

# Combating and Preventing Human Trafficking – Recent Developments: Facts, Myths and Challenges from the European Perspective

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In recent years, human trafficking has become one of the **most globalized criminal businesses** worldwide – one that no country is immune from. And it has taken on an added dimension in this area of globalization. It concerns by no means only countries of origin; much rather it affects us all equally – in East and West alike, in Europe and in other parts of the world - as countries of origin, of transit and of destination – and very often as a mix of all three.

For several years now human trafficking has received **concerted international attention**. Broad enactment of new anti-trafficking laws has been started, the funding for anti-trafficking projects and programmes began to flow, and more governments, organizations and actors have dedicated increasing attention to this problem. At the same time, there is a continuing stream of commentators, researchers and analysts attempting to inform on the problem.

Hundreds of anti-trafficking **recommendations** have been formulated, **checklists** and **indicators** have been crafted for the identification of THB situations, **standards** for victim protection have been developed, **training material** has been produced, countless conferences, symposia, meetings have been organized. But, despite of all these activities, there is **no tangible evidence** that we have come to grips with this **complex, multifaceted, multidimensional global problem**. Therefore, we need to **test the assumptions** on which we have been conducting this fight so far, if we wish to make meaningful headway against the traffickers and provide the lifeline needed for the victims of trafficking.

So, the question is no longer what can be done about THB, but rather **how can we do more and do it better** and how to fit the various pieces of this complex puzzle together and how to interlink the various activities in order to achieve optimum results.

Let me remind you that, when we got to the starting line, the traffickers were already far ahead in this race and notwithstanding the progress we have made, we are still **lagging behind**, struggling to catch up. So we cannot rest on our laurels, just as a marathon runner cannot celebrate finishing the first mile. What we need is a **massive integrated and coordinated response**. Focusing on less than a comprehensive picture will lead to failure.

And it is clear: There is no time to lose or waste. **Patience is no longer an option** in the fight against THB. Regardless of the progress made so far, we must be impatient and do more to **speed up progress** and we must act promptly, because, while we are sorting out minor details, traffickers ruthlessly and often with impunity proceed with their criminal business. And we must no longer accept that traffickers collaborate more efficiently than democratic bodies and authorities do.

What we need, if we really wish to contain, if we really wish to fight human trafficking, is a **truly comprehensive and multi-pronged approach** – bringing together those who work in poverty reduction, development, education, in employment sectors, in human rights and labor rights protection as well as those who address issues of corruption, organized crime, migration and legal reform – and last, but not least – **politicians, who care.**

What is needed, first and foremost, is the **political will** to put **theory into practice**, to implement the relevant laws and commitments. To generate political will means more than political leaders declaring that addressing THB is one of a country's priorities. It means more than government officials gathering periodically in inter-ministerial meetings. Political will means **proactive political leadership** on the issue. It means pushing initiatives regularly and continuously towards more and better results. It means **reviewing policies and adjusting** them as new knowledge becomes available. This will ultimately make all the difference.

**The criteria of success** in combating THB must never be reduced to one single field of action, but need to cover all the elements required for an appropriate response to trafficking situations. And they cannot be measured in **minimum standards**, and are contingent on more than a checklist type of approach. The only focus that matters is to identify victims of trafficking and trafficking situations properly – and in much larger numbers (approaches such as 'the fewer victims the better' or 'no data, no problem' are counterproductive), so, the only focus that matters is to identify trafficking situations properly – and by the way, all forms of trafficking -, to protect the victims properly, to investigate trafficking situations properly, to prosecute the perpetrators properly and to convict them to custodial sentences that reflect the severity of the crime.

Meaningful progress in diminishing/eradicating human trafficking requires **more than a checklist type of approach**, requires more than achieving mere minimum standards.

Since the unveiling of the **Palermo Protocol**, which is recognized around the world as the central international instrument in the fight against human trafficking, governments around the world undertook to pass anti-trafficking legislation and other measures to combat this crime. Consequently, the Palermo Protocol has been widely recognized as the primary catalyst for new criminal provisions against trafficking in persons and for anti-trafficking measures around the globe, since 2000.

Countries have either **adopted new anti-trafficking laws** or **amended their Criminal Codes** in order to provide for the specific crime of human trafficking and to take account of the different dimensions of human trafficking; national and regional **coordination mechanisms** and frameworks have been put in place – following the good practice developed, applied and tested in South Eastern Europe in the late 1990s and early 2000 and initiated by the **EU Stability Pact Task Force** with **national anti-trafficking coordinators** working with multidisciplinary working groups/ teams/ committees. **National plans of action** have been put in place, updated and revised in many countries. A whole range of efforts have been made, measures and actions taken.

Most of the countries have put in place **basic counter-measures** (shelters, hotlines, voluntary return programmes, short-term assistance for victims, etc.), but which are frequently **island solutions** rather than interactive structures (which would deserve to be called national **referral mechanisms**. NRM means the sequence of practice-oriented actions and measures required, from the very start of the identification process via the coordinated involvement of all relevant stakeholders to good judicial practice, with a view to responding in an integrated and strategic manner, **fully protecting victims' human rights throughout the entire process**. The **European Commission (EC)** has framed and put forward a reference document on the Identification and National Referral of Victims of Trafficking and addressed these recommended measures to law enforcement officials, labour and human rights defenders, human rights bodies and institutions as well as to NGOs at national, regional and international levels, but especially to governments and policy-makers who are the ones who must eventually take responsibility for their implementation).

Meanwhile, a number of countries have **acquired long-standing experience** in dealing with the problem of THB, while others have only just started to confront it and are therefore still lacking sound practical experience and have not yet fully understood the true nature of human trafficking.

But, almost all of them are content with attempts to **thaw the tip of the iceberg** and shy back from looking below the surface at this massive criminal business that generates many billions of dollars year upon year – money that is a **dead loss to the development of countries**, money whose source is the **utter misery of people** and that feeds other criminal rackets.

