

Denmark 2007

Social aspects of human trafficking

Synthesis Report

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Executive summary

Since the introduction of a legally binding broad definition of trafficking in human beings that includes all forms of exploitation in the EU framework decision of 2002, Member States are confronted with a variety of different individuals who qualify for protection programmes.

Anti-trafficking policies present a complex set of different policies that underwent multitude discursive changes during the last century. In the EU context, instruments stress the criminal legal approach to anti-trafficking policies. The need to include a social dimension into these policies had been stressed by the Danish government during several occasions in the last years. As a result, governance tools and political processes should be combined from all relevant EU institutions and policy areas, including Employment, Social Policy, Health and Consumer Affairs, Justice and Home Affairs, and External Relations.

Description of the main elements of the policy

The following components highlight a policy framework enabling the promotion of social inclusion of all trafficked persons. This framework serves as a basis for discussion within the Peer Review process. Consequently, it is designed for consideration of all participating EU Member States.

- **Identification of presumed trafficked persons**

In order to build confidence and trust, and to establish contacts with presumed trafficked persons, the components listed below should be developed within the support system:

- Outreach work (by governmental and non governmental social workers, labour inspectors, health care workers etc.);
- Hotlines;
- Community policing.

- **Cooperation**

Cooperation agreements between law enforcement agencies and non-governmental service providers have proven to be an effective tool to refer trafficked persons to protection services. They contribute to the transformation of an exploited person from a clandestine sector with an irregular status into a valid claimant for services.

- **Assistance to trafficked persons**

Assistance and protection services include financial support, sheltering/housing and specialised counselling.

- **Durable solutions: social inclusion in countries of destination and origin**

The traditional approach in all anti-trafficking measures is to return trafficked persons to their country of origin once all criminal and administrative procedures are being pursued. This concept of returning and reintegrating people has been re-thought due to security and human rights concerns. During the last years regional initiatives such as the EU and the Council of Europe developed further tools to guarantee the human security of trafficked persons and to spur their social inclusion such as issuing residence permits, conducting a risk assessment, safeguarding the integrity of personal data and ensuring their right to compensation and remuneration.

- **Coordination, Monitoring and Evaluation**

All anti-trafficking measures have to be monitored, negotiated and coordinated on a frequent basis. Numerous Member States and regional and international organisations have developed methodologies that enable national and local stakeholders to assess, monitor and evaluate existing activities. Setting up an institutional anti-trafficking framework, including a cross-sector Round Table and appointing a national governmental co-ordinator on trafficking, ensures a participatory approach.

The national context

Denmark developed two Action Plans. One covered the time period of 2002-2007, including an amendment towards the protection of children in 2005, and the second Action Plan was adopted in 2007. The first Action Plan had a strong focus on the provision of outreach work for national and foreign women working in prostitution. While the impact had been regarded positive, the new action plan has improved implementation of anti-trafficking measures, including reinforcement of investigation against and prosecution of traffickers, broadening social services for trafficked persons, conducting awareness raising activities aimed at reducing of demand and increasing knowledge of trafficking in the general public, and fighting root causes through international cooperation.

The current anti-trafficking instruments in Denmark comprise all areas of a holistic approach, including a broad network of identification procedures, cooperation agreements between governmental and non-governmental actors, assistance and protection programmes and social inclusion efforts in countries of origin. Coordination, monitoring and evaluation of existing policies are being carried out by the governmental based Anti-trafficking Centre.

Relevance and transferability aspects

While the similarities of anti-trafficking policies in EU Member States can be found in the adoption of the Palermo Protocol's definition in their respective criminal codes, the social policy dimension, however, differs widely. Therefore, many components of the Danish anti-trafficking strategies have been discussed under the aspect of transferability, including the sophisticated system of identification procedures, that comprises hotlines, outreach work and counselling.

Peer countries discussion

The common experience of decreasing figures of identified trafficked persons and increasing numbers of trafficked persons declining the offered services in the peer countries was subject of a thorough analysis. Lacks were reported in a joint understanding of the concept of exploitation by authorities and service providers. The gaze on trafficked persons is predominantly influenced by victims stereotypes and profiling caused by images used in anti-trafficking awareness raising campaigns. Trafficked persons may not be identified as such if they act differently as the images suggest.

Social inclusion policies have to take place as well in countries of origin and destination due to the high risk to human security once a trafficked person has been returned to the country and situation from which he or she has been trafficked.

1. EU context

The social dimension of anti-trafficking policies was a central focus during a meeting of the Ministers for Social Affairs in the Nordic Countries and the Baltic Sea Countries in October 2006. As a further step, in April 2007 the Danish Ministry for Social Affairs organised a “Stop Trafficking Camp – Boosting the Social Dimension” to spur the process of including the social dimension into the anti-trafficking policies at EU level.¹

Since the European Commission Directorate General on Freedom, Security and Justice is the main mandated body to develop anti-trafficking measures within the EU Commission, the Danish initiative, including the Peer Review process, can function as a bridge to enable a comprehensive policy to combat trafficking in the EU. This policy could combine governance tools and political processes from all relevant EU institutions and policy areas, including Employment, Social Policy, Health and Consumer Affairs, Justice and Home Affairs, and External Relations.

