

Recommendations from the Conference on How to Enhance Assistance to Victims of Human Trafficking in the Baltic Sea Region

In March 2014, a joint conference on How to Enhance Assistance to Victims of Human Trafficking in the Baltic Sea Region was organised in Helsinki by the Finnish Presidency of the Council of the Baltic Sea States (CBSS), the CBSS Expert Group for Cooperation on Children at Risk (EGCC) and the CBSS Task Force against Trafficking in Human Beings (TF-THB). The event attracted over 100 participants working against human trafficking at strategic and operative level in the Baltic Sea region.

The main objective of the conference was to serve as a platform for knowledge exchange between anti trafficking actors in the Baltic Sea region by presenting good practices and challenges on how to enhance assistance to victims of all forms of human trafficking.

The conference resulted in a set of recommendations on victim assistance emphasizing the need for closer cooperation between relevant actors as well as empowering victims and assessing their individual needs. The importance of ensuring re-integration of victims with emboldened future prospects was particularly stressed. Meanwhile the conference pressed the necessity of targeting and punishing the criminals and the traffickers, holding the users of services provided by trafficking victims accountable was also a point of departure and crucial for further action. The specific rights of children were also highlighted and elaborated.

This report summarises the key recommendations of the conference based on the content and recommendations of the key note speeches, the expert input from panellists and from the participants.

Key recommendations

The presenters were asked to give three main recommendations based on their experience from victim assistance and anti-trafficking work. In addition, a group discussion with the conference participants was held to collect their recommendations and input. The following key recommendations crystallized during the conference:

- 1/** Adequate and rights based assistance should be provided not only to formally identified victims of human trafficking, but also to potential and presumed victims in vulnerable and unprotected situations.
- 2/** Assistance provided to victims should be unconditional and not depend on an agreement to cooperate with law enforcement authorities in investigations or criminal proceedings.
- 3/** A human rights based approach should always be applied and the gender dimension of human trafficking considered. All forms of trafficking are a gross violation of the human rights of the victims.
- 4/** All decisions concerning children should be made on the basis of international standards including the obligations of the UN Convention on the Rights of the Child (UNCRC). The Convention is explicit on the ways to protect children under 18 including the obligation to make best interest assessments and ensuring children's right to be heard in decisions affecting their lives.
- 5/** All interventions should be tailored to the specific individual needs of the victim taking into consideration their background, gender, age, ethnicity, orientation, identity, form of exploitation and other relevant factors.
- 6/** All assistance needs to be rights based and in line with the EU policy framework and relevant international conventions.
- 7/** Cooperation between different actors at the national and international level is crucial to effectively prevent trafficking in human beings, prosecute offenders and assist victims. Trust, professional attitude and dialogue are necessary to ensure well-functioning victim assistance and protection.
- 8/** Formalised cooperation tools such as cooperation agreements and Memoranda of Understanding (MoUs) enable victim assistance to be more efficient. Clarity in roles and responsibilities (for example by including the work against human trafficking in different actors' mandates) is necessary for actors to gain ownership and take responsibility.
- 9/** Systems for victim assistance need to be quick to respond, predictable and clear but also adaptable, flexible and comprehensive. Cooperation is always a work in progress that can be developed further.
- 10/** All Member States should establish a National Rapporteur on Human Trafficking (EU law stipulates establishing National Rapporteurs or Equivalent Mechanisms) with a broad and law based mandate to gather information and to monitor the implementation of anti-trafficking measures.

Key note speeches



Eva Biaudet, Ombudsman for Minorities and National Rapporteur on Trafficking in Human Beings, Finland

The event was opened by **Päivi Nerg**, the *Permanent Secretary of the Finnish Ministry of the Interior* who emphasised the importance of collaboration at the international and regional level.

She mentioned the pioneering work of the CBSS Task Force against Trafficking in Human Beings (TF-THB) and the work of the CBSS Expert Group for Cooperation on Children at Risk (EGCC) against child abuse and trafficking as good examples of cooperation in the Baltic Sea region. She also noted the European Commission, the OSCE and the Council of Europe are major actors with prominent roles in regional and international cooperation and in policy setting against human trafficking.

The Permanent Secretary emphasised that the continuity of anti-trafficking work in the Baltic Sea region must be secured to succeed in the long term. In addition, she discussed the Finnish experience of appointing an independent National Rapporteur on Trafficking in Human Beings which she noted has been significant for the development of both legislation and the activities of the authorities in Finland. She added that also the National Anti-Trafficking Coordinator to be appointed soon will have a significant role in national cooperation between the authorities and third-sector actors as well as the promotion of cooperation among actors in Finland and abroad.