Considering that human trafficking is generating x-thousands of billions of dollars annually for the criminals involved in trafficking and that it affects tens or rather hundreds of thousands of people worldwide, it is obvious – and we must admit - that we have at best **scratched the surface** of the problem.

Generally speaking it would seem the trend is towards **managing** trafficking in human beings rather than really **combating** it.

If we really wish to fight human trafficking, we need a massive concerted effort and **we need a shift in perspective**.

And we have to decide whether we wish to content ourselves with what we have achieved so far, or whether we are willing to **pool our forces and resources** and step up and **better coordinate efforts** in order to contain this crime.

In recent years we have come to realize that the **key challenge** for countries around the world is to **craft and implement sounder and more effective responses** that produce meaningful results. We also know that a **more sophisticated understanding** of human trafficking is needed to improve the operational effectiveness of the implementation of appropriate anti-trafficking laws, policies and practices utilized in the fight against trafficking around the world.

Therefore, a **profound understanding** of all that human trafficking involves and of all that is required to counteract it, is the prerequisite for curbing this crime and horrendous violation of human rights.

### **Human Trafficking for Labour Exploitation**

The pronounced attention so far paid to the **horrors of sex trafficking** has been well placed because of the severity of this problem. And it goes without saying that this form of trafficking will have to remain high on our agendas.

On the other hand, we need to move from the almost exclusive attention to trafficking for sexual exploitation to other forms, which have until now suffered from a certain lack of attention, although they pose a similarly grave problem which has been underestimated such as **trafficking for labor exploitation** (in construction, agriculture, manufacture or restaurant chains, etc.) and **trafficking into domestic servitude**, trafficking for forced marriages, trafficking for begging – something which affects frequently children who are forced to steal and commit other petty crimes. Many **victims are simultaneously affected by various forms** of human trafficking: they are sexually abused, exploited as domestic servants and/or as bonded workers.

If we look at where we stand after ten years of work on labour trafficking (what we did in-depth some months ago in Vienna in the framework of the '**Regional Implementation Initiative**' in cooperation with renowned experts such as Roger Plant, the former Head of the ILO's Special Action Program to Combat Forced Labour and Trafficking), we usually see sound legislation, serious work on indicators, growing awareness that labour authorities and justice need to be involved, but **very little in the way of prosecutions and convictions**. Statistics for Europe from the **US TIP Report 2010**: 47 prosecutions and 38 convictions as

opposed to some 2000 to 3000 of prosecutions and convictions for all forms of THB.

As for **the trends** of who are the victims or offended persons, who are the offenders, in which sectors is the trafficking taking place, and what are the forms of trafficking, the latest **assessment from Europol and a recent USAID study** on the trafficking of adult men in Europe and Eurasia generally confirm what we were saying for a long time, that **adult men** are as likely as **women and children** to be trafficked for labour exploitation in Europe. It really depends on the sector. Obviously men in construction, often in agriculture, mainly women in domestic service, either men or women in the service sector including hotels and restaurants, or in factories and food processing.

Two things stand out from the latest Europol review. First, because it focuses on **organized crime**, it places much attention on **criminal groups and hubs and their modus operandi**. So we learn about Chinese and Nigerian organized crime groups, seen as the most dangerous (with the Chinese more involved in labour trafficking), Bulgarian and Roma ethnic criminal groups. Second, Europol highlights **new purposes of child trafficking** by Roma groups, notably for welfare benefit fraud which is seen as likely to expand because of the large profits. (The UK is singled out as a country where this is a growing problem).

We need to reflect on this. To what extent is it an issue of serious organized crime, raking in huge profits? And to what extent is it a question of **smaller groups, murky recruitment agencies, or even families and individuals** finding loopholes in the law, operating in something between the legitimate and the black or underground economy?

It can be between the two. For the above mentioned Regional Implementation Initiative we have collected quite a number of **examples of abusive or exploitative practice** which might amount to human trafficking in order to discuss the difficulties (and good practice) which (law enforcement) authorities have (had) in capturing it and to know **where exploitation is slipping through the cracks**.

A number of people and organizations, not least the ILO in its global report on forced labour "**The Cost of Coercion**", note that there is a **gradation of offences** in labour trafficking, or what others call a "continuum" from forced labour and slavery-like practices through to decent work.

Another problem in Europe is that **labour trafficking is defined in different ways** in different countries, in various laws, using different benchmarks and indicators.

Some place their emphasis on **overt or at least subtle forms of coercion**, others on the **intent to exploit**, others on objective criteria of **unacceptable living and working conditions** (excessively long hours, little if any pay or late payment of wages). The German criteria is on **huge disparity between the wages** paid to foreign migrant workers and to German nationals. Or there is the Belgian and French criterion of **conditions incompatible with human dignity**, etc.

This is why **operational indicators** are so important. But coming back to the 38 convictions for labour trafficking in the whole of Europe for a whole year, we must understand that it is **not just a question of better indicators** to help law enforcement, to know when and on what grounds to prosecute. It is a question of which **form of justice**, what **penalties** to apply, what **compensation** to provide to victims. Ultimately, one almost always comes up against **legal loopholes, inadequacies** in either law or practice for identifying and cracking down on **abusive recruitment systems**. We are not only discussing **burdens and criteria of proof**. We are discussing difficult issues of **labour markets, temporary job agencies, fee charging, visa arrangements, and also migration policies**.

In contrast to the **free movement of goods and capital**, **free movement of people** has remained a sensitive political and social issue, even though more and more countries are coming to realise that they will need foreign labour, if they wish to maintain their current growth rates and in response to demographic developments.

Owing to the fact that most industrialised countries wish to **restrict immigration** to the absolute minimum and that they seem to compete (at least in Europe) for the „**most restrictive asylum regulations**“, the choice left to the majority of migrants is irregular migration.

As a rule, **migrants** in general – and irregular and undocumented migrants in particular - are most vulnerable and therefore often **at the mercy of traffickers** and their accomplices. Traffickers ruthlessly exploit the almost total lack of social and legal protection.

And the fact that in recent years **migration** in general is more and more often associated with **criminality and organised crime**, impacts most negatively on the attempts that are made to fight trafficking in human beings.

