



European Round Table

Event Report

Developing a Comprehensive Human Rights Approach towards the Victims of Trafficking in Human Beings through the reinforcement of International Cooperation

In Preparation of the EU fifth Anti Trafficking Day

Wednesday, 12 October 2011

From 9-12 a.m. Palais d'Egmont, Salle Orange

The Round Table was organised by the Centre for European and International Cooperation (CEIPA) in close cooperation with the Belgian Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation. The event was attended by over 50 participants representing governments, EU institutions, EU agencies, international organisations, non-governmental organisations and academia from EU and EU Member States. Below are the summary and the main highlights of the Round table.



In the opening statement, **H.E. Ambassador Michel Tilemans**, Director for Human Rights and Humanitarian Action at the Belgian Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation explained that the purpose of the Round table was to prepare in advance the positions for the upcoming EU Anti Trafficking Day, scheduled to take place in Warsaw on 18 October 2011, under the auspices of the Polish EU Presidency. He welcomed the participants and extended his thanks to Ceipa for having taken initiative to organise this Round table.

Mr. Peter von Bethlenfalvy, CEIPA Executive Director, who chaired the whole event, opened the Round table by welcoming all participants and introducing the speakers. He reminded that since 16 years ago the Belgian Federal Public Service Foreign Affairs pioneered the fight against human trafficking and together with the then EU Commissioner Anita Gradin started the European action against trafficking. That was the kickoff for the ensuing set of policies and measures undertaken by the EU and EU Member States in the area of the fight against human trafficking.

H.E. Ambassador Michel Tilemans reiterated the importance that Belgium attaches to the fight against trafficking. With its pragmatic, multilateral and multidisciplinary approach, Belgian policy against trafficking has gained international prominence and recognition. Thanks to its pioneering role the country has become a leading player in the EU and internationally. It has based its policy on the 3 P's approach- Prevention, Prosecution and Protection, creating in 1995 an Interdepartmental Unit to coordinate these three components. The Unit was created with the aim to ensure the coordination between relevant ministries and was further boosted in 2004. It unites all federal players, namely Department of Justice, Internal affairs and Foreign affairs and evaluates the effectiveness of action undertaken. The Unit is complemented by an Office, (Bureau) consisting of the main services of the above mentioned departments (Criminal Policy Department, Police, State security, Alien Office, Social Service Inspection and Asylum and Migration at the MoFA) and ensuring the Unit's functioning. Both the Unit and the Office are chaired by the Federal Department of Justice. Turning to the international level, Ambassador Tilemans continued his presentation by presenting the anti trafficking action in the framework of work of the UN Human Rights Council. He explained the Universal Periodic Review System that obliges each country to pass an exam on its human rights record before judges and colleagues who assess the country's performance and provide recommendations for future action. The recommendations given to Belgium related to the child trafficking and child prostitution were taken up and became a

beacon of the Belgian action against trafficking. Ambassador Tilemans mentioned the recent initiatives undertaken by the consular department of Foreign Affairs in the fight against visa, passports and other identity document falsification, which also helps to combat trafficking.

Mr. Jozef De Witte, Director of the Centre for Equal Opportunities and Opposition to Racism (Centre) provided a short introduction of the Centre by stressing its role and opposition to racism, underlining the human rights aspect of its work and explaining its position and action against trafficking in human beings. He stated that the Centre is already the “de facto” Belgian National Rapporteur on trafficking and is also seeking to be transformed into the Belgian National Human Rights Institution (NHRI). As a violation of basic human dignity trafficking is implicitly part of the UN Declaration on HR. Prevention should therefore include education and information to people about their rights. All relevant stakeholders, including employers, NGO’s and all other institutions dealing with people should be properly informed about trafficking and its consequences. Prosecution on its part should bear in mind the human rights component all along the prosecution course. Because human rights are not a national issue, international cooperation is needed. Protection of victims should therefore stretch outside the national borders in order to guarantee that the fundamental rights are respected in cases when the trafficking happens in one member state and the victim is residing in another. Special protection should be granted to minors, as a particularly vulnerable category. M. De Witte mentioned the need for a ‘Social Interpol’ to allow data of employment services to be examined. He concluded his presentation by stressing the importance of trans- border seizure of traffickers’ goods.

