

3rd National Networking Meeting Towards Global EU-Action Against Trafficking in Human Beings

REPORT

5 March 2010

Pavilion 12, IFEMA – Feria de Madrid, Convention and Congress Centre, Spain

Executive Summary

The **Third National Networking Meeting** was one of the three National Networking meetings that have been organized in the course of the project “Towards Global EU-Action Against Trafficking in Human Beings”, implemented by the Swedish Ministry of Justice in cooperation with the International Organization for Migration in Vienna, and with financial support from the European Commission (Directorate-General Justice, Freedom and Security), 2008 Programme “Prevention of and Fight Against Crime”. The First National Networking Meeting took place on 28 May 2009 in Stockholm (Sweden) and the Second Networking Meeting was held on 11 September 2009, in Vienna (Austria).

The objective of this Networking Meeting was to discuss and consider a set of priorities in order to implement the [Action Oriented Paper](#) on strengthening the EU external dimension in the fight against trafficking in human beings (THB), which was adopted by the Justice and Home Affairs (JHA) Council on the 30 November /1st of December 2009 and the [2009 October Declaration](#) on THB agreed upon at the [Ministerial Conference](#) held on 19-20 October 2009 in Brussels (Belgium).

A number of themes to enhance **EU cooperation and coordination against human trafficking** were discussed. A primary concern of the meeting was the **protection of the human rights of victims and potential victims of trafficking**. Moreover, multidisciplinary action should be undertaken by the EU and its concerned policy areas acting strongly and in a coordinated way in the global arena, following a human rights approach in its fight against human trafficking. The European Convention on Human Rights and the EU Charter on Fundamental rights are clear on this point and both are now a part of the EU legal framework through the **Lisbon Treaty**. Furthermore, the opportunities offered by the Lisbon Treaty to strengthen the institutional framework of the EU to curb human trafficking were underlined as an important factor in enhancing the EU response. There was a call from participants to improve the understanding of human trafficking for all types of exploitation, its mechanisms and the need to collect accurate data on the victims, the perpetrators and the process of human trafficking in order to target effective counter-trafficking measures.



Other important aspects on human trafficking discussed among participants included child sex tourism, which is a common problem shared by many Member States. In this regard, the need to develop partnerships with the private sector and especially with the tourism industry was pointed out.

A number of **priorities** were discussed in order to strengthen the EU fight against trafficking:

- implementing **existing mechanisms and agreements and creating new specific ones on THB**;
- promoting a **root cause approach** to prevent human trafficking;
- mainstreaming trafficking in human beings into the **EU human rights policy** within international fora;
- reinforcing the **overall understanding of trafficking by creating a THB INDEX**, i.e. a concise information system with a limited set of key indicators;
- establishing an **EU Anti-Trafficking Coordinator (EU ATC)**;
- establishing **specific anti-trafficking partnerships** with relevant countries of origin of trafficking in human beings as well as including trafficking in human beings in **cooperation agreements with third countries**;
- **monitoring and evaluating** implemented counter-trafficking measures in order to identify best practices and avoid duplication of resources.

The situation of **unaccompanied minors (UAMs)** was specifically addressed and the meeting expressed its support for the adoption of an EU Action Plan on UAMs. The following priorities on UAMs were discussed:

- promoting **child-centred research** and a **child rights-based approach**;
- preventing and responding to the exploitation of children, including **child labour** through a monitoring mechanism;
- preventing and responding to **illegal adoption**, including the use of DNA testing and databases;
- developing **common standards and procedures** for dealing with unaccompanied minors at points of departure and entry and in destination countries, in line with international standards and giving due consideration to the general principles of the Convention on the Rights of the Child, i.e. the right to non-discrimination, a best interests determination for each child, the right to life, survival and development, and the right of the child to have his or her views heard in all matters affecting the child;
- promoting the ratification of the **Council of Europe Convention to protect children from sexual abuse and sexual exploitation**.