Instead of being provided with **appropriate protection and assistance** – one of the main points of discussion is an extended stay/ a temporary or permanent **residence** for trafficked persons including decent work and compensation – (potential) victims are usually expelled/deported as soon as possible and **returned to their home countries before the true circumstances are investigated**. This attitude is also influenced by the assumption that the offer of an extended stay would attract more migrants and be abused.

We certainly fully appreciate what **many States** around the world have done, have achieved so far (there are **many good things** – ranging from structural and institutional measures and collaborative initiatives to the setting up of comprehensive action plans at national and regional levels) – and I do not hesitate to commend them for it, but there is **still a long way to go**, if we really wish to put a halt to this crime and horrendous violation of human rights.

So, let's not be self-complacent and let's not content ourselves with defending the **status quo**, but let's make another concerted effort to come to grips with the complex problem of THB by **challenging, by putting the efficiency, the effectiveness and sustainability of the measures taken so far in perspective**.

On the one hand, more and more people have become aware of and committed to dealing with the problem of human trafficking and have developed **extensive expertise** on the issue, while, on the other hand – many of those who are responsible for curbing this crime, namely the governments as well as government officials and authorities – have **not yet fully understood the true nature** of human trafficking and are often being **sidetracked to other agendas**, such as, fighting illegal (im)migration including smuggling of people, controlling migration, controlling asylum abuse, fighting prostitution, fighting terrorism, fighting organised crime, etc.etc.

Meanwhile, almost everyone has **picked up the politically correct language**, but at the back of their heads many people and unfortunately also many authorities – when confronted with human trafficking - continue to think of prostitutes, illegal aliens, illegal workers, bogus asylum seekers – to put it in a nutshell, **suspects of all sorts**.

They keep missing the point, that **we are dealing with victims of a serious crime**, with people who have been lured, tricked, sold into slavery-like situations where they are exposed to threats, intimidation and often brutal violence, situations from which it is often hard if not almost impossible to escape.

Therefore, it must be one of our priority tasks to deliver the message that human trafficking is about the **plight and suffering of human beings** and not simply about criminal transactions in soulless goods. After all, we are dealing with people and not in stolen cars.

What follows is that states need to play a crucial role in **changing the perception of the victims**. Governments must recognise them as victims by the way they treat them. The status and protection of the victims deserve particular attention. Actually, this is **the central point** in combating THB. The status of trafficked persons has to be established as being consistent with the status of victims of a serious crime and not with that of criminals.

This is all the more important, since current anti-trafficking policies and measures have reportedly already caused **collateral damage**, because the focus has invariably been on law enforcement strategies and approaches as opposed to human rights protection.

A research study, carried out by 'The Global Alliance Against Traffic in Women' reveals a **raft of human rights breaches** under current anti-trafficking laws and measures which trafficked persons have to face. It shows, that human rights protection has been subordinated to control and anti-crime measures, which has extremely negative impacts on the treatment of the trafficked persons.

Even though the granting of an **extended stay for victims of trafficking** in destination countries has long been recognized as an effective preventive measure, states have remained reluctant to grant victims the right of residence, making it dependent on their **willingness to testify** in court against the traffickers and often, even more so, on whether they are considered useful for the prosecution.

Experience shows that this **conditionality is counterproductive** – and it is incompatible with international human rights standards. And therefore must be ended.

*The United States is only one of many countries which imposes conditions on certain benefits for those who are otherwise declared to be “victims” of the violent crime of trafficking. Countries are free, of course, to decide to do this. But no country can claim to have adopted a victim-centered/human rights-centered approach, if care or other benefits are conditioned upon law enforcement or other considerations extraneous to the recovery needs of the victim. There are good reasons for countries to encourage cooperation with law enforcement, but if help or benefits to victims of this heinous crime and human rights violation are conditioned, countries must be prepared to accept the criticism that this is a form of coercion, even if it is for the good purpose of helping convict the criminals. All the more so, since it is directed at individuals who, by definition, have recently escaped a coercive environment.*

By the way, the **new EU Directive**, which has been adopted last year, explicitly highlights the importance of the non-conditionality when it comes to victim assistance and protection.

There are many examples – in many countries – in Europe and beyond - of not respecting the human rights of victims, but being here with you in the **U.S.** (which is considered as a destination country and has internal trafficking), let me give you an example from the U.S., which at first sight might not seem to be a big deal.

*In the past (and maybe even now), the U.S. charged \$200 to apply for a T-visa to obtain legal status for temporary residence (although there is a process to have it waived). There may be administrative or anti-fraud reasons that made imposing a fee seem like a good idea, but it is absolutely inconsistent with a victim-centered approach to collect a fee from someone who has been held in servitude (even if it is waivable). In addition, the number of T-visas approved for temporary residence is very low, with more applications denied than approved. On the good side, the U.S. remains one of the few countries where permanent residence for trafficking victims is possible.*

If in a country the majority of human trafficking **cases are dismissed** or **charges reduced to minor offences**, we must ask why? What is the reason? What are the obstacles? Is it the law, is it the criminal justice process, is it corruption, is it lack of understanding, is it the failure to protect victims/witnesses? How can we better coordinate our activities in order to achieve better results?

And we must ask whether our policies and approaches are based on **empirically founded information**. What needs to be done to overcome the information deficit about the scope and nature of human trafficking? We must ask whether responses are adjusted as new knowledge becomes available; whether legislation links up to the reality of human trafficking; whether policies and counter measures are updated as our understanding is growing and as we are learning more about how to tailor responses to the specific situation in each country.

These are the types of details in all areas of our anti-trafficking response, which urgently need to be scrutinized and rigorously addressed.

This is why it is **vital for all the actors** in the fight against human trafficking **to fully understand what needs to be done and why**. And why isolated, one-off responses will not lead to sustainable results.

### **National Security versus Human Rights**

Although it is generally recognized, and has been forcefully and repeatedly proclaimed by government officials in countries around the world that human trafficking is a **gross violation of human rights**, most countries organize their response to trafficking in persons in a rather narrow way, based almost exclusively upon **prevailing notions of national security and national sovereignty**.

