



European Round Table

"Trafficking in Human Beings in the Light of the Conclusions of the Belgian EU Presidency - On the Way Towards Creating New Security Architecture in the Post-EU Lisbon Treaty Era"

2 December 2010,

Ministry of Foreign Affairs, Belgium

*This Roundtable was the fifth in the series of events organised in 2010 by the Centre for European and International Policy (CEIPA) and hosted by the Belgian Ministry of Foreign Affairs. It was conveyed in order to take stock of the Belgian 2010 EU Presidency efforts to contribute to the fight against trafficking in human beings and to identify further actions to be taken in future. The round table was mediated by Mr. **Peter von Bethlenfalvy**, CEIPA Executive Director.*

In his opening and welcome address, **Mr. Frank Felix** of the Belgian Ministry of Foreign Affairs underlined the successful cooperation with CEIPA and expressed the wish for this type of meetings to be continued in 2011. He stressed the value of these types of meetings, as they generate ideas which can be useful for the Belgian diplomacy.

Mr. Felix went on by presenting the main conclusions of the Belgian EU Presidency Anti Trafficking Day conference "Towards an External Multidisciplinary Approach to Prevention of Trafficking in Human Beings, Prosecution of Traffickers

and Protection of Victims” which took place in Brussels on 18 and 19 October 2010. The first two panels of the conference underlined the importance of strengthening the role of law enforcement and judiciary and promoting cooperation between EU Member States and third countries in action against trafficking in human beings (THB). Joint Investigation Teams appear to be an interesting albeit not sufficiently explored concept of cooperation, that should be further promoted. The need for training and awareness raising, especially of the judiciary branch was mentioned as an important element which should help tackling the problem of low conviction record and mildness of penalty. Moreover, the evidence of the crime should not remain limited to the victims’ testimony but should be extended to other sources of evidence such as forensic technique, observation, intelligence etc.

In addition, the ILO’s (Immigration Liaison Officers’) role should be reinforced, as they serve as a bridge between the country of origin and destination. They should also receive appropriate training on trafficking issues in order to be able to perceive new forms of trafficking in third countries.

Financial aspects were the subject of the Panel 3. In this respect it was underlined that the EC 2005 Regulation, dealing with the crime proceeds should be properly implemented, whereas the confiscation and seizure of profits should be strengthened. Panel 4 focused on the victims’ protection, highlighting the need for better cross border cooperation and implementation of the Uniform Victims Protection Order at the European level. Panel 5 was about partnership and the role of private sector. The importance of sensitizing private sector and trade unions to the trafficking phenomena was raised, especially regarding the construction sector, where the victims are hard to detect. Whereas the Belgian trade unions seem to be aware of trafficking, people working on the ground need to be better informed of the risks of trafficked victims. The last, panel 6 put the issue of multidisciplinary approach into perspective. It stressed the value of partnership between countries of origin, transit and destination as well the cooperation among governments, private sector, NGO’s and international organisations.

Speaking about the role of the Belgian Ministry of Foreign Affairs, Mr. Felix listed a number of actions undertaken with the aim to combat trafficking. The Ministry addressed the problem of domestic exploitation in foreign embassies and consulates in Belgium. 70000 individuals in need of help, most of them from developing countries were identified altogether. They were all invited by the Belgian authorities and were given brochures about their social and labour rights. The action showed significant results in a stark decrease of a number of exploited people. The second action was the pilot project carried out in 12 Belgian diplomatic missions abroad to monitor the reintegration of returned trafficked victims in their home countries. Another project consisted of distributing fliers to the people who intend to come to work in Belgium from countries known for a high record of trafficking cases. Yet another action targeted child prostitution, whereby brochures were distributed in hotels and embassies of countries of destination of Belgian citizens, who can be prosecuted even if the act is committed abroad.

Ms. Corrine Dettmeijer-Vermeulen, the Netherlands National Rapporteur on Trafficking in Human Beings began her intervention by pointing out to the issue of independence that the national rapporteur needs to enjoy in exercising her/his function. The Hague 1997 Declaration first set up the function of a national rapporteur for THB, whose task is primarily to monitor and evaluate the effectiveness of national anti trafficking legislation, to pinpoint to the gaps in the implementation and put forward recommendations for improvement. Based on this rapport, the national Parliament can decide on new strategies and mechanisms. Independence means that the rapporteur should neither be a political activist nor should it be the government official. Each country can decide on where to place its National rapporteur. Whereas Finland has last year set up this function within the Ombudsman for Minorities, the Portuguese National rapporteur is based in the Ministry of Justice.

