the production of household products, textiles and food as well as encouraging conscientious companies to further promote exploitation free products. The demand for products created as a result of THB will continue to see a decline with further promotion of reliable and positive products. The implementation of the label would focus on the following principles:

1. European based companies submit applications detailing the origin and production of their products as well as a comprehensive description of the working conditions of its workers, similar to that of the global Fair Trade program;
2. The product or company is endorsed through a symbol which can be added to the label of the product to advertise a strong anti-trafficking message and encourage further consumer and corporate responsibility;
3. Companies are encouraged to advertise the 'line of production' involved with individual products;
4. The use of a social media campaign to advertise the establishment of this program and encourage conversation on the topic of THB further encouraged by the EU through official social media.



Additionally, this proposal would recommend the development of pre-existing watch group Better Regulation as an umbrella organization with a specific division monitoring evidence of THB within production lines.

4. Harm Reduction of Trafficking in Human Beings

In the many cases where THB could not have been prevented, there are several measures to minimize the negative effects of THB on victims.

4.1 Harmonization on a European Level and the introduction of a European database

One of the conditions facilitating THB is the lack of a clear definition that is equally applicable in all Member States of the EU. The current definition that all Member States need to apply is stated in Article 3 of the 'Palermo' Protocol of the United Nations:

THB includes “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or a position of vulnerability or of the giving or receiving of payments and benefits to achieve the consent of a person, having control over another person, for the purpose of exploitation”. However, terms such as ‘deception’ or ‘exploitation’ are not precise and often lead to a non-coherent implementation that differs in each Member State.

In the following, a revised definition with more precise and less misleading formulations is presented: “The recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception through lies, half-truths or the lack of awareness of the extent of exploitation, of the abuse of power or a position of vulnerability or the creation of a debt bondage to exercise control and make the victim dependant and compliant for the purpose of economic gain and (physical) exploitation of the victim”. This updated definition is supposed to facilitate both the protection of victims and the prosecution of perpetrators.

Already existing databases such as the Europol Platform for Experts (EPE) and Eurojust, which are mainly used by national governments and EU agencies to share information on security matters. Yet, information about long-term outcomes of human trafficking survivors remains sparse and within the hands of national governments.

Therefore, in order to add an academic dimension to data exchange on a European level, a predominantly academic database needs to be established. This database should –among others – allow for the comparison of findings and enabling of discussions and therefore every research shared in this platform should apply harmonized methodological standards.



4.2 Funding of NGOs and Research

As already mentioned, structural funding is still an enormous problem for non-governmental organisations that work towards tackling THB or in related fields.. The current European funds that support anti-trafficking measures come with major omissions. Due to their limitations in time (maximum of 36 months) and scale they can only partially contribute to fight THB. Under the current conditions NGOs have to compete for grants, which necessarily results in an increasing administrative focus on funding applications while it mitigates the NGO's original purpose of fighting THB. Therefore a common European Anti-trafficking Fund is proposed here that would serve to:

1. Cover occurring grants in form of psychological assistance and financial assistance and others;
2. Facilitate grants to NGOs as well as their application procedure for grants;
3. Reduce competition among NGOs and enhance allocation of funds towards victims assistance.

In addition, research on this phenomenon shall be conducted. Researchers will be focused on identifying innovative solutions to prevent and fight exploitation of persons. In particular, there are certain aspects of THB that are not analysed yet (victim's point of view, trafficker's point of view, ethnographic and cultural studies of THB). Answers and solutions could arise from funding research.

4.3 Strengthening Awareness in the Countries of Destination

General training and education on issues relating to THB should be increased and provided. Informational campaigns should be conducted in schools, universities and workplaces on a yearly basis. Individual and professional social media (Facebook, Instagram, Twitter and LinkedIn) should be employed to engage in online awareness campaigns (see Tinder's anti-trafficking campaign). Advertisement of THB should be increased in newspapers, television and the internet.

Specific training for professional categories (police, medical staff, public transport staff, school staff and border control officers) that are most likely to come in contact with trafficked persons should be enhanced. For instance, 88% of victims of sex trafficking have reported contact with health care providers during their period of exploitation. Thus, various professions have the opportunity to recognize potential indicators of exploitation, identify victims and appropriately respond to the situation. Research has shown that possible indicators of human trafficking are the following: vagueness of answers, no control of money, lack of identification and travelling documents, fearful and stressed behaviour, lack of cohesive history, substance use, attention deficit, infertility, malnutrition, depression, dishevelled appearance, visible injuries or scars (see Annex). Once the victim is identified, the concerned person should be able to manage the situation in a culturally appropriate,

victim-centred, trauma-informed approach.

4.4 Reporting and Signalling of Trafficked Victims

Due to daunting issues of THB, the reporting and signalling of victims should not be left to government agencies alone. Several steps should be taken to allow private individuals to be involved in the process of reporting any case of trafficking in human beings they come across/experience. Although in 2006 the European Parliament proposed the creation of a single free European hotline/helpline for victims, this initiative has been left unfinished due to financial constraints and a lack of enthusiasm on the part of Member States of the EU. The proposal included the introduction of a single European number that would allow victims with assistance. Since this hotline/helpline project has not been updated, the following should be considered:

1. Previous studies, namely the Feasibility and Assessment Study on a European Hotline for Victims of Trafficking in Human Beings, should be revisited and implemented;
2. Europol would be responsible for the supervision and control of the hotline;
3. The hotline would be open to European and third-country nationals situated in the territories of the European Member States;
4. The hotline would be financed by the above mentioned EU fund.