Due to recent developments in the EU such as the introduction of a legally binding broad definition of trafficking that includes all forms of exploitation and the EU enlargement in 2004 and 2007, a lot of Member States are confronted with a variety of different individuals who qualify for social protection programmes provided under the anti-trafficking framework. Trafficked persons in the EU Member States can include EU citizens or even EU nationals, sexually exploited people, children being forced to beg or to steal, regular or irregular migrants exploited in agricultural work, domestic services, constructions sites etc.

The new framework for the Open Method of Coordination (OMC) as outlined in the Council's Joint Report on Social Protection and Social Inclusion may provide with an effective tool to promote the social inclusion of the aforementioned vulnerable groups of trafficked people.

It foresees following overarching challenges for policies in the social protection and inclusion fields:

- Promote social cohesion and equal opportunities for all through adequate, accessible, financially sustainable, adaptable and efficient social protection systems and social inclusion policies;
- (c) Strengthen governance, transparency and the involvement of stakeholders in the design, implementation and monitoring of policy.²

Moreover, the Joint Report also proposes guidelines that allow to mainstream specialized anti-trafficking instruments into existing political institutions and processes. This would contribute to a more holistic and comprehensive approach in an overall anti-trafficking strategy:

- “Challenges for the future include the need for Mainstreaming – i.e. to better integrate the NAPs with national policy making, including budgetary processes, and with the revised Lisbon process; better governance - i.e. better mobilization of actors and links between different levels

¹ For this chapter, see Uhl, Bärbel: Discussion paper. Peer Review Social Aspects of Trafficking. 2007. <http://www.peer-review-social-inclusion.net/peer-reviews/2007/social-aspects-of-human-trafficking>

² Council of the European Union, Joint Report on Social Protection and Social Inclusion, Brussels 13 March 2006 7294/06, p. 3.

(national, regional and local) of government and clearer responsibility for implementation, monitoring and evaluation; and better links between the NAPs for inclusion and the Structural Funds, in particular the European Social Fund and the European Regional Development Fund.”³

A major attention should be drawn to the eradication of poverty as one of the root causes of trafficking within the EU and between the EU and third countries. The new common objectives from 2006 included in the framework for social protection and social inclusion process and adopted by the European Council in 2006 highlight the importance of poverty reduction and call for action in the Member States:⁴

“A decisive impact on the eradication of poverty and social exclusion by ensuring:

- (d) access for all to the resources, rights and services needed for participation in society, preventing and addressing exclusion, and fighting all forms of discrimination leading to exclusion;
- (e) the active social inclusion of all, both by promoting participation in the labour market and by fighting poverty and exclusion;
- (f) that social inclusion policies are well-coordinated and involve all levels of government and relevant actors, including people experiencing poverty, that they are efficient and effective and mainstreamed into all relevant public policies, including economic, budgetary, education and training policies and structural fund (notably ESF) programmes.”

Anti-trafficking policies presents a complex set of different policies that underwent multitude discursive changes during the last century. In 1904, an international convention defined trafficking as “modern slavery for immoral purposes”.⁵ During the following decades different policy areas touched upon trafficking, such as **forced labour** (ILO Convention 1930 and 1957), **prostitution** (UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949), **discrimination and violence against women** (UN Convention on the Elimination of all Forms of Discrimination against Women 1979), **migration** (UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families), and **transnational organised crime** (UN Convention against transnational organised crime, 2000).

By signing the latest Convention, the UN Convention against Transnational Organised Crime and its Protocol (Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime, 2000), the international community firstly agreed to a legally binding definition of trafficking in human beings. Any legal regulations regarding the administration of prostitution has been left to the respective authorities of each state party.

³ see note 1, p. 11.

⁴ http://ec.europa.eu/employment_social/social_inclusion/docs/2006/objectives_en.pdf

⁵ International agreement for the suppression of the white slave trade, Paris 1904 (Wijers/Lap-Chew 1997).

EU law

At the EU level, the UN Palermo Definition was adopted in the Framework Decision of 19 July 2002 on combating trafficking in human beings approximating the criminal laws of the Member States. In 2004, the Directive on a temporary residence permit for victims of trafficking who cooperate with the authorities created another legally binding anti-trafficking tool within the EU framework.⁶

Both instruments stress the criminal legal approach to anti-trafficking policies in the EU.