Welcome and opening address



José Antonio Rodríguez Uribes, Director General of Victims of Terrorism, Spanish Ministry of the Interior, opened the Meeting by welcoming all panellists and participants and stating that human trafficking is one of the priorities of the Spanish EU Presidency. Mr. Rodríguez's speech focused on the need to protect victims of human trafficking. THB is a human rights issue and victims see their basic fundamental rights violated, even though these crimes are perpetrated by private individuals and not by states. Democratic states are the best guarantors of

the rights of the vulnerable and are in a position to combat these violations. Mr. Rodríguez also referred to the Stockholm Programme, which qualifies THB as a violation of human rights and dignity,

which the EU cannot tolerate. It is Member States' duty is to protect victim from commoditization. Their dignity must be recognized and they must receive justice and reparations.

Anders Oljelund, Swedish Ambassador and advisor within the Swedish Ministry of Justice, thanked the Spanish EU Presidency for hosting the Meeting and taking the work of the Swedish EU Presidency so seriously in furthering its goals and the AOP. The EU has achieved a great deal in the ten years since it began tackling the area of THB. Since then, many instruments and documents have been created, but there are weaknesses which need to be strengthened, as the project attempted to do. Two important documents were produced in the course of the project: the AOP and the October Declaration of 2009. THB should be a preoccupation of the entire EU, not just Justice and Home Affairs, and all instruments at the EU's disposal should be used in combating this crime, especially its relations with third countries. Root causes of THB must also be addressed. The project has tried to take a human rights approach in the deliberations and papers. The Lisbon Treaty may offer possibilities for combating THB, such as the EU's now more united foreign policy, although it difficult to judge at this time the potential advantages and disadvantages posed by the Treaty.

Manuel Pombo Bravo, Special Representative of the Director-General to Spain of the International Organization for Migration in Madrid, stressed the importance of the Meeting to participants and expressed his hope for concrete results. The EU has taken major decisions in recent years. Instruments that have been created are good, but concrete solutions and actions must be carried out. Efforts must attack THB at its root by cooperating with third countries to help them improve their methods, capacities and awareness. In addition, internal reflection must also take place in the form of addressing consumption. Eighty percent of victims of THB are women, particularly for the purposes of sexual exploitation. THB exists because there is a demand. Thus, anti-trafficking efforts must raise the awareness of consumers regarding the living conditions of these women.

Presentation of the AOP and the 2009 October Declaration

Henrik Sjölander, Deputy Director of the Swedish Ministry of Justice, thanked the Spanish EU Presidency for its collaboration on bringing THB to the EU agenda. Before directly addressing the AOP, Mr. Sjölander informed participants of important points discussed on the previous day in the Steering Committee Meeting. The first important issue was human rights, which is now supported by the Lisbon Treaty through the inclusion of the ECHR and the Charta on Fundamental Rights into the *acquis communautaire*. The Stockholm Programme is also very victim-centred and human rights oriented. Furthermore, a victim-centred and **human rights approach** has now been reaffirmed judicially through a case of the European Court of Human Rights that condemned Russia and Cyprus for failing to assist a victim of trafficking. Human rights must be at the forefront of anti-trafficking strategies, and the UN guidelines on human rights should also be incorporated. The second main point of discussion of the Steering Committee Meeting was institutional developments following the entry into force of the Lisbon Treaty. The position of a **European Anti-Trafficking Coordinator (EU ATC)** is being developed and a framework decision on THB is also in the works. THB is a priority for EUROPOL, and there will soon be a **Schengen evaluation**, which will also address the area of THB. The third focus of the Steering Committee Meeting was the need for a root cause approach in addition to victim-centred approach.

Mr. Sjölander noted that THB is now more present on the EU agenda than ever before. The Stockholm Programme gives a prominent position to combating THB, as it is first on the list of crimes to be addressed. On the 24th of March the EC will present its **programme to implement the Stockholm Programme**. The **evaluation of the AOP** will be undertaken by June 2011 under the Hungarian EU Presidency. Mr. Sjölander invited Hungary to take THB further on the EU's agenda. The Stockholm Programme reinforces coordinated policy and states that the AOP should be used to its full extent. In addition to the Framework Decision currently being developed, a similar Directive will be proposed by the EC. **Anti-trafficking partnerships** with important third countries will be looked into by the EC. EUROPOL and EUROJUST are invited to step up their work against trafficking. Overall the EU has taken a strong position on the issue of human rights.