In October this year the Netherlands has celebrated 10 years of the establishment of the national rapporteur for THB. Within that period the political willingness to tackle human trafficking has considerably grown, in parallel with the awareness that fighting trafficking should rest on a comprehensive policy, which is not exclusively centred on the law enforcement action. The 3 P's approach remains central in this regard. The advantage of the national rapporteur is that he/she has access to all ministries and NGO's and can thus form a broader picture of the situation on the ground and evaluate the effectiveness of national action. However, to have an impact the recommendations need to be well understood in order to influence the decision making process. The past record of the Netherlands anti trafficking measures is quite impressive. It includes various measures from the training of prosecution and investigation officials, the sensitisation of diplomatic staff abroad, the inclusion of anti trafficking curricula in all secondary schools and the award of a prize for an anti trafficking measure which is granted each December. This year's prize will be awarded to the idea to put an anti trafficking sign on the 1 € coin that can be seen only when the coin is heated, thus symbolising the hidden nature of trafficking. The Netherlands has also carried out a large jurisprudence survey which showed that as a result of anti trafficking measures a total of 5000 victims has been registered, whereas the number of cases dealt by judiciary has doubled in the past ten years. Nevertheless, some problems remain, such as data collection. Ideas like Montrasec system (introduced by Gert Vermeulen from the Gent University) or the Human Trafficking Tracker which provides for the better information to all stakeholders should be supported.

More attention in should be paid to the internal trafficking, given that the 2009 survey showed that the Dutch nationals represent 25%of trafficked victims The wide use of Internet, as a new tool for recruitment, along with the web crime and sex pornographic images should also be scrutinized more closely. Although the appropriate response to this type of development is still lacking, the internet can be also used for better cooperation with third countries and strengthening the public-private partnership.

Ms. Dettmeijer-Vermeulen ended her intervention by remaining of the next meeting of the EU network of national rapporteurs or equivalent mechanism,

scheduled to take place in December, following the EU Council conclusions on the establishment of such a system in 2009.

Ms. Patsy Sörensen, Payoke Director, Belgium, reminded about the clear interest of the military personnel in Belgium to receive the anti trafficking training. The examples of the peace keepers and people working on the ground in conflict areas such as Iraq and Afghanistan are the case in point. In April 2011 the conference on the military awareness raising and anti trafficking action will be organised. She went on by explaining the content of the new EU Directive against trafficking, by pointing out the main differences compared to the 2002 EU Framework Directive. Among others, the Directive is broader in scope and is very much alike the European Council Convention. The victims protection is particularly strengthened in providing protection to all victims independently of their willingness to cooperate with law enforcement. The seizure of trafficking assets and the tackling of demand, as well as the higher conviction sentences are additional the new elements of the Directive. The EC Commission is organising on 16 December 2010 the Expert consultation on the future EU strategy on fighting trafficking which will be adopted in 2011.

Mr. Jean François Minet and Ms. Barbara Vangierdegom, National Coordinators on Counter Trafficking in Belgium from the Service for Criminal Policy, Ministry of Justice, Belgium reiterated a few key conclusions of the EU Belgian anti trafficking conference, noting that they will be published and distributed by the end of the year. The work of the Belgian EU Presidency in the field of trafficking should be evaluated as a success given that next to the anti trafficking conference the political consensus has been reached on the new EU Trafficking Directive.

The round table discussion touched upon various elements of anti trafficking policies. Particularly stressed was the need for a better judicial training. The representative of the Belgian labour's prosecutor office noted that the 2005 Belgian law stipulates the specialisation of at least one court chamber on social/financial matters. There exists a provision on trafficking training for judges, but this needs to be further developed. The independence of judges is often claimed as being the main reason for the absence of judges' training in trafficking matters (although the French law does foresee such a provision). The Portuguese representative mentioned the specialisation of judges in human rights at the European Court of HR and suggested the same approach pertaining trafficking. The discussion revealed the need for more systematic analyses of this issue, especially given the small overall numbers of convictions.

Mr. Peter von Bethlenfalvy, CEIPA Executive Director thanked the speakers and all the participants for their valuable input and lively discussion.