An attempt to broaden this approach has been made in 2005 by submitting the Communication from the Commission to the European Parliament and the Council.⁷ The Communication refers to the recommendations of the comprehensive Report of the European Experts Group on Trafficking in Human Beings that was handed over to Commissioner Frattini in December 2004.⁸

The holistic and integrated policy approach to combat trafficking was as well reflected in the EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings that was adopted in December 2005.⁹

In 2007, the Experts Group on Trafficking in Human Beings advised the European Commission on the elaboration of an Assessment Manual to measure responses to trafficking in human beings in the European Union. This document translates the recommendations of the Experts Group's Report into concrete governmental activities. The thematic expert of this Peer Review suggests to the EU Member States to use this Manual also in order to assess social inclusion policies under the framework of trafficking.¹⁰

In October 2007, the European Commission Directorate General Freedom, Security and Justice published a draft paper on Recommendations on the identification and referral to services of victims of trafficking in human beings.¹¹ These recommendations were inspired by the OSCE concept of National Referral Mechanisms. The EU Action Plan (2005) to combat trafficking proposed to its Member States to review an adoption of the OSCE National Referral Mechanisms principles for the EU region.

⁶ Directive on the residence permit issued to third-country nationals victims of trafficking in human beings or to third country nationals who have been the subjects on an action to facilitate illegal immigration who cooperate with the competent authorities, Council Document 14994/03 MIGR101.

⁷ Commission of the European Communities, Communication from the Commission to the European Parliament and the Council, Fighting trafficking in human beings – an integrated approach and proposals for an action plan. Brussels, 18. 10. 2005, COM(2005) 514 final.

⁸ Report of Experts Group on Trafficking in Human Beings (Brussels, 22 December 2004), published on the website of the Commission, DGJLS
http://ec.europa.eu/justice_home/doc_centre/crime/trafficking/doc/report_expert_group_1204_en.pdf

⁹ Official Journal of the European Union, Council, EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings. 9. 12. 2005, C 311/1.
<http://europa.eu/scadplus/leg/en/lvb/l14168.htm>

¹⁰ Mike Dottridge, Consultancy for Directorate-General Justice, Freedom and Security, European Commission, Measuring Responses to Trafficking in Human Beings in the European Union: an Assessment Manual, Draft Text for the Meeting on the EU Anti-trafficking Day, Brussels 18 October 2007.
http://ec.europa.eu/justice_home/news/events/anti_trafficking_day_07/indicators_manual.pdf

¹¹ European Commission Directorate General Freedom, Security and Justice: Draft Recommendations on the identification and referral to services of victims of trafficking in human beings. Conference Handout: Anti-Trafficking Day, Trafficking in Human Beings: Time for Action! Brussels 18 October 2007.
http://ec.europa.eu/justice_home/news/events/anti_trafficking_day_07/mecanismos_manual.pdf

Other European instruments

The Council of Europe Convention on Action against Trafficking in Human Beings is the first regional instrument that includes legally binding victims' protection provisions. It was signed in Warsaw 2005 and will enter into force on 1 February 2008.¹²

The OSCE's Action Plan to Combat Trafficking in Human Beings (2003) recommends that OSCE participating States establish National Referral Mechanisms by building partnerships between civil society and law enforcement, creating guidelines to properly identify trafficked persons, and establishing cross-sector and multidisciplinary teams to develop and monitor anti-trafficking policies. The concept of an NRM embraces a co-operative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons.¹³

Description of the main elements of the policy

Trafficked persons are socially excluded in multiple ways: due to their potential irregular residential status trafficked persons often face custody or deportation. This might prevent them to identify themselves as victims of a severe crime towards the respective authorities. As a result, trafficked persons remain invisible as victims of a crime and serious human rights violations.

In addition, the crime of trafficking takes place in informal, unprotected, unregulated and/or clandestine sectors, including, private households, sex-industry, restaurants, agricultural and construction sites. Therefore, elements of social inclusion policies have to be established prior, during and after a trafficked person has been identified by authorities or identified her/himself as a trafficking victim.

In order to promote a stronger visibility and participation of trafficked persons, it is suggested to include existing European mechanisms as an integral part of a social inclusion policy.

The existing European legal and political tools aiming at the protection of trafficked persons shall be reviewed and systematically comprised.

Legally binding EU instruments specialised on anti-trafficking policies were developed in the area of Justice and Home Affairs. Therefore, administrative and legal actions to protect trafficked persons are mainly developed in the light of their function as victim-witness in a criminal procedure.

A different approach has been undertaken in the Council of Europe Convention on Action against Trafficking in Human Beings. It contains victim's protection provisions that are not conditioned to potential cooperation with law enforcement agencies.

As the Council of Europe includes all EU Member States, this legal instrument will be one of the main pillars in the forthcoming description. The Convention will be supplemented by political documents of the EU and the OSCE, such as the European Experts Group Report, the Experts Group Opinions, the EU plan on best practices, standards and procedures for combating and preventing trafficking in human

¹² Council of Europe Convention on Action against Trafficking in Human Beings and its Explanatory Report. No.197. Warsaw 16. 5. 2005, <http://www.coe.int/trafficking>

¹³ Kröger, Theda; Malkoc, Jasna; Uhl, Bärbel Heide: National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook. OSCE/ODIHR Warsaw 2004.

beings, the European Commission draft Recommendations on the identification and referral to services of victims of trafficking in human beings, and the OSCE National Referral Mechanism.