The AOP focuses on coordination, cooperation, coherence. This is especially apparent in the establishment of an EU ATC. Many international organizations have such a position to coordinate anti-trafficking work, and the EU should also introduce such a position to bring more coherence to its anti-THB efforts. Currently, the EU is lacking in coherence in the way that it deals with THB in different international fora. Depending on the discussion, the EU frames THB as an issue of migration, security, development, etc. In order to bring more coherence and unity to the EU's international approach, a template should be developed in order to see how THB is being dealt with in different international

contexts. The EU is looking to establish itself as a global player and coherence is a vital issue in these regards.

Evaluation and follow-up is very important and should be undertaken starting at the beginning. In this context, EUROPOL will produce a threat assessment for determining risks posed to the EU by organized crime and will also undertake a thematic assessment of THB.

The **External Action Service** of the EU will be an important means for coordinating the fight against trafficking with third countries. The AOP clearly emphasizes the role of the EC in the field through consulate and diplomatic services in countries of origin. The EC will also develop an informational website on THB.

Mr. Sjölander emphasized that our **understanding of THB** needs to be developed and deepened, and this must be done at the international level. Methodological problems of measuring crime in different EU MS must be circumvented, such as through the use of the **THB INDEX** – a list of indicators.

Mr. Sjölander lamented that **child sex tourist** disappeared from the EU's agenda seven or eight years ago and argued that this issue needs to be brought back to the agenda. Again stressing the need for a human rights based approach, Mr. Sjölander stated that THB could be part of the human rights action plan of the Stockholm Programme.

Andreas Halbach, Head of Special Liaison Mission of the International Organization for Migration in Vienna, thanked the Spanish EU Presidency for hosting the Meeting and emphasized that strengthening **cooperation with third countries** has been the purpose of the project. The history of international legislation abolishing slavery is long, dating up until the UN Trafficking Protocol of 2000 and Article 5 of the Charter of Fundamental Rights prohibiting forced labour and human trafficking. The EU has intensively worked to facilitate an international policy debate and fight THB. In the wake of the Lisbon Treaty, EC DGs are being reorganized and extra effort is needed to mainstream counter-trafficking efforts into different policy and programme sectors. This necessitates the appointment of an **EU Anti-Trafficking Coordinator** and the institutionalization of national anti-trafficking coordinators throughout EU Member States. Prevention is our foremost task. Up until now, prevention has focused on awareness-raising, but this does not do enough to address the realities faced by those who are susceptible to trafficking. Thus, there is a serious need to address **root causes** of trafficking. This brings us to migration governance and development cooperation. **Mobility partnerships** are currently being piloted in a handful of countries and they will need to be complemented with anti-trafficking partnerships. Migration should be a choice not a last resort, not only for migrants, but also for host societies that need to stem demographic decline and economic stagnation. The Lisbon Strategy of 2000 included a human resources and migration component, but the Strategy failed. Now the EU will present its 2020 Strategy. Including possibilities for legal migration within this context could go a long way to containing trafficking. Genuine partnership between countries of origin and destination requires genuine understanding and political and financial will. However, implementation is the most critical aspect of anti-THB policies. Many legal instruments have been created and much has been achieved, but much more remains to be done. We must work to narrow the gaps and go to work with what we have instead of creating more instruments. To emphasize the need for implementation, Mr. Halbach drew participants' attention to this year's 10th anniversary of the Palermo Protocol, questioning whether enough has been achieved to justify celebrating this anniversary.

Panel One : Coherence and International Coordination in the Process of Implementing the Action Oriented Strategy of the European Union

The first panel was chaired by **Ms. Helga Konrad**, International Consultant on Combating Trafficking in Human Beings and Former Austrian Federal Minister.

Mr. Diego Blázquez, advisor to the Spanish Minister of Equality, stressed that successful coordination requires constant effort. He pointed out that much good work has already been done, which should be engaged and implemented. Designing tools is not



enough in order to contribute to fruitful co-operation. Action needs to be coherent and coordinated. International instruments, such as the UN Trafficking Protocol, the Council of Europe Convention against trafficking and the Stockholm Programme should serve to define common goals and actions.

Ms. Sabine Zwaenepoel from the European Commission stated that bilateral action plans with neighbourhood countries as well as stabilisation and association agreements between the European Community and third countries are fundamental in order to fight THB. Counter-trafficking efforts are included within the framework of human rights dialogues with third countries. She informed participants that the EC has created the post of an EU Anti-Trafficking Coordinator on the administrative and budgetary level. The EC is actively working on the implementation of the AOP through establishing a template of action and assistance provided around the world by the EU, developing an anti-THB website, and developing a list of indicators for data collection and statistics. The EC is working on the proposal of the Directive on combating THB. Ms. Zwaenepoel also outlined the importance of the current project implemented by the Swedish Ministry of Justice and IOM Vienna as an example on how practice can contribute to the policy level.