When we look into the practice of many European countries, it becomes quite obvious that the protection of the rights, of the fundamental rights of the victims of trafficking takes second place to the **promotion of state interests**.

Reality shows that people who fall **victim** to human trafficking are still frequently regarded as **criminals**, entitled to little sympathy and support and that authorities turn a blind eye to the abuses they have suffered at the hands of their traffickers.

It is high time for States and governments to understand that human trafficking must **not be seen** primarily or **exclusively from the perspective of national security**, nor must governments continue to regard it as a **spin-off of illegal immigration**.

We must be aware of the fact that state policies that primarily focus on **measures of control and (so-called) self-protection** as opposed to a more comprehensive approach to the issue are counterproductive and, therefore, part of the problem because these approaches, very often, have led to the criminalization of trafficked persons, who are punished for being undocumented, who are frequently detained and often forcefully deported, having no access to the assistance and protection measures to which they are entitled under international law.

*Only Italy offers (at least in theory under the so-called **Article 18**) an alternative for victims of trafficking to the usual law enforcement approach: the so-called **social path**. Experience shows that offering an extended stay in the country to trafficked people (without forcing or instrumentalizing them for the prosecution) is not only called for from the human-rights perspective, but is also a major contribution in the interest of national security, since trafficked people are more inclined to voluntarily support the prosecution of the traffickers and help disrupt their criminal networks by cooperating with the authorities and possibly testifying in court.*

In addition, it is a persistent problem that **victims** of trafficking are **tracked down** almost exclusively **by the police** –instead of being able to resort to a network of points of contact and support services, without running the risk of being immediately caught in the **law and order machinery** of a foreign country.

Many law enforcement officials are at best trained to **identify victims of sex trafficking**, but have no idea how to identify victims of trafficking for labor exploitation or other forms of human trafficking.

What is called for, is **thorough training of law enforcement** officers, both front-line and special investigators, of prosecutors and judges. Training – not awareness raising – in terms of having a **curriculum** and teaching new skill-sets over several days based on a victim-centered approach. **Team teaching** by law

enforcement officers and NGO-representatives has proved highly effective and adds a new quality to education and training. (Good practice!)

There is the continuing practice among police (and the judiciary) in a number of countries to use an interrogation strategy which tries to **take the person interrogated by surprise** – often at the crime scene or shortly after a raid. It is argued that a statement given immediately after taking an individual into custody (or arrest) is more likely to be true and unfalsified, because the people concerned are not given the chance to think over their statement or to monitor their behavior.

In contrast to this, NGOs, who are service providers for victims of trafficking, have found that victims need a **period for recovery** (a **reflection period**, as led down in the **Council of Europe Convention Against Trafficking in Human Beings**) and recuperation from their traumatic experience and for developing trust in foreign authorities and institutions. Only on the basis of longer supportive contacts and regular talks are victims willing to tell their stories and even to testify and eventually to uphold their statements.

Studies that looked at the levels of depression and anxiety of victims of trafficking over three time periods (when victims first entered assistance and support services, two to six weeks later, and three months after) highlight the **striking reduction in their traumas** as a result of the post-trafficking assistance and long-term protection provided by NGOs and underline the importance of such support. They also point out that there are **no quick fixes**, and that **long-term psychological support** is needed if we want to enable victims of trafficking to regain their lives and their relationships.

It is high time that we **overcome the left-over of the outdated view** that the rights and needs of trafficking victims are inimical to effective law enforcement. We must realize that it is impractical and ultimately unacceptable to disaggregate the notion of law enforcement from assisting and protecting victims of this crime. Trafficking in persons is **both** a **law enforcement issue and a human rights concern**, and it is not a question of either or. Both issues must be tackled together, if we wish to be successful in our struggle against human trafficking.

Considering the fact that human trafficking is **not a new phenomenon** and has been **constantly spreading**, we must admit that the **traditional methods of control** and deterrence and immediate repatriation have **not been very effective**.

We must **switch** from an almost exclusive law-enforcement approach to a **victim-centred, a human rights based** one, not merely because it is in any case the task of states and governments to protect the fundamental rights of individuals, but also in the interest of combating transnational criminality and consequently in the interest of law enforcement and state security.

When looking into the practice of countries dealing with human trafficking, a few **shortcomings** are apparent:

While law enforcement in many countries has clearly improved on its ways of investigating trafficking cases by employing proactive and **intelligence-led methods** and by setting up national and transnational **joint investigation teams** (proactive investigation is the tool with which to initiate identification of trafficking victims, with a view to rescuing them, rather than waiting for them to appear on the doorstep. Hence, proactive investigation is a critical factor of success), it is that which happens before and after investigation proper that gives cause for concern.

**The weakest points** are, on the one hand, the **identification** of trafficking situations and, on the other hand, the **judiciary**.

The moment of identification is critical in all of this. If an individual is not recognized as a trafficking victim

there is no chance of rescue and little or no chance of initiating a case against the perpetrators.

Therefore, the new EU Directive urges state authorities to ensure that **victims** of trafficking are **not subject to criminal or administrative liability** and sanctions for acts arising from the trafficking situation. They must refrain from immediately expelling or criminalizing (potential) victims of trafficking due to their unlawful entry into the country and to their irregular residence and/or labour status.

(This is a particular and problematic issue which arises from the interference between various laws, more specifically between the laws on trafficking in human beings and the legislation on immigration).

The other problem is that frequently **cases are dismissed** because of **lack of evidence** (which is based almost exclusively on the testimony of the victims, while hardly any additional evidence is secured); cross-border legal assistance tends to get bogged down in red tape, and with very few exceptions the sentences handed down fail to reflect the severity of the crime.

Experience shows that prosecution that builds exclusively on **testimonial evidence by victim-witnesses** is most difficult. Other forms of evidence are indispensable and must be fitted together like a mosaic. From practice we know that often the credibility of the victims depends on the **prosecutor's and on the judge's insight** derived from **other sources** of information.