Where applicable, the respective policy components will be illustrated by the relevant policy tool elaborated during the “Stop Trafficking Camp – Boosting the Social Dimension” as organised by the Danish Ministry of Social Welfare in April 2007.

Following components should highlight a policy framework enabling the promotion of social inclusion of all trafficked persons. This framework should serve as a basis for discussion within the Peer Review process. Consequently, it is designed for consideration of all participating EU Member States.

Identification of presumed trafficked persons

Presumed trafficked persons may be identified either by governmental actors, including law enforcement or by NGOs and local social-welfare organisations, particularly if they are trained and if a system of referral is in place. An identification process is a long and complex procedure due to the complexity and variety of relationships in the crime of trafficking as well as the use and threats of violence. Therefore, it has been proven as a good practice for authorities to refer people to relevant support and counselling centres once they face a slightest suspicion that there might be elements of trafficking involved. The referral of “presumed trafficked persons” to support structures allows the authorities to postpone a status definition to a later stage and to collect further evidence while guaranteeing the human rights protection of a vulnerable person.

In order to build confidence and trust, and to establish contacts with presumed trafficked persons, the components listed below should be developed within the support system:

- Outreach work (by governmental and non governmental social workers, labour inspectors, health care workers etc.);
- Hotlines;
- Community policing.

Legal/administrative prerequisite: establishment of a reflection period

The establishment of a reflection period protects the presumed trafficked person from custody and deportation. It is an integral part of the identification process.

Cooperation

Cooperation agreements between law enforcement agencies and non-governmental service providers have proven to be an effective tool in a National Referral Mechanism. They contribute to the transformation of an exploited person from a clandestine sector with an irregular status into a valid claimant for services. Therefore, cooperation agreements are one of the technical core measures in an overall social inclusion policy.

Assistance to trafficked persons

Financial support

There are two main models for providing financial assistance to presumed trafficked persons: it can be administrated either by direct support through existing social welfare programmes or by support provided to organisations and institutions carrying out support and protection services.

Sheltering/housing

The provision of safe housing and shelter is not necessarily bound to a certain premise. A flexible system of different types of accommodation is more likely to meet the divers needs of presumed trafficked persons. Even though housing should be carried out in respect to high security standards, presumed trafficked persons should be always entitled to move about freely.

Specialised services

Specialised counselling can be offered within the framework of outreach work or in the premise of a Drop-In Centre. In general, counselling should be offered in areas, including health care, psychological assistance, legal assistance, education and vocational training, employment assistance, and support in dealing with authorities.

Durable solutions: social inclusion in countries of destination and origin

The traditional approach in all anti-trafficking measures is to return trafficked persons to their country of origin once all criminal and administrative procedures are being pursued. It has been proven, however, that returning to the same environment from which a trafficked person has been recruited leads to forms of re-trafficking. Therefore, the concept has to be re-thought of returning and reintegrating people. During the last years regional initiatives such as the EU and the Council of Europe developed further tools to guarantee the human security of trafficked persons and to spur their social inclusion such as issuing residence permits, conducting a risk assessment, safeguarding the integrity of personal data and ensuring their right to compensation and remuneration.

Residence rights

Trafficked persons should be entitled to short and long-term residence permits in order to fully enjoy the access to human rights and justice. Granting of residence rights should not be conditional on the trafficked person's ability and willingness to function as a witness in a criminal trial.

Risk assessment

The return of a trafficked person to his or her country of origin occurs in most cases after the expiry of the reflection period due to the lack of alternative solutions. In some cases returning to the country of origin may imply serious threats by the criminal gangs and severe human rights violations. Therefore, prior to return and reintegration measures a procedure should be established to ensure that any return of trafficked persons takes place in safety and with dignity.

Data protection

To safeguard the integrity of personal data is a crucial recommendation in return and social inclusion programmes. Personal data include name, date of birth, place of birth, address, first names of parents etc. In the context of trafficking the storage of the victim's personal data is often combined with detailed information on the course of the crime and the nature of the exploitation. This combination of personal data and information of the crime may lead to the possibility that a person can be traced down e.g. as a former prostitute and a victim of sexual violence during the social inclusion process and beyond.

Compensation and Remuneration

A human rights approach to anti-trafficking measures includes among others access to justice and to private actions and reparations.

Despite clear international provisions on remuneration for forced labour (including the ILO Convention from 1931), the restitution for exploitative services and labour of trafficked persons is quite neglected in the current anti-trafficking policies.

Coordination, Monitoring and Evaluation

All activities of social inclusion as described in the previous chapter should be monitored, negotiated and coordinated on a frequent basis. Numerous Member States and regional and international organisations have developed methodology that enables national and local stakeholders to assess, monitor and evaluate existing activities. Setting up an institutional anti-trafficking framework, including a cross-sector Round Table and appointing a national governmental co-ordinator on trafficking, ensures a participatory approach.

