# LAW ENFORCEMENT AGENCIES AND NGOs CO-OPERATION IN THE PREVENTION AND VICTIM ASSISTANCE OF TRAFFICKING IN HUMAN BEINGS FOR THE PURPOSE OF SEXUAL EXPLOITATION.















# COOP-TRAF JLS/2005/AGIS/156

# **AGIS PROGRAMME 2005**

### **EUROPEAN COMMISSION**



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#### **EXECUTIVE SUMMARY**

This research has been conducted by the following partners in four European countries under the leadership of the Centro de Investigación en Criminología - Universidad de Castilla-La Mancha (Spain): in Spain, three partners have participated:, the NGO Proyecto Esperanza, and wo national police forces represented by the law enforcement units in charge of the fight against trafficking in human beings: Cuerpo Nacional de Policía (Comisaría General de Extranjería y Documentación) and Guardia Civil (Unidad de Policía Judicial). From Portugal, our partner has been the Instituto Nacional de Policia e Ciencias Criminaes. From Poland, two partners have participated: the NGO La Strada Foundation and the Warsaw University, and finally, from Italy, the NGO On the Road has been our partner.

The aim of the project was to elaborate a *best practices guide* in order to improve preventive strategies to fight against the phenomenon of THBSE and to improve social integration and assistance of the victims. Public (members of law enforcement units and members of Judiciary) and private (members of the NGOs) practitioners have participate in two focus groups in every country to find strategies to improve co-operation between them and to integrate their experiences and practices in proactive activities to reduce THBSE and to promote victims' social integration.

The concrete objectives of the project were:

- To learn about the current legal status of the victims, the data that public and private agencies gather, and the amount and kind of resources available to assist them. Special attention was paid to cooperation strategies between agencies that work for crime prevention and victim assistance (information sharing, resources, and current practice).
- To create a forum where practitioners could debate how to deal with this phenomenon and which are the possible common strategies.
- To design a good practice guide to enhance cooperation, efficiency and profit? of the resources available.

## Methodology

- 1. A general spreadsheet has been designed to gather information in each country about legal status, data collected, existing preventive strategies and available resources, all related to victims of THBSE, and in the actual forms of cooperation among police, judicial authorities and NGOs to deal with these victims in order to promote prevention and assistance. With the information collected through these spreadsheets and using a common index, all participants have produced a report of the situation in each country.
- 2. The focus groups technique has been used in each country for deepening in the actual cooperation relationships among the public and private agencies that work, at different levels, with the victims of THBSE and for producing new forms of strategies and cooperation among them. Semi-structured interviews have also been used when necessary.

Two focus groups have been organized in each country. The first one was focused on **Prevention of trafficking in human beings** for the purpose of sexual exploitation and the second one was focused on **Protection and Assistance of victims** of trafficking in human beings for the purpose of sexual exploitation. Those focus groups had two main objectives: a) to discuss ways to improve the existing prevention strategies promoting better coordination between judicial institutions, law enforcement units and NGOs or b) to explore new ways or strategies to promote prevention, ways of being implemented and how many institutions should be involved. Recommendations have been summarized in a final country report.

#### **Results**

Comparing the four countries, we can find that concerning *legal framework*, countries analyzed have undertaken legal provisions directly related with THB as well as others that deal with related activities. At that point, Italy's effort to provide a specific legislation since 2003 which complies with the main elements of the UN protocol its remarkable since it covers all forms of trafficking, slavery and servitude. Regarding National plan against THB, only Poland and Portugal have a national plan on that topic.

Concerning *databases* about victims and offenders of THBSE, all databases are decentralized except in Portugal, which has created the Integrated System of Criminal Investigation in order to unify the information related to offenders. Spain has also a centralized database that includes offenders and victims data, but it is very difficult to disaggregate data from THBSE exclusively.

Among prevention and proactive actions against THBSE, every country except Spain, has developed preventive strategies in a *social* level. Spain seems to be the weakest country in that topic.

From the *judicial assistance*, Poland, Italy and Spain have legal provisions regarding witness protection being the Italian the most developed and effective system. It stands out the lack of training programs for official staff in the four countries.

Regarding the *assistance and protection of victims*, the four countries have developed activities with the purpose of assisting and protecting victims of the THBSE, being the Italian system the best practice underlined. Italy has a wide integrated and human rights based programme to assist and protect victims of THB. They have short term programmes (three months) and long term programmes (six months). The only country that has a *reflection period* is Poland. Nevertheless, Italy has an informal and in practice reflection period

The *Policies undertaken about origin countries* are considered in Poland, Italy and Spain with victims repatriation to their countries of origin programmes, but only the last two have *risk assessment programs*. Finally, concerning the coordination with the original countries, Italy is the only country that does not maintain a relationship with them.

#### **Best Practices**

The Italian legislative system constitutes a multi-agency which implies: law enforcement agencies, judicial system, public authorities and NGOs. Appart from having a wide system of assistance and protection granted by Article 13 (short term programme) and article 18 (long term programme), they have developed the *Teramo Protocol* which constitutes a Guide to approach potential victims of trafficking and exploitation and smuggled persons. In these sense, the *Teramo Protocol* regulates the distinct roles of all actors involved and defines the operational procedures of co-operation amongst the law enforcement agencies, the judiciary, other public actors, and the civil society organisations.

The Spanish law enforcement units in charge of THBSE have very good practices on THB prevention. They conduct Preventive inspections by the Guardia Civil since 2000. During these inspections they inform victims of their rights and any protection that could be applied to them. They also have joint investigation units between origin and destination countries and with labour inspection units in order to monitor prostitution.

The Portuguese Plan for the Integration of Immigrants in Portugal approved on March 2007 will be a useful tool in the future to fight against THB situations since is a goal of this plan to try to define policies of reception and integration of immigrants and to promote the participation of all the civil society to intervene in general trafficking contexts. The characterization of a more strong victim support in legal aspects and new strategies of combat against the THB crime through the definition of best practices in Law enforcement agencies, judiciary and NGOs cooperation are also priorities of this plan.

Poland is a country of destination and origin and assistance and protection will be developed in the future. Nevertheless, cooperation with institutions is based on personal contacts and trust but there are no standardized strategies to implement networking. Cooperation is better at international than at national level.