Eva Biaudet, *Ombudsman for Minorities and National Rapporteur on Trafficking in Human Beings of Finland* spoke about the importance of victim identification and assistance as well as the prosecution of trafficking cases. She emphasised that unconditional assistance should be provided for victims and that the human rights based approach needs to be strengthened in these cases. Victim assistance needs to be conducted from a victim's point of view; where safety and trust are extremely important. In order to achieve this, sufficient time for recovery and healing needs to be provided to the individual. More systematic identification of victims is crucial and training of actors, planning and benchmarking are key tools. Ms. Biaudet underlined that outreach work is very demanding and requires support from society as a whole.

Ms. Biaudet raised a concern that often only the most severe cases are considered to fulfil human trafficking criteria and that victims are rarely referred to the assistance system in Finland. Ms. Biaudet pointed out that the justice system dealings with cases where the exploitation is more subtle is problematic and therefore only the most grave trafficking crimes lead to convictions. Prosecuting perpetrators on multiple offences could be a way forward to get more convictions which would also enable victims to get adequate compensation. Protecting victims and providing them with needed assistance is a pre-condition for making perpetrators accountable for exploitation. She also emphasised the need to address and lower the demand for services provided by victims of trafficking in destination countries.

Key note speeches



Myria Vassiliadou, EU Anti Trafficking Coordinator, European Commission & Päivi Nerg, Permanent Secretary, Ministry of the Interior, Finland

Myria Vassiliadou, the EU Anti-Trafficking Coordinator at the European Commission encouraged conference participants to look for signs of trafficking around us, to be more alert and think about a victim as an individual rather than just a number. Ms. Vassiliadou provided three main recommendations emphasising the need to pay attention to the root causes of victimhood combined with a human rights based approach.

1/ Focus equally on the victims, criminals and users.

The EU Anti-Trafficking Coordinator pointed out that there are more users than victims in the EU and that without talking about the demand for the services that are provided by victims, trafficking victims cannot receive the needed attention. She highlighted that according to EU Law all EU Member States are legally obliged to take action to reduce demand that fosters all forms of exploitation. Ms. Vassiliadou pointed out that human trafficking is not always a hidden phenomenon but we prefer not to see it or ask questions when we suspect it. We are all collectively responsible to fight this crime.

2/ Look at the money more, in all its dimensions as well as its impact.

Human trafficking renders enormous amounts of money for organised crime groups yearly. This is the driving force and main root cause of human trafficking. For traffickers human trafficking is still a low risk crime with high profit. We need to trace the traffickers' money because this will truly impact the traffickers and hurt their illegal businesses. Eurostat statistical data shows that the amount of prosecutions of cases of trafficking is decreasing while more victims are being identified. Therefore, questions need to be asked

about how tax funded anti-trafficking work has succeeded and how funds have been spent. Major anti-trafficking projects are constantly initiated and implemented. Many of them are great but we need to become better at assessing the impact of the projects in order to achieve better results. For example, the impact of the numerous awareness raising activities and campaigns needs to be assessed as we do not see a decrease of victims.

3/ Fully transpose and implement the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.

Ensuring full transposition and implementation of the Directive is the moral and legal responsibility of all the Member States. The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016 ensures that a human rights based approach is taken, with a focus on victims and the protection of vulnerable groups. In addition, it focuses on re-integration of victims to avoid re-trafficking and advocates for the principle that no victims should be punished. The EU law stipulates that depending on their needs, which also depend on their gender and age, all victims should access compensation, healthcare and residence permits irrespective of their nationality. Particularly children should receive unconditional and immediate assistance.

Trafficking and gender are strongly interconnected at every stage of the trafficking process - women and girls make up the overwhelming majority of victims for sexual exploitation while more males are trafficked for labour exploitation. Gender and age also matter in the assistance a victim receives, the needs of the victim and the attitudes of the people dealing with victims.

Panel 1:



Anna Ekstedt, CBSS TF-THB Unit with Patrik Cederlöf, National Coordination Office against prostitution and trafficking, County Administrative Board of Stockholm, Sweden

Cooperation models and monitoring mechanisms against trafficking in human beings - cooperation between law enforcement and social service providers

Moderator:

Anna Ekstedt,

Senior Adviser and Head of Unit for the CBSS Task Force against Trafficking in Human Beings

Panellists:

Venla Roth,

Senior Officer, Office of the Ombudsman for Minorities and National Rapporteur on Trafficking in Human Beings, **Finland**

Patrick Cederlöf,

National Coordinator against Trafficking in Human Beings, National Task Force Against Trafficking in Human Beings and Prostitution, **Sweden**