2. National context

The Danish anti-trafficking policies include comprehensive measures in the area of preventing domestic and international trafficking in persons, investigation against and prosecution of perpetrators as well as providing social support to victims.¹⁴

The majority of identified persons in Denmark are women trafficked into sexual exploitation. They are partly of African and Eastern European origin but there is a significant number of EU citizens among identified trafficked persons in Denmark.

Denmark developed two Action Plans. One covered the time period of 2002-2007, including an amendment towards the protection of children in 2005, and the second Action Plan was adopted in 2007.

¹⁴ See also: Ministry of Welfare: Social Aspects of human trafficking. Host Country Report. 2007. <http://www.peer-review-social-inclusion.net/peer-reviews/2007/social-aspects-of-human-trafficking>

The first Action Plan had a strong focus on the provision of outreach work for national and foreign women working in prostitution. While the impact had been regarded positive, following areas had been defined to be of a greater concern:

- Cross-sector cooperation between governmental and non-governmental social organisation and law enforcement agencies, and other governmental agencies;
- Coordination of social work and monitoring its quality standards;
- To interlink outreach work for trafficked persons with ongoing initiatives of outreach work for women in prostitution;
- To counteract the existing decline of assistance programmes in countries of origin by trafficked persons;
- To promote international efforts.

The current Danish Action Plan 2007-2010

The new Action Plan is determined by 2010 and focuses on four areas:

- Reinforcement of investigation against and prosecution of traffickers;
- Improving of social services for trafficked persons;
- Awareness raising activities aimed at reducing of demand and increasing knowledge of trafficking in the general public;
- Prevention through international cooperation.

The Action Plan includes initiatives such as broadening social services to all trafficked persons, strengthening repatriation, highlighting the social dimension in anti-trafficking efforts through EU institutions, and reaching out to presumed trafficked persons in different geographical areas.

In concrete terms, following activities are being carried out under the new Action Plan:

Identification of presumed trafficked persons

Outreach work: Comprehensive outreach work is being conducted throughout Denmark. It is not solely focused on the target group of presumed trafficked women but tied into general outreach efforts to women working in prostitution. Social workers are closely cooperating in multi-disciplinary teams with police and municipalities.

Drop-In Centres: Meeting places are being established to enable presumed trafficked persons to exchange among themselves and with social workers, health personnel and legal advisors.

Reflection period: Trafficked persons who are willing to cooperate with authorities on the preparation on their return are granted a reflection period of maximum 100 days.

Hotline: a 24 hours hotline is being established to provide information for trafficked persons, clients of prostitutes, and professionals.

The outreach work in order to identify presumed trafficked persons is closely interlinked with the activities of the Competence Centre Prostitution that offers social services for prostitutes in general.

Assistance

During the reflection period, trafficked persons are entitled to receive safe accommodation, health care treatment, psychological help, legal assistance and socio-pedagogical assistance.

Durable Solutions: Social inclusion in countries of origin and destination

Compensation/remuneration: According to section 26, article 1, in the Danish Liability for Damages Act, a person who is liable for unlawful violation of someone's freedom, privacy, honour or person, is due to pay the injured party compensation. At present, there have been very few cases of compensation in connection with human trafficking.

Coordination, Monitoring and Evaluation

Anti-trafficking Centre: The Centre is based at the Ministry of Social Affairs and carries out different tasks:

- coordination and quality control of social services provided to presumed trafficked persons;
- cooperating with all relevant stakeholders in order to mainstream anti-trafficking activities into existing programmes;
- elaborating an annual report on the state of art of trafficking in human beings in Denmark, including figures and other information on the crime;
- initiating local cross-sector groups (social workers, police, authorities);
- educating professionals (social workers, police etc.);
- developing programmes for prepared return;
- establishing/developing services for presumed trafficked persons (for example a drop in centre for migrant prostitutes in Copenhagen).

3. Relevance and transferability aspects

While the similarities of anti-trafficking policies in EU Member States can be found in the adoption of the Palermo Protocol's definition in their respective criminal codes, the social policy dimension, however, differs widely.

Identification procedures, for instance, vary from a broad range of combining different stakeholders into a network for identifying presumed trafficked persons including outreach work, hotlines and community policing, to a solely law enforcement approach. The access to protection and assistance programmes is in some Member States conditional on the willingness of the presumed trafficked person to cooperate with authorities either on criminal proceedings or on repatriation. In other Member States there are possibilities to enter protection programmes without fulfilling further requirements.

The reflection period is being issued in Europe in different manners both in terms of quantity and quality. While some countries like Latvia determine the timeframe of a reflection period to 30 days, Denmark for instance enlarged its reflection period up to 100 days.

The peer countries offer similar services for trafficked persons within their protection and assistance programmes, such as safe housing and medical, psychological and legal counselling.

Differences occur in the area of providing durable solutions: access to residence regimes are being offered in some European countries as for instance in Norway, while in other countries policies aim at repatriating trafficked persons.

Compensation and remuneration procedures exist in most of the European countries, however, the adoption of these regulations to the specific needs of trafficked persons fails to be institutionalised in many European countries.