Ms. Eunice Shang-Simpson from Eurojust urged that cooperation and coordination must occur between the EU and third countries in order to fight cross-border crime in the areas of investigation and prosecution. Coordination meetings are a good means of keeping coordination regular and institutionalized. Collection and exchange of research data is also important. Regular analysis must be undertaken and cooperation must be flexible on the operative level if it is to succeed.

Ms. Viktória Végh from the Hungarian Ministry of Justice and Law Enforcement stated that cooperation between countries of origin, destination and transit as well as between states and non-state actors (NGOs, IOs, private sector) must be strengthened. THB will be an important topic during the Hungarian EU Presidency of 2011. Regarding implementation of the AOP, all action should be based on regular analysis of scope and patterns of the problem. THB is an area of cooperation in its own right in the EU's relations with third countries. Victim identification is the core issue of victim assistance and training and knowledge must ensure that victims can successfully be identified by those who come into contact with them. Finally, investigation should be carried out with countries of origin through police cooperation.

Ms. Marta Requena underlined the important contribution that the Council of Europe could play in the implementation of the AOP through its extensive expertise on the human rights approach to fight THB as reflected in the *Council of Europe Convention on Action against Trafficking in Human Beings*. In this sense, she stressed the importance of the recent judgment of the European Court of Human Rights on the case *Rantsev v. Cyprus and Russia*, on trafficking in human beings for the purpose of sexual exploitation. She raised concerns on the EU's approach to tackle THB mostly in an organised crime perspective. Ms Requena recalled that the AOP states that "the monitoring mechanism (GRETA) set up under the Council of Europe Convention has the potential to cater for concrete recommendations for further action". Finally she pointed out that the Council of Europe Convention provides a solid basis for international co-operation and the development of strategic partnerships.

Ms. Baerbel Heide Uhl, Chairperson of the EU Group of Experts on THB, recommended that the anti-THB discourse should be broadened to include health, migration, asylum, labour, employment, social security, education and development. The group recommends unconditional and a low threshold of access to services for all presumed victims of trafficking. The 2004 Directive on short term residence permits should furthermore be revised. Victim compensation should be an institutionalized procedure in all assistance efforts. The expert group also recommends that National Rapporteurs and relevant mechanisms should report to the EU annually. Ms. Uhl also underlined the need to improve coordination between EU institutions and within the EC.

Ms. Beate Andrees from the ILO argued that funding of anti-THB efforts should not be limited to project cycles and should work to involve the private sector. Institutional mechanisms must be established so that cooperation is not dependent on personal relationships. This can be attained through cooperation agreements and national referral mechanisms. Additionally, labour market actors need to be part of anti-trafficking efforts. Statistics need to be sustainable in order to be useful for law enforcement and the judiciary.

Mr. Peter von Bethlenfalvy, former Head of Special Liaison Mission of IOM in Berlin and Vienna, noted that the project has brought more coherence and consistency in EU policy. He stressed the need for more efforts to ratify existing conventions and agreements, which is fundamental in order to exercise coherence. He also stressed that Member States control the extent of the implementation of

the AOP. The Anti-trafficking Coordinator will have the role of setting European standards toward third countries.

Ms. Patsy Sörensen, director of the Belgian NGO Payoke, stated that the AOP presents the possibility for stronger knowledge-sharing among countries and the reduction of duplicated actions. She emphasized that existing knowledge should be employed. Victims will benefit from cooperation and coordination through their integration into the host country or safe return. She underlined the need to harmonize data collection and support viable data collection systems. In addition, awareness raising and training programmes for different stakeholders (governments, IOs, civil society, labour inspectorates, front line officers, students, victims of trafficking, etc.) must be increased in order to prevent trafficking. Root causes need to be addressed by supporting third countries in providing opportunities for their citizens that will reduce the push for migration. Better use of European agencies should be made to increase cooperation of the judiciary in prosecution. Safe returns and reintegration for trafficking victims must be an option.