Bragi Guðbrandsson,

General Director, the Government Agency for Child Protection, **Iceland**
A Member of the CBSS Expert group for Cooperation on Children at Risk

Anu Leps,

National Coordinator, Ministry of Justice, **Estonia**

Helga Gayer,

Federal Criminal Police Office, **Germany**

The expert panellists presented national cooperation models and discussed the fact that cooperation models and monitoring mechanisms against trafficking in human beings are a core element of an effective anti-trafficking response. In order to coordinate the efforts and actions against trafficking in human beings, most of the countries in the Baltic Sea region have established some form of cooperation models but often these models are designed as an ad-hoc response to events and trends and vary in scope and impact. There is also a lack of understanding on the part of some stakeholders at the national level of their role in the anti-trafficking process as well as a reluctance to take on new responsibilities. Partially this reluctance is due to lack of knowledge and know-how on how to tackle the issue of human trafficking within the framework of their assigned mandate.

This panel provided the TF-THB with the opportunity to follow-up the previous findings and outcomes of the joint TF-THB and UNODC project on how to increase formalised cooperation models between law enforcement and service providers in order to ensure assistance to victims. As a result of that project the TF-THB developed a model Memorandum of Understanding to be used between service providers and law enforcement in the Region.

Panel 1:

Recommendations from Panel 1

- 1/ Clearer procedures for information sharing and service provision are needed. It is essential to assign the main responsibility to one actor to create clarity and ownership. Concrete guidelines for practitioners and a clear division of roles and responsibilities of the different actors are needed.
- 2/ Use Memoranda of Understanding (MoUs) between actors defining the cooperation and committing to cooperation is one way forward. Several MoUs are already in place in a number of the CBSS Member States.
- 3/ Create a culture of communication, cooperation and trust between the actors to ensure their commitment to long-term and consistent cooperation.
- 4/ Include NGOs in consultations related to new laws in this field and as implementing partners in the assistance process.
- 5/ Create legal provisions for cooperation and facilitating access to information about cases to social services (for example, information from the criminal procedure).
- 6/ Include work against trafficking in human beings in the mandates of actors such as border guards, labour inspectorates, tax authorities etc. is recommended in order to achieve enhanced identification.
- 7/ Involve less traditional actors that may come in contact with victims in the fight against human trafficking such as the private sector, travel agencies, religious groups etc.
- 8/ Organise multi-disciplinary training for practitioners with participation from different kinds of actors where experiences can be shared and common understandings created.
- 9/ Form centralised multidisciplinary task forces/multi-agency assistance services/specialised units or departments that can provide nationwide assistance not only to victims but also to practitioners.
- 10/ Create national coordinating functions that can provide support in direct cases via phone, e-mail or personal participation and also refer operational inquiries to the appropriate authorities. This is particularly a good resource for smaller municipalities with limited resources to employ experts.
- 11/ Ensure continuity of services for example via state funding.
- 12/ Information sharing internationally, also beyond the Baltic Sea region is essential. Creating a tool to share data about emerging trends and groups would be useful.
- 13/ All agencies should commit to work in a child-friendly manner. The Barnahus - Children's House methodology is a good model for multi-agency cooperation in a child-friendly manner. It is a *one stop shop* for cases of child abuse where joint investigative interviews are conducted by specialists. The concept enables more actors (health services, police, social services, judicial system etc.) to get information about cases without subjecting children to multiple interviews and ensuring an environment where they can feel safe. The key for unlocking cases involving children is getting the child to tell their story. Children have the right to be heard in matters concerning their lives. This model is in use in Iceland, Norway, Sweden and Denmark and spreading to the other countries in the Baltic Sea region.
- 14/ Establish a National Rapporteur on Human Trafficking (as stipulated by the EU) with a broad law based mandate to gather information and to monitor the implementation of anti-trafficking measures. The rapporteur should be an independent public authority able to influence the highest levels of decision-making. The mandate should also include other forms of exploitation to enable the National Rapporteur to identify gaps in the system and access classified information to be able to compile evidence-based reports.

Panel 2:



TF-THB delegates **Jan Austad**, Norwegian Ministry of Justice and the Police, talking to **Lasma Stabina**, Ministry of Interior of Latvia

Assistance and safe housing to victims of trafficking. How to ensure adequate identification and rehabilitation of girls, boys, women and men in the Baltic Sea Region?