Bodies to coordinate, monitor and evaluate anti-trafficking efforts are being set up in the majority of the peer countries, however, the format and nature of those bodies are at variance. Denmark and Norway for example set up an institutionalised entity (the Anti-trafficking Centre and KOM - Coordination Unit for Human Trafficking) to coordinate and monitor activities to combat trafficking in human beings. In other European countries, such as Poland, multi-disciplinary and cross-sector teams are being created out of the crucial stakeholders to supervise and monitor the implementation of the policies.

3.1. Peer countries' comments

Greece

Greece has a similar system of victims' support in place like Denmark, however, the entry to support structures are conditioned on the willingness of the trafficked person's to cooperate with law enforcement agencies.

It further differs from the Danish system in focusing mainly on the crime aspect of anti-trafficking policies.

In terms of transferability, Greece stated that the new anti-trafficking initiative of Denmark could be adopted in Greece as well. It has to be taken into consideration, however, that the situation of trafficking in human beings is different in Greece both in qualitative and quantitative terms. The number of identified cases is significantly higher in Greece and the geo-political position varies to a great amount.

Moreover, there is a lack of interest towards trafficking in human beings in the Greek public.

Latvia

Latvia adopted regulations on procedures to enter assistance programmes for trafficked persons and guidelines on identification of presumed trafficked persons. Service provider organisations cooperate with a multi-disciplinary team to monitor identification procedures.

Identification of trafficked persons, however, remains a significant challenge due to multi-faceted reasons:

- lack of self-identification by trafficked persons;
- lack of information on existing support structures and opportunities;
- lack of trust towards the confidentiality of service providers and law enforcement agencies;
- fear of stigmatisation by society.

A reflection period of 30 days is being issued to presumed trafficked persons.

The access to assistance structures requires a scale of different administrative and bureaucratic documents. There is no specialized shelter for trafficked persons due to the low number of identified cases.

Third country nationals who become victims of trafficking in Latvia are entitled to a residence permit of a minimum of 6 months once they cooperate with the competent authorities.

During an annual monitoring anti-trafficking measures are being assessed by a cross-sector and multi-disciplinary group, that includes governmental and non-governmental actors.

Norway

Anti-trafficking measures in Norway gained strength with the adoption of an Action Plan in 2003.

It has a similar approach to Denmark. Identification procedures include outreach work carried out by non-governmental service providers in close cooperation with municipalities. Moreover, a hotline operating 24 hours provides with advice to and referrals of presumed trafficked persons. Identification procedures are as well interlinked with the provision of social services to prostitutes in general. In addition, outreach work for prostitutes, reception centres of asylum seekers and law enforcement agencies refer presumed trafficked persons to the service provider organisation.

Presumed trafficked person have access to a reflection period of 6 months unconditionally, that can be prolonged to one year in case the affected person is willing to cooperate with law enforcement agencies. Once entered the reflection period the person is entitled to access the labour market.

The ROSA assistance project for trafficked persons coordinates assistance to individuals and provides safe housing. There is an integrated shelter system in Norway including shelters for victims of domestic violence as safe accommodation for trafficked persons.

In terms of coordination and monitoring, Norway established a Coordination Unit for Human Trafficking "KOM" in 2006, similar to the Anti-trafficking Centre in Denmark. It provides support and coordination on a case by case basis and aims at building competences on a local level. KOM is based at the Police Directorate.

In general, there is a huge potential of transferability of policies between Norway and Denmark as both policies include and stress on social aspects.

Poland

Poland adopted an Action Plan in 2003 comprising data collection, prevention activities, legal measures, and victim/witness protection. The implementation of the Action Plan is carried out by a cross-sector and multidisciplinary team of governmental and non-governmental actors. Moreover, the social dimension of anti-trafficking policies is reflected in a joint governmental and non-governmental programme IRIS (Identification-Reintegration-Independence-Sustainability). It aims at the inclusion of trafficked persons into the labour market.

Identification procedures contain referrals by law enforcement agencies to the specialised anti-trafficking NGO La Strada. In addition, La Strada runs a hotline in Polish, Russian and Vietnamese language. Outreach work is carried out for people working in the sex industry in major Polish cities. There is a reflection period accessible for presumed trafficked persons up to 60 days.

Assistance is provided to all trafficked persons, nationals and migrants, under different provisions. The Alien Law guarantees access to support structures for migrants while state welfare centres offers assistance to nationals. La Strada makes support accessible to all trafficked persons.

Victims of trafficking can claim for compensation in a civil action or a criminal procedure in Poland. There are several aspects of the Danish approach that could be transferred to the Polish situation, including international cooperation.

Slovakia

Slovakia launched an Action Plan in 2006. It focused on strengthening investigation and prosecution efforts as well as the establishment of a multi-disciplinary system of support structures for trafficked persons. One of the outcomes of the first Action Plan was the appointment of a National Coordinator for Combating Trafficking in Human Beings based in the Ministry of Interior.

In 2007, a mechanism has been introduced to carry out a pilot support programme for trafficked persons in cooperation with the Ministry of Interior and the NGOs Dotyk and Prima and Storm. While the first is in charge of providing assistance to victims, the latter are the lead organisations in charge of identifying trafficked persons and offering first assistance.