*After escaping the immediate exploitative situation, **victims may be re-traumatized and revictimized** during the interrogation by law enforcement and immigration authorities, or while giving court testimony. **Accumulated fears and traumas** make victims of trafficking often incapable of trusting any one. The experiences made by victims translate into an **inability to control whatever is inflicted on them** and by whom and where and when, if at all, they are able to seek help for violations, injuries and pain. The reality around them becomes distorted, and the victims begin to doubt themselves and others. Therefore, very often, it is difficult for them to make a radical decision such as **breaking the circle of violence and looking for help**.*

These facts are important not only for service providers, but also for law enforcement personnel, immigration services and also the judiciary who often evaluate a **victim's credibility** on the clarity and consistency of her/his story.

***Impaired cognitive functioning** can significantly **reduce a trafficking victim's ability to recall and recount what happened** to her/him, which may mistakenly be interpreted as a victim being **uncooperative or untruthful**. It is essential that all relevant authorities, but especially police, immigration services and the judiciary, understand that **trauma leads to dissociation and significant memory problems**. After having endured high levels of repeated physical, sexual and psychological abuse, most of the trafficking victims suffer from **severe psychological distress**, often severe enough to warrant a diagnosis of **Posttraumatic stress disorder**. This means that trafficking victims often are experiencing **symptom levels** that are frequently identified among **torture victims**. And indeed, being held captive and repeatedly raped and beaten should certainly qualify as torture.*

*There is evidence, that victims of trafficking, after having been exposed to such terrifying experiences, have **re-living moments** of the trafficking process in **nightmares or sudden memories of events**, spontaneously revealing the traumas they went through. The longer trafficking victims remain under the control of their traffickers, the more severe and long lasting are the effects of their trauma. Again, for victims of trafficking who are obliged to participate in legal proceedings, **these symptoms are likely to impair their ability to respond in a meaningful way**.*

Again, let me give an **example from the U.S.**.

*Without taking anything away from the progress that the U.S. has made, it must be observed that the **number of victims identified** and assisted in the United States (like in most countries) is **far too low** (taking*

into consideration that it is officially admitted that there are some 14.000 new victims every year and that at best a few hundreds are provided assistance).

While the United States is to be commended for reportedly dedicating tens of millions of dollars to the assistance of trafficking victims, relatively **few victims have in fact been assisted**. Because identification is a precondition of providing assistance and protection, thousands of trafficking victims apparently remain undiscovered within the boundaries of the country and are subjected to the will of the traffickers without assistance or protection.

And the **prosecution of traffickers**, which has been impressive in specific cases (The U.S. anti-trafficking law signed in 2000 has many commendable features, providing for terms of up to **20 years imprisonment** as well as for fines for human trafficking with respect to **peonage, slavery, involuntary servitude or forced labour**) is nevertheless disappointing in numerical terms, and prevention methodologies and “**awareness campaigns**” (not only in the U.S., but in most countries around the world) remain **unproven as to their results**.

In the United States, as elsewhere, the **risk of being prosecuted is not high enough** to alter traffickers’ sense of impunity. Deterrence effects will only be achieved, when there are more sustained pro-active investigations that lead directly to the prosecution and conviction of many more traffickers and to the disabling of networks through forfeiture of criminal assets.

Still another problem is that current responses to **child trafficking** are not adequate. The crime of child trafficking requires **specialized responses**. This is why countries will have to develop comprehensive national plans of action against child trafficking and to implement them as effectively and rapidly as possible – with effective procedures for the **rapid identification and referral** of child trafficking victims with a view to establish a **durable solution** including appropriate accommodation, **health care, education, residence** permit and the provision of a **guardian**. When taking decisions on the fate of trafficked children, their **long-term best interests and welfare** have to be taken into consideration. This includes the obligation to carry out a **security and risk assessment** before returning a child to his or her country of origin. (See also: *Rights Work Initiative: Where is the Village to Raise these Children?* By Ann Jordan, posted on 30 November 2011)

And, last but not least, it is high time to become serious about **tackling corruption** and **abuse of official duties** in the context of THB. There will be no progress in combating THB while the rule of law continues to be undermined in this fundamental way. Bringing action against such officials must become a priority: They should not only be charged with corruption, but also as traffickers by virtue of their central role in aiding and abetting human trafficking.

Trafficking in persons cannot be captured in a single ‘**snapshot**’. It does not happen within a given moment in time nor does it happen in one place. It is not perpetrated only in the country of destination, where the victim or the criminal is discovered. It is much rather a **chain or series of criminal offences and of human rights violations**, starting in the country of origin and extending over time and across countries of transit into countries of destination. Even internal trafficking extends over a period of time and through various places.

Human trafficking, is a crime which more often than not is contingent on **cross-border criminal networks** which can only be disrupted by **dismantling each and every of its component parts** and by targeting the perpetrators, including those adding and abetting human trafficking, along the entire continuum. And **financial investigations** must become a corner stone of anti-trafficking law enforcement strategies. The financial records of the organized human trafficking enterprises and the locations where they are kept have to be the targets of investigations.

The problem is that virtually no one actually addresses it as such.

There are hardly any investigations of human trafficking that **systematically link up the criminal activity in the countries of origin with the criminals in the countries of destination**. There is no systematic method for **following up on the fates of repatriated victims**. Once a trafficked person is repatriated, there is no coordination between the governments to ensure that those responsible for the trafficking in the countries of origin are brought to justice or to ensure the protection of the victims. There is almost no evidence that governments in the source countries take responsibility for the protection of their nationals upon their return home. On the contrary: there are countries where **women are arrested upon repatriation or branded as deviants or criminals**. Such actions prevent the **successful reintegration** of trafficked persons into their communities. Given the scope of the trafficking problem and limited resources to address re-integration, most victims of trafficking receive little or no assistance.

It is evident that only **constructive, institutionalized cooperation** between **governments and NGOs**, based on **responsibility sharing, proper budgeting and funding** can ensure a human rights sensitive treatment of victims, as laid down in the relevant international instruments.