Moderator:

Jan Austad,

*Senior Adviser, Ministry of Justice and the Police, Norway and
the Norwegian delegate in the CBSS TF-THB*

Panellists:

Nikola Dzina,

Psychologist, Resource Center for Women "Marta", Latvia

Urszula Kozłowska,

*Main Expert in the Unit against Trafficking in Human Beings,
Migration Policy Department, Ministry of Interior, Poland
The Polish delegate in the CBSS TF-THB*

Inkeri Mellanen,

Adviser, Joutseno Reception Centre, Finland

Maia Rusakova,

CEO of the NGO "Stellit", the Russian Federation

Anders Lisborg,

*Senior Advisor, Danish Centre against Human Trafficking,
Ministry for Social Affairs, Integration, Gender Equality and
Children, Denmark*

The panel underlined that adequate assistance to victims of trafficking is a precondition for successful prosecution and the reduction of the risk of re-trafficking. Services provided to a victim should be part of a holistic approach of offering a comprehensive continuum of care in accordance with their physical, psychological and social condition. State Parties to the Council of Europe Convention on Action against Trafficking in Human Beings have an obligation to identify and assist victims of trafficking, regardless of the form of exploitation. Previously faced with mainly cases of sexual exploitation, the CBSS Member States are currently experiencing new trends in human trafficking, such as labour trafficking, forced begging and criminality, sham marriages and illegal adoptions. The region therefore needs to learn how to best assist victims of all forms of exploitation and address all the new forms of human trafficking.

Assistance providers should be equipped to provide services to girls, boys, women and men. Victims of different forms of exploitation and the designed assistance programmes have to be based on the specific needs and profiles of victims. It is furthermore important to remember that identifying victims is not just a technical debate about definitions but also a practical challenge for those dealing with it.

Panel 2:

Recommendations from Panel 2

- 1/ Victim assistance is often a pre-condition for making perpetrators accountable for exploitation. Victims need to feel safe and they should not be forced to face their offenders. Trust needs to be created and time given for recovery and healing.
- 2/ Provide safe and relevant accommodation facilities for victims. In this context ensuring safe accommodation for men, children, families and transgender people as well as larger groups of victims pose a particular challenge and opportunity for improvement of facilities.
- 3/ Comprehensive legislation is needed in this field. A human trafficking law should include not only trafficking and define exploitation but also clearly set the framework for victim assistance.
- 4/ Adequate assistance should be provided not only to formally identified victims of human trafficking but also to presumed and potential victims.
- 5/ A victim should be given the freedom of choice, confidentiality and a reflection period to be able to decide whether to cooperate with law enforcement. In short - the agency of the individual should be respected.
- 6/ Provide a single entry point to services in order to avoid that a victim needs to repeat their story to avoid re-traumatisation of the individual in the assistance process.
- 7/ Provide and create concrete guidance and indicators for national actors to help identify human trafficking cases in a systematic manner. There are several initiatives to develop human trafficking indicators at the national level which offer guidance on how the indicators can be implemented.
- 8/ Training, capacity building and sensitisation of social workers, border guards, the police, migration authorities and other potential actors involved in the process is necessary. Attitudes and prejudice towards, for example, people from certain ethnic groups or other minority groups and a lack of knowledge of those who encounter victims of trafficking in their work impact identification and the treatment of victims in the assistance process. The individuals who do not fit the stereotype of a perceived victim of trafficking are harder to recognize.
- 9/ Strengthen the awareness of authorities to be observant even when the documents are legal.
- 10/ Train the staff of social care institutions on how to identify child victims and provide them with comprehensive assistance including an increased understanding of the obligations in the UN Convention on the Rights of the Child. In cases where it is not clear if a victim is a child they should still be treated in accordance to the Convention on the Rights of the Child (UNCRC).
- 11/ Provide more support to outreach work towards potential victims.
- 12/ We need to realise that human trafficking is everywhere around us and not very hidden. A shift in attitudes and increased awareness about this phenomenon is needed in order to make a change. This could partly be achieved with outreach and information campaigns to break stereotypes and prejudice and by finding innovative ways of providing information.
- 13/ Discuss the demand for trafficked people in connection with the legal discourse about victims. There are more users of exploitative services provided by victims than actual individual victims in exploitative service provision. Demand needs to be reduced and "users", whether individuals or companies, benefiting from trafficked people, should be held accountable and face consequences. Involve companies and strengthen the Corporate Social Responsibility for businesses is a crucial necessity in order to achieve a change in demand.

