2009 OCTOBER DECLARATION ON TRAFFICKING IN HUMAN BEINGS

Towards Global EU Action against Trafficking in Human Beings

The Conference

On the occasion of the third EU Anti Trafficking Day, the EU Ministerial Conference - Towards Global EU Action against Trafficking in Human Beings – took place on 19-20 October 2009 and brought together almost 600 participants from EU Member States, candidate countries, countries with an EU-perspective, as well as many third countries, regional and international organisations, inter-governmental organisations (IGOs), non-governmental organisations (NGOs) as well as EU institutions and agencies. Queen Paola of Belgium and Queen Silvia of Sweden honoured the Conference with their presence and support to addressing the scourge of trafficking in human beings (THB).

Initiated by the Swedish Presidency of the European Union under the Prevention and Fight against Crime Programme (ISEC Programme) of the European Commission, the Conference was hosted by the Belgian Ministry of Foreign Affairs and organised by the Swedish Ministry of Justice, the International Organisation for Migration (IOM) and the Belgian NGO PAYOKE, in close cooperation with the Austrian Federal Ministries of the Interior, of European and International Affairs and of Justice, the Bureau of the Dutch National Rapporteur on Trafficking in Human Beings, the Finnish Ministry of the Interior, the Italian Ministry of the Interior and the Portuguese Ministry of the Interior. The European Union Agency for Fundamental Rights was closely affiliated with the organisation of the Conference.

The overarching objective of the Conference was to provide an opportunity to address the increasingly important challenge for the EU to strengthen its capacity to act in partnership and cooperation on prevention, protection and prosecution with third countries, regions and organizations at international level with a view to tackle the common problem of THB and to identify shared policy objectives to be jointly pursued. In addition, the Conference aimed at providing input to the work within the EU Council working structures on the elaboration of an Action Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings.

Conclusions of the Conference

The Conference reiterated that THB is a serious crime that restricts the victim’s full enjoyment of human rights. THB is the exploitation through sustained physical and/or psychological abuse of vulnerable individuals - women, men, girls and boys - by criminals, who treat them like commodities to be bought and sold solely for financial gain.
The response to THB must involve all aspects of Justice and Home Affairs: as an illegal economic activity, THB is one of organised crime’s main financial resources; as a major violation of fundamental human rights it is an offence against human dignity that the Union cannot condone; as an illegal cross-border activity, including irregular migration, it is a security issue and an important area of co-operation within the EU and in partnership with third countries, regions and international organisations. Furthermore, THB is of a nature and complexity that requires actions and coherence across a wide range of policy areas in addition to JHA, including development cooperation, external relations, social affairs, employment, gender equality and good governance, in order to be effectively tackled at all levels, and involving non-governmental organisations and civil society.

The Conference therefore called upon the international community, including institutions at local, regional and governmental level, NGOs, IGOs and other civil society organisations, and the EU institutions and agencies to confront the challenges posed by this transnational crime with all its heinous aspects and to provide an unambiguous and comprehensive response towards a multidisciplinary, coherent and co-ordinated policy involving all actors concerned in countries of origin, transit and destination. Such an explicit response must be consistent with human rights standards and must give particular attention to trafficking in women and children, taking into account their best interests and in agreement with international instruments on the rights of the child.

In addition to the legislative development at EU-level, particularly in the field of criminal law, police and judicial co-operation, the Conference took note of the development in the EU towards a comprehensive policy on THB, including elements on co-operation going beyond the EU-borders, such as the 1997 Hague Declaration, 12 Commitments agreed on 28 September 2001 between EU Ministers of Justice and the Interior and their colleagues from the then ten Candidate Countries, the Brussels Declaration of 20 September 2002, the 132 recommendations of the European Commission's Expert Group on THB of 22 December 2004 and its subsequent opinions, and the EU Plan of Action of 2 December 2005 on best practices, standards and procedures for combating and preventing trafficking in human beings, including the evaluation report of the Plan (presented on 16 October 2008 in Paris on the occasion of the second EU Anti Trafficking Day).

In general terms, THB has over the years attracted political attention on the agenda of the international community, and a series of conventions, formal agreements, policy documents and initiatives have been agreed upon. Milestones include the United Nations' Protocol to prevent, suppress and punish trafficking in persons, especially women and children, (the "Palermo Protocol"), and the Council of Europe Convention on Action against Trafficking in Human Beings. The signature and ratification of these instruments, open to the international community, must be further encouraged. Indeed, it is of vital importance that there is full commitment to implementing and evaluating these achievements in partnership between the EU, third countries, regions and organisations at international level. Gaps and obstacles for further development of cross-border co-operation against THB need to be identified. The monitoring mechanism (GRETA) set up under the Council of Europe Convention, has the potential to cater for concrete recommendations for further action in this context.
To this end, the Conference arrived at a generally agreed approach on the following key objectives:

I. Partnerships against trafficking in human beings

1. Strengthen partnerships
An indispensable element in a coherent and concerted response to THB between the EU, third countries, regions and international organisations and encompassing countries of origin, transit and destination is a strong partnership as well as between institutions in order to tackle THB from its root causes to its main consequences. Where appropriate, and with the EU’s Global Approach to Migration of 2005 and the mobility partnerships as essential reference points, these partnerships should take the form of specific Anti THB Partnerships in order to direct further specific action in all relevant fields, including inter alia:
- active mechanisms to ensure the exchange of data,
- measures to address root causes and including empowerment programs,
- capacity building measures to prevent and combat THB and initiatives on technical assistance to enhance developing countries opportunities to address causes of THB,
- improved co-ordination among all states: origin, transit, or destination, civil society, private sector, as well as relevant international and regional organizations with a view to avoid duplication of efforts.