In line with the finalisation of the hotline, an application ('app') locals can download on their phones should be introduced. This measure would increase the speed and improve the facility of reporting trafficking crimes. The 'app', which would also be supervised by Europol, would function in the following way:

1. People would be able to send visual images of suspected trafficking activities;
2. The collected data would be directed and supervised by Europol;
3. Information and images submitted through the 'app' would be erased from the device of the reporter to avoid wrongful usage.

To ensure that the reported situation is in accordance with the characteristics of trafficking in human beings, users of the 'app' should go through a checklist. The latter will contain options of signs of violence (bruises, physical injuries), neglected or dishevelled appearance, shock (a permanent state of shock without the ability to cry), inability to speak with individual alone, under aged and into prostitution, answers appears to be scripted and rehearsed, etc.

4.5 Permanent Residence Permit

Despite the introduction of National Rapporteurs assistance to victims of THB still differ within the European Union in major inconsistencies among the member states. Belgium, for example, has a structured assistance system for victims while other countries do not have the same mechanism. The government and NGOs are working together to assist victims on their integration in the local community, focusing on empowering them and preventing their re-victimization.

Pag-asa, one of the centres for victims of THB in Belgium, accompanies the victims during the criminal proceedings against their perpetrators, while helping them economically and legally. Other centres and NGOs in Europe, however, have problems in financing its activity. Certainly, more harmonisation of common means and measures shall be done. The European Commission could advise Member States to take a victim-centred approach.

In order to receive the status of victim of THB, it is not necessary that the prosecution of the trafficker be concluded. Other forms of evidence shall be analysed. Apart from the testimony of the victim or his/her written statement, other forms of evidence shall be considered first, to avoid direct contact between the trafficked person and the trafficker. In particular, medical check-up, third and external party witnesses, and financial traces shall be considered as primary evidence.

Independently from the conviction of the trafficker, the victims of Trafficking in Human Beings shall be issued a permanent residence permit in the destination country, valid for 5 years. This is applied to third-country nationals but also to European citizens (as expressed in the European Directive 2004/38/EC), that wish to stay in the country of destination. It may be renewed, after the victims satisfy the economic and social conditions in each Member State

5. Conclusion

The EU should enhance combating Trafficking in Human Beings in a twofold approach that focuses on harm reduction and prevention of THB. For the purpose of prevention this will be realized through:

1. Raising awareness in countries of origin;
2. Supporting regular ways of migration;
3. Establishing labour unions for the purpose of representing and assisting victims;
4. Initiate a qualitative label.



In the context of harm reduction, it was proposed to:

1. Harmonize European Anti Trafficking policies on European level;
2. Increasing structural funding;
3. Strengthening awareness of THB in countries of destination;
4. Extending residence permit to victims of THB on a European level.

Annex

Indicators for medical staff:

- Injuries
- STIs (HIV/AIDS, PID)
- Pregnancy and complications
- Infertility
- Ectopic pregnancy
- Substance use
- Malnutrition and dehydration
- Nonsexual infections
- Untreated chronic medical conditions
- Chronic pain
- Fatigue
- Dental complications
- PTSD
- Major depression
- Suicidality
- Anxiety disorder
- Aggression
- Trauma bonds
- Attention deficit
- Hyperactivity
- Somatization

Indicators for public transport officers:

- Lack of identification and travelling documents
- Poorly dressed and dishevelled
- Stressed and fearful
- Inability of talking to the individual alone
- Answers appeared to be script
- No eye contact
- Visible bruises
- Lack of luggage
- Lack of the knowledge on the direction
- Strong appetite
- No knowledge of the name of the person they are travelling with

Indicators for educational staff:

- Unclear familiar and living situation
- Depression
- Poor communication skills
- Attention deficit



- Hyperactivity
- Fatigue
- Signs of abuse
- Tense posture
- No eye contact
- Poorly dressed
- Strong appetite
- Answers appeared to be script

Indicators for border control officers:

- Answers appear rehearsed and vague
- Lack of identification and travelling documents
- Poorly dressed and dishevelled
- Stressed and fearful
- Inability of talking to the individual alone
- No eye contact
- Visible bruises
- No control over money
- Disheveled appearance

Indicators for police officers:

- Answers appear rehearsed and vague
- Lack of identification and travelling documents
- Poorly dressed and dishevelled
- Stressed and fearful
- Inability of talking to the individual alone
- No eye contact
- Visible bruises
- Substance use
- Disheveled appearance

Questions one could ask a potential victim:

- Have you ever been asked to exchange sexual favours for food, shelter, or any other things you need?
- Have you ever been forced to engage in sexual relations without your consent?
- Has anyone ever asked you to have sexual relations with someone else in exchange for money or other favours?
- Has anyone ever taken sexual pictures of you or posted such pictures on the internet?
- Have you ever worked without getting the payment you thought you would get?
- Have you ever worked or done other activities that were different from what you were promised or told?

- Have you been made to work under unfavourable conditions?
- Have you ever felt scared or unsafe while working?
- Would you be able to leave your job if you want to?
- Have you been hurt and threatened (physically and psychologically) if your tried to leave?
- Are you in possession of your own passport?
- Are you in debt with your employers?

A trauma-informed, victim-centred and culturally appropriate approach should be employed once potential victims or victims are identified:

- Act in a sensitive manner to avoid putting at risk the victim, him/herself and the rest of the staff
- Alert law enforcement authorities immediately
- Offer assistance to the victims
- Allow victim to provide information voluntarily
- Ensure confidentiality of information gained