Ms. Susana Fernández, the representative of the Spanish Network against THB, expressed concern that the discussions would have no effect on victims. Spain has not paid enough attention to victims of trafficking in recent years, because trafficking has often been confused with irregular migration. Victim identification is the biggest problem. She argued that human rights aspects must be included in relevant legislation. There is very little awareness among the Spanish population on the issue of trafficking. The 2004 Directive on temporary residence permits for victims of trafficking was not implemented in Spain and currently only victims of sexual exploitation are the focus of attention. Victims and their human rights need to be the focus of the implementation of the AOP. Ms. Fernández stressed that her network wishes to learn from the European experience so as to gain new knowledge for how to combat THB in Spain.

Panel Two : Enhancing Cooperation and Coordination of European Union Action Against Trafficking in Human Beings vis-à-vis Third Countries



The second panel was chaired by **Mr. Marco Gramegna**, Former President of the EU Experts Group on Trafficking in Human Beings. Before opening the panel, Mr. Gramegna underscored some important new recommendations of the AOP, including expanding anti-trafficking policy beyond the realm of Justice and Home Affairs, focusing on cooperation and partnerships with third countries, adopting a comprehensive approach, and understanding the root causes of trafficking in order to reduce the vulnerability of victims and prevent this crime.

Mr. Eduardo Escribano from the Spanish Ministry of Foreign Affairs and Cooperation stated that Spain's efforts have mainly focused on combating trafficking for sexual exploitation. Diplomats and consular service officials must be trained in order to better recognize potential traffickers and/or victims. In order to lower the incidence of trafficking, the EU should provide assistance to vulnerable groups in conflict and post-conflict situations.

Ms. Liliana Sorrentino, Adviser to the OSCE Special Representative and Co-ordinator for Combating THB, stressed the importance of National Rapporteurs and national referral mechanisms to ensure human rights based responses to THB, enhance co-ordination and coherence of anti-trafficking action, as well as to improve co-operation with third countries. She also argued that the impact of policy initiatives on exacerbating vulnerabilities to trafficking must be examined. She highlighted two main challenges. The first relates to improving victim identification, assistance and access to justice. She stressed the importance of adopting a new EU Directive, as well as revising the 2004 Directive on

residence permits for victims of trafficking for stronger human rights protection of victims. She also recommended that a specific EU regulation should address the situation of EU citizens who are victims of trafficking. The second challenge is about ensuring a safe, voluntary return of trafficking victims and requires systematic individual risk assessments in co-operation with NGOs. In the implementation of the 2008 Return Directive a systematic screening procedure for victim identification should be established with NGOs in detention centres for irregular migrants, legal advice should be provided to presumed trafficked persons, and a best interest determination process should be secured in all decisions regarding children.

Mr. Juan Carlos Marín from the Spanish Ministry of the Interior presented a good practice of Spanish cooperation with third countries. This process normally occurs through attachés for internal affairs in Spanish embassies and in third country embassies in Spain and provides a good means of information sharing. The Spanish police also provide training for police forces in third countries. This cooperation encounters challenges in countries where Spain does not have an attaché or counsellor in the embassy as well as in countries where corruption is widespread, which makes cooperation counter-productive.

Ms. Alice Chamberlayne Hill from the US Department of Homeland Security agreed that collaboration networks among attachés would be beneficial in exchanging strategic information on a bilateral basis. She shared a best practice of the US experience in assisting countries of origin in awareness-raising campaigns among vulnerable groups. Such efforts should alert those crossing borders of the risks they could face and would include a telephone number that could be called nationwide to reach an NGO. Information websites are also important. Additionally, prosecution efforts must focus on countries of origin, including dialogue with judges and NGOs.

Mr. Dragos Bogdan Agapie of the Romanian Ministry of Administration and Interior stressed the importance of establishing a national database and national agency against THB. In order for cooperation and coordination to work, national identification and referral mechanisms for victims of trafficking must be in place. He also mentioned the example of transnational referral mechanisms implemented through an ICMPD project as a best practice.

Ms. Muriel Aza from the Cabinet of the Ibero-American Secretary-General emphasized the link between migration and development. Prosecution could be strengthened through bilateral and multilateral agreements and national legislation must be adopted in line with the UN Trafficking Protocol. She also argued that victims should not be subject to punishment or prosecution.