Mrs. Christel de Craim, Advisor, President of the Steering Committee of the Centre for Analyses and Information on Trafficking and Smuggling of Human Beings, Service for Criminal Policy at the Belgian Ministry of Justice started by calling for the improved collaboration and joint approach of the states towards prosecution of traffickers. Fundamental instruments such as the Stockholm programme, the EU Action Oriented Paper on external dimension (AOP) and the 2011 EU Directive on preventing and combating trafficking in human beings and protecting its victims provide a basis for cross border cooperation. She reiterated the need for developing tools for better communication between reception countries in Europe in order to address the situation when the victim is exploited in more than one country. Although the EU Directive provides additional guarantees there is still a room for improvement, especially regarding the reflection period given to the victim. Making reference to the labour exploitation Mrs. De Craim informed about the bill currently debated in Belgium and aimed at imposing penalties on the main contractor if he knew or should have known that some of its intermediaries practice trafficking. She called for the extension of this proposal to all EU countries in order to insure joint civil liability for exploited victims to whom the payment should be guaranteed. In this context she urged police and justice to accept minimum standards of cooperation. Also, the field workers, implementing EU external action projects in third

countries, should receive adequate training and have instruments on their disposal to detect and combat trafficking. Mrs. De Craim regretted the lack of initiatives to exchange results and good practices concerning prevention issues between EU member states and among different stakeholders, calling for a bolder coordination role of the EU in this regard.

Mr. Due Van Heel, Anti Trafficking Coordinator at FRONTEX started by providing basic information about FRONTEX, the European Agency for Management of Operational Cooperation of the External Borders of the Member States of the EU. He presented the concept of integrated border strategy, composed of border control and cross border crime aspect. Regarding trafficking in humans it often starts at the border, making the border control aspect a great opportunity for prevention. Frontex looks at every border be it the land border or at the airports and together with the Member States decides on action to be taken. However, it has no mandate to look at the inter EU trafficking, as this prerogative belongs to the Europol. Border guards are able to perform detection, identification in the first line and interviewing and data collection in the second line. There are training manuals aimed at raising awareness of border guards and improving their capacities for identification and interviewing. The new Frontex provisions ensure full respect for human rights in all Frontex actions, whereas the newly established consultative forum on fundamental rights assists the Agency's management board. Frontex also carries out the risk analyses, looking at the illegal stay, the facilitators, the false documents, the asylum applications and the refusal of entry. This served to evaluate the threats and risks to the EU security. In this context there is still a room for improvement of data collection and exchange. Mr. Van Heel went on by announcing the EU Trafficking Day (ATD), organised by Frontex on 18 October 2011 in Warsaw in the framework of the EU Polish Presidency. He explained that this year's objective is to examine what the EU Agencies can do together against trafficking in human beings. Three workshops- on prevention, protection and prosecution and investigation are planned to be held with the aim to strengthen cooperation and promote synergies between EU Agencies, thus improving the EU effectiveness to combat human trafficking.

Mr. Gert Bogers, Policy Advisor in the fight against trafficking at the DG Home Affairs of the European Commission informed the participants about the latest development of anti trafficking policy at the EU level. Recently, the EU has been endowed with the new Anti Trafficking Coordinator which should not only increase the coherence of the EU policy internally, but should improve the relations with third countries. The EU Anti Trafficking web -site has been set up as a one stop shop within the EU, but contains also national web pages publications. In April 2011 the EU adopted new anti trafficking Directive which replacing the old Framework Decision and covers all aspects of criminal law, prevention and protection. Special attention is paid to victims and particularly vulnerable victims. In addition, the Directive assigns the Commission with the specific task to report on legislation in the Member States that criminalises the use of services of victims of trafficking. This aspect provides for a new dimension of the EU anti trafficking

policy, hitherto many times addressed but not often taken forward. The report is due in 2016. Mr. Bogers also addressed the external aspect of EU policy, mentioning the Action Oriented Paper to strengthen the EU external dimension on action against trafficking. The first implementation report of AOP published recently lists all actions undertaken and projects carried out by the EU and EU Member States in the last ten years. The EU is working now on the new 2012 Anti Trafficking Strategy which will include the “forth P”- Partnership, following the Belgian initiative at the last year’s Anti Trafficking Day. The Strategy will also address the reduction of the demand and supply side of trafficking, looking at all forms of exploitation: sexual exploitation, forced labour, sham marriages, begging etc. It will also take into account the findings put forward by the EU Experts Group that pointed to the growing internal EU trafficking and victims exploitation across internal EU borders.