2. Discourage demand
The importance of tackling demand with a view to successfully prevent and combat THB should be underlined. In order to discourage demand as a root cause to THB that fosters all forms of exploitation of persons and leads to THB, legislative or other measures, including educational, social, cultural, administrative measures and awareness campaigns aimed at a broad public should be adopted or reinforced.

3. Strengthen instruments and ensure coordination and policy coherence
In enhancing the EU response in partnership with third countries, regions and international organisations and giving increased priority to the EU external dimension, the existing cooperation arrangements should be fully utilised, including future or revised articles of co-operation and association agreements, Country and Regional Strategy Papers and Indicative Programmes as well as strategic partnerships and co-operation processes. The design and implementation of appropriate activities must continue and synergies be enhanced across all concerned policy areas in order to include specific elements to prevent THB and to address the root causes that make individuals vulnerable to taking risks and potentially falling victims of THB. Poverty, lack of opportunities, and of access to education, social and gender inequalities, unemployment, and civil conflicts are among the main factors to be addressed in developing a root-cause-centred-approach to add to the victim-centred and law enforcement-centred approaches.

4. Establish an EU coordination mechanism
It could be considered to establish a specific co-ordination and information mechanism at EU-level, involving Member States, the Commission, EU-agencies, including EUROJUST, EUROPOL, FRONTEX and the Fundamental Rights Agency (FRA), as well as other key stakeholders as appropriate, in order to enhance and give priority to the fight against THB in the EU external dimension, to help maximise resources, avoid duplications and increase effectiveness and sustainability of actions.
Such considerations could inter alia include the establishment of a EU Anti Trafficking Coordinator, an EU ATC, who should contribute to building and strengthening partnerships with among all stakeholders involved, including EU and third countries, regions and international organisations as well as to bringing together and analyse the information and data collected at the national level and to issue global recommendations to the Council and the Commission.

II. Partnership and prevention of trafficking in human beings

5. Employ a human rights approach

A human rights based approach is key for the development and implementation of effective responses to prevent THB. This means respect for human rights and the full use of and delivery on human rights instruments agreed and international commitments made, the recognition of trafficked persons and potential victims as bearers of rights and persons in need of protection and assistance, and a focus on self-organisation, participation, empowerment and social inclusion. The contribution of FRA to mainstream fundamental rights into any approach against THB may prove useful.

6. Improve statistics and data collection and analysis on causes, victims and consequences of THB

A serious effort within the EU external dimension on THB should promote work towards a clearer understanding of root causes facilitating THB in countries of origin and countries of destination, of current trends with regards to victims, traffickers and criminal networks, and of their modi operandi, travel routes and different forms of exploitation. Without sufficient knowledge, including statistics, it is difficult to measure the magnitude and trends of THB and, consequently, to foresee the appropriate policies, operational and legislative responses and effective implementation of programmes. Initiatives and projects aiming to standardize the collection and analysis of qualitative and quantitative data on THB should be monitored at EU-level, including within the European Commission strategy to develop comparable criminal statistics, and information should be shared among the EU, third countries, regions and organisations to allow comparison and harmonization.¹

The objective should be to develop a common, or at least comparable, template in the EU and third countries for the collection and analysis of sex- and age-disaggregated data relating to all aspects of THB and safeguarding adequate data protection standards. It should be considered to develop an appropriate methodology to establish, with the cooperation of third countries and international organisations, a THB-index, i.e. a concise information collection system in the form of a simplified and organised list with a limited set of key indicators to monitor THB and policy impact.

7. Enhance prevention strategies

Prevention of THB is the area where the most essential and focused work needs to be done, not only in countries of origin, but also in countries of destination where demand is a key factor. The EU should establish programmes to tackle the underlying factors that enable organised criminality operating within and across the EU external borders to exploit and abuse human beings.

¹ For example: Guidelines for the collection of data on human trafficking (Austrian Ministry of the Interior and International Organization for Migration with financial support of the ISEC Programme, see www.iomvienna.at), Indicators of Human Trafficking (ILO and the European Commission, see www.ilo.org), the Standardized templates and blueprint for EU-wide collection of statistical data analysis on missing and sexually exploited children and trafficking in human beings, the SIAMSECT files, BCP and Transcrime, University of Ghent, Handbook on Anti-Trafficking Data Collection in South-Eastern Europe, ICMPD 2008, and work within the European Migration Network.
This should be done by taking direct action on the main root causes of THB in countries of origin and destination using the mechanisms and tools, including funding, that exist in all concerned policy areas of the EU or creating new ones specifically designed for those objectives.