A reflection period of 40 days is issued to trafficked persons and can be renewed in case the person affected is willing and able to cooperate with law enforcement agencies. As approved by the Ministry of Labour, Social Affairs and Family 2005, the International Organisation for Migration implements return and reintegration programmes.

Slovakia is particularly interested in the Danish anti-trafficking Centre that coordinates and monitors quality standards of social services.

3.2. Stakeholder comments

Samilia Foundation

In 1995 anti-trafficking legislation was adopted in Belgium to set the ground for comprehensive policies to prosecute traffickers and to protect trafficked persons.

Presumed trafficked persons have access to a reflection period of 45 days to decide whether to cooperate with law enforcement authorities. During the reflection period, they have access to safe housing as well as to legal, social and medical counselling. Three specialized shelters in Belgium are entitled to carry out services and to implement the social dimension of the anti-trafficking policies.

Once a trafficked person has decided to cooperate with law enforcement agencies he or she is entitled to a short term residence right and to access the labour market as an officially acknowledged trafficked person. They are not allowed, however, to contact the alleged traffickers or to work in prostitution while having this status.

The number of identified trafficked persons declined significantly during the last years. Moreover, less persons are willing to enter the status of a "trafficked persons" due to multifaceted reasons:

- The acceptance of exploitative working conditions seems to be higher due to decreasing use of violence and increasing amount of payments;
- Penalties for traffickers are not fully enforced so trafficked persons are being discouraged to function as a witness in a trial;
- Trafficked persons are not allowed to work in the sex industry once they entered the protection programmes. This may deprive them to earn money;
- Presumed trafficked persons for the purpose of sexual exploitation are moved to private flats due to the restrictive enforcement of public order regulations to remove street prostitution.

In general, anti-trafficking policies should be more mainstreamed into existing social welfare programmes in order to reach out to the socially, nationally and otherwise diverse group of presumed trafficked persons.

3.3 Peer countries discussion

Identification

In general, participants were stressing the need to identify trafficked people in other exploitative situations rather than solely focusing on sexual exploitation. In this regard, the approach of social inclusion policies aiming at vulnerable and marginalized groups could be an effective tool to reach out into different social and labour sectors.

Moreover, a social inclusion framework would enable the perspective to be shifted from a rather complex identity of a “trafficked person” that comprises all the elements of the trafficking crime to the concept of a “marginalized and vulnerable person”. This shift may contribute to the inclusion of more people entitled to protection into existing programmes.

Participants also highlighted the need to change perception of a trafficked person from “victims profiling” to a broader understanding of a vulnerable person who has rights and is entitled to receiving services. This would prevent authorities in charge from identifying trafficked person on the basis of stereotypes by judging the persons’ character.

Concerns were raised towards the promotion of outreach work and its evaluation. In order to organise and effectively implement outreach work, the views, perspectives and feedback of the target group should be included. Moreover, it has been shown that in the area of the sex industry outreach work cannot solely be aimed at trafficked persons but has to be embedded into a broader concept of reaching out to marginalised and vulnerable groups.

A red thread throughout the two days debate has been the question on how to measure exploitation? Almost all participants shared the experience of the hesitation of presumed trafficked persons to declare themselves as victims. Moreover, it was reported that the crime of trafficking shifted during the last years by the traffickers from not paying anything and violating the freedom of movement to paying small amounts of money and allowing a certain degree of self-determination.

This leads the discussion back to the conceptual problem of the definition in the Palermo Protocol. “Exploitation” is not defined in international law neither is “sexual exploitation”. There should be a concrete translation of a commonly agreed understanding of “exploitation” for the work of law enforcement and other authorities.

Another factor contributing to the lack of clarity in identification procedures are the images and stereotypes produced in the majority of awareness raising campaigns. They often show women being out of control of their own life, either being pictured as birds in cages or scared to death by pointing a gun against their head, just to mention a few examples. These images might be misleading for authorities and social workers in their identification processes. It creates a significant risk that persons are not even considered to be in an exploitative situation when they do not act like passive victims.

It was highlighted by many representatives of the Peer and Host countries, that a “step by step” approach needs to be adopted for every single trafficked person. As the target group of affected people is to a huge degree diverse, individually tailored programmes are of paramount importance.

Assistance

A broad consensus among the participants referred to the necessity to carry out services to trafficked persons in an unconditional matter. It was highlighted that assistance programmes should follow certain quality standards and should be comparable in different EU countries. Vocational training and access to labour market has been proven an effective tool in order to reach sustainable solutions. Trafficked persons would have then an opportunity to return to the country of origin with some resources as a starting point for creating an independent life.

It has been stated that a significant number of identified trafficked persons refuse to access assistance structures, including shelters, counselling etc.

A study of one participant has been recently published and showed three major patterns why trafficked people decline services:

- lack of opportunity to earn money;
- repressive design of assistance measures;
- reluctance of being identified as trafficked person.