Mrs. Patsy Sorensen Payoke Director, the co-founder of Ceipa and former Member of the EU Expert Group against Trafficking brought the fresh input from the NGO perspective. She started her presentation by acknowledging the importance of developing a strategy. She encouraged positive development at the EU level, including the new EU Directive, the decision to renew the Group of Experts, the funding possibilities and the initiative of the EU Agencies to join forces in the fight against trafficking. She also praised the Belgian National Action Plan aimed at reinforcing preventive and repressive aspects, while strengthening victims’ protection and coordination between the stakeholders. On the other hand she regretted that the number of identified victims remains low, contrary to the number of experts that seems to be rising. She urged better communication and cooperation, which are the keys for efficient fight against trafficking. Also needed is better information and explanation on the role and tasks performed by the EU bodies like Eurojust, Frontex and operations such as Joint Investigation Teams. This is especially important for the grass root law enforcement authorities that are sometimes not aware of the development at EU level. Mrs. Sorensen also stressed the need for a better data collection and analyses. She concluded by launching an appeal for a different approach to trafficking, calling the artists to step in. The example is a book published by a Nigerian woman about African women who were deceived and ended up in the red district in Brussels and Antwerp. The art, concluded Mrs. Sorensen, can not only help raising awareness about trafficking but could help victims on their way towards a normal life.

Mrs. Jelena von Helldorff, Ceipa Senior Policy Advisor shed light on the external dimension of the EU action against trafficking. As a first step, she said there should be an understanding that the EU internal security closely depend on the external security and that the root causes of trafficking stem from poverty, gender inequality, lack of employment opportunities in third countries. She therefore called for a better interinstitutional EU cooperation, especially between the recently created European External Action Service and the DG Home Affairs, to help promoting EU values about the respect of human rights in the third countries. In the same vein she called for the training of EU defence missions in third countries, since they often operate in the conflict areas. Ever since the adoption of the Lisbon Treaty the EU was endowed with legal personality which

gives it the opportunity to have a place and visibility in international organisations. Mrs. von Helldorff concluded by suggesting that the cause of fight against trafficking become one the EU emblematic subjects, comparable to the fight against death penalty or torture, defended by the EU in international fora.

The Debate was kicked off by the remark on the good Belgian practice and experience that should be transmitted to other EU Member States. Speaking about trafficking for labour exploitation one participant noticed that is difficult to enforce standards as long as there is no good economic argument. On the international level though business and trade unions jointly raise standards, which is also one of the rare examples of their cooperation. A lot of scope is potentially opened to develop dialogue with industry and to raise standards. The idea was launched to set up an European Social Intelligence Agency together with the introduction of the Social Identity Cards. Business people should have interest to participate because it also affects legal business. The issue of undeclared work and the necessity for cooperation among work inspectors was addressed in this respect. It was said that consumers should question their attitudes in the search for ever cheaper products, as this is closely linked to labour exploitation. Corruption and good governance were addressed as issues that need to be touched upon when dealing with trafficking. Finally, mention was also made about the US TIP Report and the possibility of naming and shaming of countries that are not doing enough to eradicate trafficking.

H.E. Ambassador Tilemans winded up the Round table by extending his thanks to the speakers and participants and expressing his hope that the main conclusions of this Round table would be presented at the EU anti Trafficking Day in Warsaw. He concluded by stressing a few points that require further consideration, namely: closer cooperation with the EU External Action Service, more bilateral state cooperation, better cooperation between social and labour inspectors and close monitoring of the Balkan region as an area of high risk. Ambassador Tilemans underlined the necessity for the representatives of Member States to attend the EU Anti Trafficking Day in Warsaw.