Very often governments consider human trafficking to be less important than other crimes. There is a **lack of unreserved commitment** to putting a halt to this modern form of slavery. And very often they see the battle against **illegal immigration** as their first priority, while pretending to fight human trafficking. Recent intergovernmental cooperation in the field of anti-trafficking management has focused primarily on **stepping up border controls** with a view to preventing irregular migration and illegal immigration. Therefore potential victims of trafficking run the risk of being treated as illegal immigrants and immediately deported to their countries of origin, before investigation proper of the circumstances.

Realising that human trafficking is a **chain of criminal activities** explains why law enforcement must **cooperate across borders** and must engage in pro-active rather than reactive investigation. But it also explains why a strategy based upon **lining up “deterrence” at the borders is not adequate**. Concentration on border controls, deterrence and immediate repatriation of trafficked persons often is the **beginning of a vicious circle**. Studies confirm that a large number of those immediately expelled are re-introduced into the criminal cycle or ‘recycled’, as we call it. Instead of realising that such measures are **short-sighted**, it is stubbornly held that they are effective means of self-protection serving the interests of national security.

While there are **signs of progress** in the fight against THB, especially when it comes to **legislation and institutional mechanisms** that did not exist several years ago, little has changed for those who have fallen victim to this crime.

### **About the Victims**

For the **victims**, trafficking is about violence, it is about loss of control, it is about pain, fear, deep distress. Therefore, the primary reason why we must object to THB is because of the **harm** it causes to people. And, therefore we must do more to speed up matters and we must act promptly, because traffickers continue to ruthlessly pursue their criminal trade – very often still with impunity.

Traffickers exert very often **extremely brutal and manipulative control** over their victims, from both physical and psychological terms. They use **rape, beating, torture, starvation, isolation, deception and death threats** to force the victims of trafficking into obeying their rules and orders. Moreover, for victims of trafficking, apart from the typical circumstances of sexual violence, the repeated incidents of **being startled and the deliberately malicious treatment** by their traffickers intensify the severity of the

experience. The victims very often are not free to decide when to eat or if to eat at all, when to rest or if at all and are again and again physically injured and invaded. This **loss of control** is reported as being the most **humiliating aspect** of the trafficking situation and often causes **severe trauma**.

Human trafficking is a most **dynamic criminal activity** showing different trends and patterns, where perpetrators use a variety of **changing methods** to coerce and exploit people. Countries and populations of origin of human trafficking, nationalities of traffickers, trafficking-routes, ways of transportation, forms of coercion, violence and exploitation are subject to change as well as gender and age of victims and their status in different countries.

- **Recruitment methods** have changed, new strategies being employed, such as the “lover-boy” method, or recruitment by male/female couples or occasionally recruitment by former victims of trafficking who are instrumentalised for the purpose, and there is more and more online recruitment.
- There has been a **shift in the countries** of origin people are being trafficked from, and China, Iraq, Mongolia, Lebanon, etc. are now figuring more prominently as countries of origin. Increasingly, European citizens, too, have become victims of trafficking.
- **Internal trafficking**, which signifies the trafficking of persons for various forms of exploitation within the borders of their own country, is increasing in both destination countries and countries of origin. Sometimes victims are trafficked within a country prior to being internationally trafficked.
- **The age trend** shows that traffickers apparently target increasingly younger victims. The number of trafficking victims in some countries and regions who were still teenagers when they were first discovered has doubled in recent years.
- More and more victims are trafficked for **various purposes simultaneously** – very often a combination of labour and sexual exploitation (in domestic servitude) or even begging-cum-labour-cum sexual exploitation.
- Overall, the number of **men** being trafficked for various forms of exploitation, but mainly though not exclusively for labour exploitation, begging and delinquency, has increased.
- There has also been a shift from the poorly educated to the **better educated** population groups, including college and university graduates.
- More and more trafficking **victims cross borders** with legal documents at legal border crossing points. Many potential victims typically leave their countries willingly or “**voluntarily**”. Studies have revealed that not more than about 10% are forced to leave their countries or kidnapped.

## Coordination

Experience gathered in recent years has shown that **distinct coordinating structures** at **operational and decision-making levels** in individual countries, regions and internationally are of the essence, if we wish to take account of the multi-dimensionality and intricacy of human trafficking.

The utilization of a **cross-dimensional, comprehensive, holistic approach** is thus at the core of all effective anti-trafficking responses. And it is evident, that **coordination** in the fight against human trafficking **is key**.

Coordination and cooperation are essential because human trafficking is a very complex, multi-faceted, multidimensional problem which **cannot be solved single-handedly**. It follows that no single ministry or agency is capable, on its own, of dealing with this knotty problem and that distinct coordination structures are indispensable.

Verbally, coordination has become a much-vaunted topic in recent years. However, **coordination is not an end in itself, but must be a means to an end**. The end is to disrupt traffickers’ networks, to put traffickers and their accomplices in jail for periods of time that reflect the severity of the crime and to protect and

assist the victims in a way that will enable them to find back to normal life – or even better - to prevent them from falling prey to traffickers.

**Coordination without action is irrelevant, and action simply for the sake of action is not helpful either.** Coordination and action must produce meaningful results. So, the question, we have to ask, is, **how can coordination be effective?** And, **are our actions pointed in the right direction?**

Effective coordination is the challenge.

In theory, **inter-agency cooperation** to combat trafficking is **well developed** and covers all types of organizations and aspects of human trafficking.

In actual fact, such coordination gatherings very often merely have served the purpose of each agency **presenting its own activities** without using them to **set the course or to change approaches**. Coordination has very often tended to be taken for **a talk shop** without tangible outcome and binding results. Moreover, coordination structures within law enforcement or within NGOs, for example, have for quite a period of time tended to work in **closed loops**, in other words failed to network with or open up to other coordination structures focusing on different aspects or perspectives (**human rights versus national security**) of the fight against human trafficking.

Efforts have also been made to coordinate the various anti-trafficking actors/players in order to develop a **common approach** and to **streamline responses** with a view to induce governments to do the right thing. One case in point used to be the **EU Stability Pact Task Force on Combating Trafficking in Human Beings for South-Eastern Europe (SPTF)** which for the first time brought together government officials, international organisations, law enforcement agencies and relevant NGOs in the '**SPTF Coordination Team**'.