Ms. Brigitte Stevkovski from the International Centre for Migration Policy Development stated that there needs to be more awareness-raising among the population at large, particularly among potential buyers. She presented ICMPD's projects on creating transnational referral mechanisms and described this as a flexible tool that builds on existing mechanisms and could be used in many countries to assist victims.

Ms. Carla Cingolani from the Spanish NGO Mujeres en Zona de Conflicto stated that political will is necessary to combat THB. All efforts must incorporate a gender perspective, since women are disproportionately affected by trafficking. Civil society must be involved in anti-trafficking efforts in a genuine manner, including planning, implementation and evaluation. Additionally, data collection must be harmonized.

DISCUSSION

Mr. Dusan Soltes from the Comenius University of Bratislava argued that the EU needs to clean its own house of trafficking and that Member States should be showing more interest in addressing this issue, since not all of them were represented during the Meeting. He also expressed disappointment that not all Member States have ratified the Council of Europe Convention against trafficking. He also stressed that the funding of anti-THB initiatives should be increased. Mr. Soltes expressed doubt that the Lisbon Treaty would prove to be a helpful tool in combating THB. He also wondered whether the Schengen border controls are working, since so many smuggled people are entering the EU from Romania. He concluded that the EU should be more precise in implementing the tools that it already has instead of making more agreements on paper.

The Chair **Mr. Marco Gramegna** responded to Mr. Soltes' comments, noting that since the Meeting is a follow-up to the Ministerial Conference in October 2009, there are fewer participants than in the

previous event. Regarding the Lisbon Treaty, it provides new structures, possibilities and hope for tackling trafficking and organized crime. He also noted that there are bigger efforts to decrease trafficking within the EU than there are for addressing trafficking from third countries.

Mr. Robert Zeldenrust from the Netherlands emphasized that a clear trafficking strategy is necessary and this should not wait for the irregular immigration strategy, since trafficking is broader than irregular immigration. All aspects of trafficking should be dealt with in a proper way, including protection of victims, investigation cooperation with third countries, development cooperation and prevention. Waiting for the irregular immigration strategy will result in a loss of time and content.

Ms. Corinne Dettmeijer-Vermeulen, the Dutch National Rapporteur on THB, recommended adopting the non-punishment clause from the Convention of the Council of Europe. This is very important for criminal acts committed by victims during their period of exploitation. The Dutch Bureau of the National Rapporteur has conducted a comparative study of the application of this clause in six countries and the report will be published on the internet in English within the next five weeks. This is still an underdeveloped area, as the study shows. She also recommended taking into account the possibility of collateral damage for victims when implementing preventative measures.

Mr. Mohibur Rahman from the UK Home Office stated that it would be useful for Member States to see the details of the job description of the Anti-Trafficking Coordinator before it is posted.

Ms. Suzanne Hoff of La Strada International expressed regret that civil society was not consulted more in the development of the AOP. She also emphasized that there should be a distinction between human rights violation and migration policies. She furthermore expressed regret regarding the mention of swift action teams in the AOP. Regarding funding, the difficult EC funding procedures should be addressed, including specifications on when money is allowed to be spent.

Mr. Henrik Sjölander from the Swedish Ministry of Justice agreed that civil society plays a vital role in protecting victims' human rights and that they should be brought in as a key player.

Panel Three: Protecting Unaccompanied Minors in the European Union in Cooperation with Third Countries

The third panel was chaired by **Ms. Joanna Goodey**, Head of Department, Freedoms and Justice of the European Union Agency for Fundamental Rights. Ms. Goodey opened the panel by making participants aware of the scale of the situation of unaccompanied minors. According to UNHCR, over 15,000 unaccompanied and separated children claimed asylum in 2009 in the EU, including Norway and Switzerland. The EU has its own problems in dealing with unaccompanied minors, including 1) the detention of child victims of trafficking pending deportation, 2)



the prosecution of child victims for border offences and other offences, and 3) the disappearance of children from shelters. This demonstrates the significance of the issue and the need for solutions.

Ms. Carmen de la Viuda Sainz of the Spanish Ministry of Labour and Immigration stated that the protection of unaccompanied minors is a priority of the Spanish EU Presidency. There are unaccompanied minors in all EU Member States, but there is not enough data on these children and how they came to the EU. Sometimes minors are pushed by their families to emigrate. The EU needs to have a common strategy on unaccompanied minors, which could be assisted by the Stockholm Programme. Within all aspects, the best interests of the child must play a pivotal role.