It was concluded that communication and information are crucial during the assistance process. The attitude of "rehabilitation" should be shifted towards a human rights approach.

Another challenge is witnessed in the increasing number of EU citizens among identified trafficked persons. It should be examined whether all existing assistance programmes are accessible for EU citizens.

Durable solutions: social inclusion in countries of origin and destination

Alternatives to returning people had been discussed intensively. While the Danish approach is aiming at returning trafficked persons to the countries of origin, other peer countries and EU stakeholder organisations were questioning this practice. They were in favour of promoting social inclusion programmes for trafficked people as well in countries of destination due to the lack of security and economic perspective in their respective countries of origin.

The traditional and common practice of repatriating people was considered as a consequence of the institutionalization of anti-trafficking policies in the area of Justice and Home Affairs. The strengthening of the social dimension in this policy area could stimulate a debate on social inclusion in countries of destination instead of returning people in every case.

More clarification is needed on different elements of policies in the anti-trafficking framework. For instance, policy maker often confuse the tool of a "reflection period" with residence rights. A reflection period, however, is a travel delay and can not replace the access for applying a short – or long-term residence right.

On the compensation issues it was repeatedly mentioned that there are yet only a few experiences in all present Peer and Host countries.

Monitoring and quality control

The need to monitor quality standards has been addressed frequently. A quality assurance system should not only point towards standards of social services but it should include minimum standards for the assignment of new stakeholders to carry out services. It was observed in the past, that inexperienced non-governmental or international organisations started to carry out anti-trafficking programmes even though they did not deal with the subject before and were not properly trained.

Vulnerable and marginalized groups should actively participate in multi-disciplinary and cross-sector teams monitoring and designing anti-trafficking policies.

4. Conclusions and lessons learnt

- The Peer Review dealt mainly with the biggest group of currently identified trafficked people – women trafficked for sexual exploitation. However, it was recognised that people of both sexes, including minors, are trafficked for a wide variety of purposes, including for exploitation in the unprotected and/or informal labour sector.
- Victims of trafficking originating from the EU 10+2 are now EU citizens and hence, in some EU countries of destination, they are no longer protected by the anti-trafficking legislation since the latter concerns third country nationals only.
- Within the EU, trafficking might affect more the countries that have not yet completely opened their borders to legitimate workers from the new EU Member States.
- Trafficking also takes place within countries.
- Denmark's "reflection period" of up to 100 days before the affected persons are returned to their countries of origin was welcomed, and this practice might be transferable to some other EU countries. However, some participants also felt that trafficked persons should be entitled to access the reflection period without any conditions and restrictions and should receive a right of residence in the countries to which they have been trafficked.
- Due to the criminal legal definition of trafficking, the EU lacks a unified and consistent approach to the social dimension of anti-trafficking policies. It was therefore suggested to integrate the policies of social inclusion into the existing criminological approach to combat trafficking in all EU Member States.
- Danish action on trafficking includes public awareness-raising campaigns, notably to address the need to establish social inclusion mechanisms to enable national and foreign prostitutes to be fully in control of their living and working conditions. Such campaigns could usefully be introduced in other countries. It was also suggested that an EU-wide publicity campaign on the realities of trafficking be considered.
- If outreach to trafficked women is to be effective, assistance and law enforcement need to be kept separate. In particular, the granting of residence rights, including the access to asylum procedures, should not be made conditional upon a victim's giving evidence against traffickers.

- Before returning a trafficked woman to her country of origin, a comprehensive risk assessment should be conducted that includes all aspects of the threats to human security. But strict data protection should be applied, in order to ensure confidentiality and avoid creating further risks.
- In the countries of origin, poverty is a major factor in human trafficking. It also means that trafficking victims who are sent back to countries outside the EU may make further, often successful, attempts to re-enter the EU illegally. So action to reduce poverty both within the EU and globally will also help to avoid forms of re-trafficking.
- Denmark's "social assistance" approach to victims of trafficking was welcomed. However, if trafficking victims are equipped with new skills, such as vocational training and language courses, their chances of being accepted back into society are increased. In this connection, the Norwegian experience of training trafficked women as beauticians was noted with great interest by the other peer countries.
- Promoting social inclusion programmes for trafficked people in countries of destination due to the lack of security and economic perspective in their respective countries of origin is also another way of ensuring their reintegration in society.
- Relevant cultural factors within some ethnic minorities need to be taken into account. However, this must be done in a highly sensitive way which avoids stigmatisation.
- In many EU countries, trafficked people who are assisted and supported within the asylum-seekers regimes are not allowed to engage in paid employment. They risk to return to their respective countries of origin without any financial resources. Moreover, many EU countries lack an institutionalised mechanism that guarantees the compensation and remuneration of trafficked persons for the labour and services they were forced to perform. The loss of earnings may be considerable. In addition, the question of financial support and accommodation for trafficking victims needs to be addressed.
- Some trafficked persons may not regard themselves as victims. Assistance should be offered, but should not be imposed upon those who make it clear that they do not want it.

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