These initial attempts, were followed up with the '**Alliance against Trafficking in Persons**', under the aegis of the first OSCE Special Representative, which did score some successes, first of all because of its access to **a wider range of mutual information** and also because it meddled as a group in decisions taken by individual governments, agencies and institutions – such as the European Commission and others.

The above mentioned coordination mechanisms were established to **stimulate deeper reflection and coordinated action** in dealing with the problem at issue and to **foster dialogue** with and among countries of origin, transit and destination. The goal has been to **provide practice-oriented background information to governments as decision-making aids** in framing concerted anti-trafficking strategies.

A weak point of these **loosely knit coordination structures** has been the fact that they have been **operating below the decision-making level** without direct link/influence on policy-making.

The **countless anti-trafficking projects** claiming to address the **3 Ps**: prevention, protection, prosecution – and also the **4<sup>th</sup> newly introduced P for partnerships with 3<sup>rd</sup> countries/** countries of origin - have **failed to reveal the hidden agendas and diverse interests of sponsors and donors** determined by specific expectations, dependencies and not least power plays.

The **difference between approaches and goals** is most visible in the case of specialized NGOs whose focus is primarily on the **protection of human rights**, while government institutions tend to focus on **state security issues**.

While all institutions are supposed to cooperate, their **involvement varies significantly**, depending on their **economic resources**. In most cases **funding** is provided by the **countries of destination** for work on issues related to **their own priorities** and very often channelled through international organizations.

**Donor organizations strongly influence the anti-trafficking agenda and define its type and scope**. This is to say, that on the level of rhetoric, cooperation is supposed to cover **all types of institutions** – including those responsible for protecting victims and addressing root causes of trafficking in the countries of origin – in practice it is very much focused on **prosecution and anti-migration measures** prioritized by the countries of destination.

**Intergovernmental cooperation** in the field of anti-trafficking management has been single-mindedly focused on prevailing notions of **national security and national sovereignty** by stepping up border controls and trying to prevent irregular migration and illegal immigration. To this comes that the governmental institutions related to law enforcement and responsible for coordinating anti-trafficking responses are the ones to **establish the rules of cooperation with the non-governmental service providers** for victims, which consequently reflect state security concerns and **occasionally oblige shelters to violate human rights standards**.

Irrespective of the fact that trafficking has, for several years now, been a priority issue of many countries around the world and has attracted many donors, **prevention** (real prevention, not simply awareness raising) has not been at the focus of their attention. On the contrary, funding of anti-trafficking programmes has increasingly resulted in shifting attention and **support away from issues of development, equality and human rights protection to issues of state security and migration**.

Actually even independent foundations and UN agencies have **drifted away from supporting human rights, development and non-discrimination programmes** and have instead turned to supporting anti-migration projects reflecting the short-sighted interests of countries of destination, rather than seeking long-term solutions.

We must take into consideration that the problems with anti-trafficking responses are not exclusively related to the complexity and international nature of the crime. They are, to a large extent, the **result of conflicting approaches, agendas and mandates** of the states, institutions and organizations involved.

And, to a large extent they are also part of a **much broader debate on labour migration and the protection of migrants' rights**.

One of the important questions is, **how effective can anti-trafficking measures be without integrating human-rights standards into migration frameworks?** This is the challenge that needs to be met, if we wish to do better/succeed in our fight against human trafficking.

### **Research**

Although much money has been spent on hundreds of projects at national, regional and international levels, **surprisingly little is known about the impact** of anti-trafficking responses, efforts, measures and activities.

To a large extent, anti-trafficking efforts operate **without a sufficient evidence-base**.

Ten years after the unveiling of the UN Anti-Trafficking Protocol there is still a **dearth of reliable information** on the scope and nature of this highly globalized crime and horrendous violation of human rights. Information on its **dynamics**, on its **interrelations** with other crimes, on the various forms, on the trafficking routes, on the modi operandi of the traffickers as well as on **how** trafficking in persons **affects our societies and hampers good governance**, is still limited.

It has been established that one of the weakest points in a coordinated approach to human trafficking is the **lack of sound information and data** on the scope and nature of human trafficking in given countries and regions. **Data collection** must be improved. Despite various attempts and some improvements in recent years at data collection at national and regional levels, **data have so far been hardly comparable**, which calls for a determined effort to **harmonize methodologies** and to coordinate approaches.

But, even more important is **better analysis of what the data means** and linking the findings to policies and operations to make them more effective.

Hence, one of the most important requirements is to **enable (and to fund) the production of qualitative knowledge** that is as objective as possible.

How are we to move our practical work forward when we still think of **research as cutting and pasting** information that already exists? The current model of what passes for research in human trafficking is little more than just shifting information around to little purpose.

Most **reports** are written by people who are paid by those who receive the reports and therefore tend to **meet the commissioner's expectations** in describing everything as or turning everything into success (in order to justify ongoing and new funding rather than challenging it by highlighting mistakes and failures).

**Impact assessments** in general tend to be perceived as threats since they might reveal that approaches, measures, programmes have not worked or were even harmful.

Unless **quality research** by established professionals is **officially supported and funded by governments, decision-makers and responsible donors**, it cannot be surprising that we will **fly blind** when it comes to constructing more effective responses. This requires experience mature enough to permit of analysis, to **constructively critique current models** and approaches and the **ability to generate new ideas**. It requires governments, authorities and donors who recognize and care about the difference.

Studying the effects of anti-trafficking responses and measures in a non-biased, open-minded manner, again, requires political will.

The **scarcity of knowledge** about human trafficking, its nature and its true extent, but also about the various factors contributing to and/or determining human trafficking is a **serious impediment** to the design and implementation of effective policies and programmes to prevent and combat human trafficking, as well as to the **evaluation of their longer term impact**.

The implementation of effective anti-trafficking measures does not depend solely on strategic concepts and on political will.