Panel 3:



Panel three on repatriation and reintegration with moderator **Anniki Lai**, Vice-Chair of the CBSS Expert Group for Coordination on Children at Risk, Estonia

Repatriation and reintegration of victims of trafficking – how to best assess risks and prevent re-victimisation

Moderator:

Anniki Lai,

Head of Department, Ministry of Social Affairs, Estonia
and Vice-Chair of the CBSS Expert Group for Cooperation on Children at Risk (EGCC)

Panellists:

Stana Buchowska,

International Child Rights Expert

Nataliya Oliynyk,

the OSCE Office for Democratic Institutions and Human Rights

Jaana Sipilä,

Project Coordinator, the International Organization for Migration, Finland

Repatriation and reintegration is one of the key aspects of victim assistance. Sufficient time should be allocated to assess the needs of the victim and risks of repatriation and re-trafficking to identify the best long term solutions for the individual. Risks and needs assessment should be done by professionals together with the victim in order to make a joint decision about her or his future. In addition, reintegration support is essential to prevent re-victimisation and reduce the risks of re-trafficking. For this to be possible, the root causes of trafficking have to be addressed.

The topic of this panel is also looked into by the currently ongoing EGCC project “PROTECT children on the move”, financed by the EC Return Fund and the CBSS. It is guided by the United Nations Convention on the Rights of the Child and other relevant instruments and will identify key child rights standards and agencies responsible for protecting children exposed to exploitation and trafficking in cross-border situations. The outcomes include meeting reports and an online tool for practitioners.

Panel 3:

Recommendations from Panel 3

- 1/ In the return process individual needs and risk assessments need to be conducted by professionals together with the victim. Including the victim in the process creates ownership and empowerment. Assistance needs to be tailored according to individual needs. Depending on the specific type of trafficking, the root causes for trafficking and other factors such as gender, age, ethnicity, and so forth and the needs of individual victims vary greatly.
- 2/ Give unaccompanied minors particular attention and provide age appropriate care.
- 3/ Follow the obligations stipulated in the UNCRC regardless of the status and nationality of the child.
- 4/ Prevention of further harm to the victim as well as improving the victim's socio-economic status are guiding principles for successful counselling and rehabilitation.
- 5/ Specialised counselling units need to be able to provide accommodation, food, psychological care, social and medical support as well as help with forging an alternative livelihood.
- 6/ All counselling should be clear, factual and realistic. Clear information should be provided to the victim about the whole process including rights, legal process, appeal, compensation, rehabilitation possibilities, return and future potential.
- 7/ A reintegration process has to be comprised of a social and labour inclusion programmes. Labour unions are important actors to involve and learn from when discussing trafficking for labour exploitation. Useful activities can be training, vocational counselling and assistance in finding a placement or a job.
- 8/ Consider providing extendable temporary or permanent residence permits for victims to a larger extent than we see today.
- 9/ Adequate financial support until the end of criminal proceedings is needed in order to provide accommodation facilities and useful activities for the duration of the victim's stay. Explore possibilities for increased financial support from governments and possibilities for private sector funding.
- 10/ Removing the stigma of victimhood (for example the label of a prostitute) is important to enable successful rehabilitation or return.
- 11/ Keep in mind that successful convictions of perpetrators, effective remedies and compensation to the victim are important for the rehabilitation process. Prosecution and punishment of the traffickers often have a psychological impact on the victim.
- 12/ Do not put victims of trafficking in detention centres.
- 13/ Return must be safe. This includes assessing the willingness and capability of the receiving country to protect the person, provide reintegration and social assistance.
- 14/ Return should not hamper access to effective remedies for the victim.
- 15/ Monitoring and long-term support after return should be provided. Returning victims to the place of origin might re-traumatise them even if trust has been built in the rehabilitation process.
- 16/ Ensure that the care of children of victims of trafficking is secured. In some cases children are indirect victims of trafficking in that they might be traumatised by travelling with a trafficked person or left behind without their parent(s) in countries of origin. The needs of these children should not be side-lined even though they are not "direct" victims of trafficking. Thus family support and counselling services to all individuals concerned are important.



The conference provided the participants with a possibility to share good practice and discuss challenges that practitioners working against trafficking in human beings face on a daily basis in the Baltic Sea region combined with a presentation of the opportunities which could enhance their counter-trafficking work – thus improving identification and assistance of individuals in exploitative situations, the potential for reduction of trafficking and increase of prosecution of traffickers in the longer term.

The event increased the potential of actors in the region to further improve regional cooperation and learn from existing models. The recommendations have provided a platform of knowledge to be followed-up on by the CBSS Task Force against Trafficking in Human Beings and the CBSS Expert Group for Cooperation on Children at Risk.

The conference on How to Enhance Assistance to Victims of Human Trafficking in the Baltic Sea region was organised by the Finnish Presidency of the Council of the Baltic Sea States (CBSS), the CBSS Expert Group for Cooperation on Children at Risk (EGCC) and the CBSS Task Force against Trafficking in Human Beings (TF-THB).