Ms. Sorina Placinta, Romanian Senator, stated that EU Member States have an obligation to protect children through safe accommodation, medical assistance, and legal representation and assistance. Girls face particular risks and require specific attention. To close the knowledge gap, databases and research are necessary. Child labour must be combating and the Convention on the Rights of the Child should be ratified and implemented by States. A child labour monitoring system should be established. Additionally, both supply and demand for child trafficking need to be addressed.

Mr. José Antonio Lorente of the DNA-PROKIDS project carried out by the University of Granada, focused on the issue of illegal adoption. DNA can help hinder this form of trafficking: when a child is up for adoption, it can be tested if the person claiming to be the parent is actually the parent. A database could help identify a child before it even leaves its country. Such database could also assist separated children looking for their families and visa versa.

Mr. Wim Bontinck from the Belgian Federal Police emphasized that action must be based on children's fundamental rights, such as protection, security, and family life. He argued that minors should travel with their own documents to avoid a false parent taking them into their custody. Certain standards should be introduced to increase the ability of law enforcement to stop incidences of child trafficking: 1) formats for documents on parental consent, 2) procedures for how airline/travel staff should deal with minors travelling alone, 3) code on visas signaling the need to parental consent at the point of entry, and 4) procedures on how police should deal with minors. Monitoring mechanisms are also necessary.

Mr. Steve Harvey of EUROPOL lamented that some law enforcement officers are clearly not doing their jobs at the border, as the phenomenon of child trafficking demonstrates. Police and border control should undertake more profiling of children and people who travel with children as well as in regards to issues such as when the passport or visa was issued and if people travelling together speak the same language. He noted that unaccompanied minors are often dealt with as an immigration problem and thus do not show up on the trafficking radar. He stressed that current methods can prevent and combat child trafficking, but they need to be properly implemented. As an example of good practice, Mr. Harvey shared the Irish procedure of profiling flights that have been proven to cause issues concerning unaccompanied minors. Before passengers can disembark, the entire aircraft including trash and toilets is searched, often resulting in the discovery of torn up passports and travel documents.

Mr. David Reizenzein of FRONTEX stated that work needs to be done in a practical way, emphasizing that the necessary tools are already in place. Awareness-raising campaigns need to target border guards and sensitize them to the phenomenon of THB. He also stressed that the network of contact points combating THB, which is currently on an informal basis, needs to be formalized. Cooperation must be undertaken with civil society in the form of referral mechanisms. Additionally, it is vital to cooperation with law enforcement in third countries through capacity building.

Ms. Daja Wenke of UNICEF noted that interpretations of the international definition of trafficking in human beings vary and that the distinct definition of child trafficking is still often overlooked. In EU action against human trafficking, it is therefore important to bear in mind the challenges related to conceptual clarity. Ms. Wenke stressed that unaccompanied and asylum-seeking children should be granted access to child protection on the same terms and conditions as national children, so that that the 'categorisation' of a child as an unaccompanied or asylum seeking child or a victim of trafficking does not prevent the child's access to rights. Within the framework of the common EU asylum system, common standards and safeguards for children should be in place. The Stockholm Programme offers an opportunity for linking different dimensions such as preventing and responding to sexual exploitation of children, protection of unaccompanied children and safeguarding the human rights of the child more broadly. A systematic approach should be promoted in external action and within Member States and existing legal standards should be implemented and followed up to, including through monitoring and evaluation.

Ms. Liliana Orjuela López from Save the Children argued that public awareness should be raised on how to identify and support victims of child trafficking. Awareness-raising must also target victims themselves, so that victims can understand themselves as such and be informed of their rights. More systematic data is needed, as well as an increase of the economic resources for an integral attention and support - juridical, sanitary, and psychosocial - to child trafficking victims. The identification of minors is also an issue, which causes problems for their better protection. Thus, adequate tests for determining a child's age are necessary. It is also important to enforce international cooperation for accompanying adults that cannot prove their legal connection to the child. Legal frameworks should be

in line with the Convention on the Rights of the Child, particularly with the Child's Best Interest Principle.