8. Establish Rapporteurs and coordination mechanisms at national level
The establishment of National Rapporteurs or equivalent mechanisms and co-ordination structures should be further promoted with a view to improving the gathering and exchange of information and understanding of THB for the mutual benefit of co-operation between the EU, third countries, regions and international organisations.

9. Strengthen migration management
It is reiterated that most trafficked persons are often migrants, voluntary or not, who find themselves trapped and abused by traffickers. The promotion of regular, fair and managed migration policies based on demand has the potential to reduce THB by offering immigration possibilities which are safer, guarantee socio-economic and human rights and support the integration of the migrants into the destination society. Migration management should be designed to be beneficial to all actors involved, i.e. the countries of origin and destination and the migrants themselves. In this connection, THBs can also be contained through the protection of migrants’ and labour rights.

10. Improve awareness raising
Awareness raising activities and training, including the development of curricula and training, should be further promoted in countries of origin, transit and destination to improve identification and protection of victims and be aimed at a wider public as well as relevant target groups, including potential victims, policy makers, law enforcement officers and border guards, labour inspectorates, diplomatic, consular and immigration personnel, health services and other relevant actors likely to come in contact with victims of THB such as medical, social and employment personnel or representatives of tourist agencies. It should be ensured that these officials have access to adequate material that is easy to understand to inform persons at risk of becoming victims of trafficking. Particular attention should be given to needs of children. The effectiveness and sustainability of awareness raising activities should be evaluated.

11. Combat trafficking linked to tourism
In responding to a demand for sexual services, children are trafficked to tourist resorts with a view for their exploitation by travelling sex offenders. Children are also trafficked for the purpose of producing child pornography. In continuing and enhancing a partnership between the EU, third countries, regions and organisations at international level, these particular phenomena should be given increased attention.

12. Establish education programmes, particularly for young people and children
In partnership with beneficiary countries, the EU could establish targeted awareness-raising programmes for young adults and children at risk, particularly girls, refugee and displaced children, or poor and marginalised children in their own countries. These programmes should include the respect for and protection of women and children’s rights in order to change patterns and foster the empowerment of the target group in the countries concerned. Also implementation of programmes for the reduction of poverty, protection of women, girls and children’ rights and the promotion of sustainable development targeting the sources of human trafficking and the potential victims would have an impact on THB.
III. Partnership and assistance and protection of victims of trafficking in human beings

13. Improve assistance and protection to trafficking victims
Key measures to be continuously promoted to ensure that a victim of THB receives adequate protection and support should include safe and appropriate accommodation, residence permit in accordance with national legislation, counselling and information, legal assistance, health care, psychological and material assistance. The specific needs of the most vulnerable, including pregnant women, disabled or children, shall be attended to. The specific right to protection and the recognition of best interests of the child victim of THB must always be ensured; specific measures shall be put in place in respect of unaccompanied minors, in particular by ensuring immediate independent legal representation and by making every efforts to locate the families. In case the victim of THB cannot return to his or hers country of origin, specific measures or programmes should be devised and implemented to promote and support their successful integration into the host society.

14. Improve referral mechanisms
The establishment of referral mechanisms should be further promoted, including cross-border referral and as outlined in the OSCE-manual on national referral mechanisms for the victims of THB, to ensure the proper identification and referral of trafficking victims, and that they receive adequate assistance while protecting their human rights in partnerships between the EU, third countries, regions and international organisations.

15. Return and reintegration in the countries of origin
Return shall be carried out with due regard for the rights, safety and dignity of the victim of THB and shall as far as possible be voluntary. Repatriation, reintegration and – where necessary – protection programmes should be established involving relevant national or international institutions and non-governmental organisations. These programmes should aim at avoiding re-victimisation and favour the reintegration of victims into the society. With regard to children, these programmes should include enjoyment of the right to education and measures to secure adequate care or receipt by the family or appropriate care structures.

IV. Partnership and law enforcement and judicial co-operation against trafficking in human beings

16. Strengthen transnational investigation mechanisms
Regional and national investigations on THB, both judicial and police investigations, must be more frequently developed beyond the borders of the prosecuting state, not least including countries outside the EU, should THB be reduced. To this end, THB should be treated as a serious crime while executing other countries' requests. The formation of joint investigative teams (JITs) and the use of mirror investigations should be promoted, as necessary. The goal of this partnership and co-operation is to increase the prosecution of traffickers with sentencing reflecting the severity of the crime.
17. **Strengthen transnational law enforcement mechanisms and communication**

National law enforcement and judicial agencies should take advantage of the existence of organisations such as EUROJUST, EUROPOL, and FRONTEX, as well as Interpol and SECI to ensure that early liaison with and between these agencies becomes commonplace. The practice of sharing information and intelligence on operations, investigations and prosecutions can contribute to the best possible intelligence picture and the development of intelligence led policing on THB as well as the operative support to law enforcement and judicial action against THB.