DISCUSSION



Mr. Mohibur Rahman from the UK Home Office stated that he was very encouraged by **Steve Harvey's** presentation of the work of EUROPOL. He asked **Daja Wenke** of UNICEF about how there could be confusion about the inclusion of movement in the definition of trafficking.

Ms. Daja Wenke of UNICEF responded that national legal definitions differ on this issue as do interpretations of the international definition of trafficking in human beings. For example, the TIP Report is based

on the US national legal definition of human trafficking, which does not consider movement to be an essential element of trafficking.

Mr. Lourdes Carrasco of ECPAT Spain noted that the Convention to protect children from sexual abuse and sexual exploitation had not been mentioned in the panel. This Convention requires five ratifications to come into force, but to date there have only been four. He encouraged Member States to ratify the Convention.

Mr. Dusan Soltes from the Comenius University of Bratislava argued that the data from all passports should be in the Schengen Information System so that border control officers can quickly check if the passport is real or not. Almost all countries in the world have signed the Convention on the Rights of the Child, and they should cooperate on this issue. We have all the necessary tools and need to be stricter in implementing them. There should be follow-up to keep tabs on children picked up at airports in order to determine their location one week after their trip.

Ms. Zsofia Farkas from Terre Des Hommes drew participants' attention to the organization's latest study on foreign unaccompanied minors in Spain, Belgium, Switzerland and France from 2009. The study shows the disappearance rate to be about 60% from child care institutions. The study can be downloaded for free at <http://tdh-childprotection.org>.

Ms. Patsy Sørensen from Payoke asked **José Antonio Lorente** if his organization is in contact with Missing Children Europe. She also pointed out that new comers are always entering the field, meaning that training needs to be continual. Conflict zones and peacekeepers must also be the focus of training and awareness-raising.

Ms. Maira Pizetta Dias of Terre des Hommes agreed with many points already made, in particular that existing tools should be implemented. However there has been no reference to confronting and prosecuting the people who exploit these children, particularly through child sex tourism. Many people using these services are European, but nothing is done, even in countries that have signed a protocol about bringing charges against such tourists. No charges have been brought and this needs to be taken into account and addressed. Regarding irregular immigration, one of the reasons that people fall into the hands of the mafias is that it is hard to immigrate legally, leading to a cycle of exploitation and trafficking. The entrepreneurs and people who benefit from this exploitation must be criminalized and held responsible. Often a blind eye is turned to these cases.

Mr. Santiago Rodriguez from the Dominican Republic suggested that the coordination between consulates and institutions can be beneficial because consulate staff may know about cases of people being trafficked.

Ms. Beate Andrees of the ILO recommended including the positions of trade unions and employers in the follow-up action. They have become active only recently, but their contribution is vital.

Conclusion of the Meeting and Final Address

Almudena Tudanca of the Spanish Ministry of the Interior thanked participants on behalf of the Spanish EU Presidency for attending the Meeting and stated that the Presidency was honoured to wind up the project. The Presidency took note of the comments made in the Meeting and these will be used to set up the manner in which THB will be managed in the EU. The EU is currently in a transition phase due to the Lisbon Treaty, so patience will be necessary in regards to short-term results. The Presidency expressed its conviction that project efforts and results will be continued in the future.

Anders Oljelund of the Swedish Ministry of Justice concluded the Meeting by thanking the Spanish EU Presidency for their hospitality and their promise to continue working with and furthering the project results. He also thanked IOM for their contribution to the project, as well as the panellists and chairs of the panels for their contributions, which were well noted. He furthermore thanked the participants for their criticism, support and good ideas. The purpose of the Meeting was to discuss how the AOP can successfully be implemented, and the input made during the Meeting will be used. Over the last decade, progress has been made in the way the EU combats trafficking. Specifically, the human rights issue has been brought higher up on the agenda and efforts are now more victim-oriented. The Stockholm Programme puts law enforcement into a wider perspective and the Lisbon Treaty presents a new opportunity and new relationships that can contribute to a more effective fight against THB. Particularly, the European Parliament has been reinforced and this may be a good supporter of the fight against trafficking. THB cannot be looked at in an isolated way, but must be examined from all policy perspectives. Mr. Oljelund stated that governments must play a leading role in combating human trafficking and urged them to maintain political will in combating the crime of human trafficking.