Just as important is a **continuous interdisciplinary academic discourse** on the topic. In this way it can be ensured that it is neither subsumed by other concerns of daily politics, nor instrumentalized by specific interest groups. By creating and maintaining awareness of the problem, **research work** in this area may serve **as a basis for long-term changes** to those societal structures which favour or make human trafficking possible.

*In the **Regional Implementation Initiative\***, which encompasses some 15 European and third countries, we therefore encourage the establishment of a (regional) **researchers network** on THB (both within and outside the university framework) in order to foster the continuous academic discussion and sharing of enhanced knowledge on human trafficking, to pool it, to create synergies and to **trigger additional joint evidence-based research endeavours**. The resulting enhancement of the insight into the intricacies of human trafficking within the region and beyond, may provide politicians and experts/practitioners with a sound basis for both policy making and designing targeted and effective anti-trafficking interventions.*

*\*The purpose of this **Regional Initiative** is to **enhance and better coordinate the practical implementation of established (EU and international) norms, instruments and existing good practices** within a smaller and thus potentially more manageable and effective group - (thus supporting and complementing the implementation efforts of the larger European anti-trafficking framework as led down in **the Lisbon Treaty, the Stockholm Programme and the Action oriented Paper**) and to **strengthen networks and develop mutually beneficial partnerships** with third countries.*

*The **Regional Initiative** aims at **reinforcing the political commitments and legal obligations** of the participating countries both to prevent and combat all forms of trafficking in human beings, including trafficking for **labour exploitation and domestic servitude**. It will foster **cooperation and coordination** among all relevant stakeholders – including government authorities, international and non-governmental organizations, taking existing good practices and lessons learned into account. It focuses on a **human-rights-based, victim-centered and age-sensitive approach**, taking the **gender perspective** into account.*

There are certainly many **promising areas of research**: e.g. looking at the link between **trafficking and organised crime**; is it true that **traffickers are more sophisticated** than states and their authorities; studying more closely **how traffickers respond to law enforcement pressure**; little is known about **how traffickers and migrants respond to awareness raising campaigns**; **the relations between smugglers and the smuggled people**; knowing more about the **traffickers' strategies to win the confidence of the people** they are planning to exploit, what makes them **'vulnerable'** to human trafficking; and last but not least, the most controversial issue surrounding THB: **the effects of different prostitution regimes** on human trafficking, including the 'Swedish Model', which has recently been promoted by the USG. etc. etc.

**Stronger focus on the demand element** of the human trafficking chain is certainly important.

*The Swedish strategy, which the Executive Director of the Protection Project of the John's Hopkins University School of Advanced International Studies summarized succinctly as follows: "According to this approach, buying sex is a crime and selling sex is not a crime." may turn out to be a positive contribution to anti-trafficking work, although there is **not yet enough objective evidence** to determine this conclusively. It certainly can be an issue for quality research.*

*Rightly or not, the **US Government** has been perceived for years as focusing almost exclusively on **combating sex trafficking and also prostitution**. This is also due to the fact that in recent years USG federal officials have increasingly characterized their work as being part of the **"abolitionist movement"** (a name used by those who advocate the strategy of abolishing prostitution).*

*(The TIP Reports of recent years signal that the U.S. State Department will now give **increasing attention to trafficking into forced and bonded labor** - and there have already been some convictions - which must be considered a positive development).*

*In the United States **prostitution is illegal** (in all but a few parts of Nevada) and the "Swedish model" is therefore in conflict with the anti-prostitution laws and policy in the United States. How this conflict will be resolved remains to be seen.*

Qualitative research could in any case be helpful, when countries will seek to enact more effective approaches addressing demand.

There is currently an ongoing **debate of researchers and policy advocates from the Rights Work Initiative (Ann Jordan)** with the Obama Administration for having produced a document (the last TIP Report) that asserts 'as *matters of proven fact* a number of statements, which, given the state of information on both **trafficking and prostitution** worldwide, are **unsupported or unproven by valid research methods and data**'. And they put the focus on the fact that 'facts' and 'techniques to fight human trafficking' should be **backed up by solid evidence** that is produced by **careful research and validated methods**'. Effective responses to trafficking require **more than guesses and ideologically-rooted suppositions** about what works and what doesn't.

The researchers of the Rights Work Initiative complain that *'the statements contained in the document are not (...) supported by **any independent, reliable evidence**. Indeed, the statements, if accepted into law and policy, move attention (including research) away from addressing the **conditions that make persons vulnerable** to trafficking – conditions such as **unrealistic labor migration laws and policies, a lack of programs for the safe reintegration of former victims, the lack of full and equal rights protections for women, migrants, marginalized and stigmatized populations, an inability to access legal protections due to the criminalized or irregular immigration status, and a failure to ensure labor rights for all.***

*The researchers have expressed their expectation that the Obama Administration will **support good research** and that it will enter into a dialogue about the types of studies that can be or are being conducted globally and the types of rigorous **research criteria** that should be required of future scholarship and program and policy evaluations, so that the evidence obtained will be helpful in the formation of U.S. (and others) policy and programs.*

*In order to contribute to the **promotion of transparency and accountability** in public policymaking, as the*

*researchers said, they made their correspondence public.*

Another area for more qualitative research (instead of mere assumptions) is the connection between

### **Large Sport Events and Human Trafficking**

Despite the **lack of empirical evidence**, that trafficking for prostitution and the demand for paid sexual services increases dramatically during large international sporting events, this idea continues to **hold great appeal for prostitution abolitionist groups, anti-immigration groups, and a number of politicians, scholars and journalists**. The hype around large-scale sporting events and increases in human trafficking for prostitution is often based on **misinformation, poor data, and a tendency to sensationalise**.

NGOs working in this field report a number of reasons why an increase in human trafficking for prostitution during large sporting events is unlikely such as the fact that **short-term events are not likely to be profitable for traffickers or sex workers**, that large sporting events are attended not only by men and that paid sexual services may not be affordable for most sports visitors.

In order to **rebut the myths about trafficking and sporting events**, GAATW (Global Alliance against the Traffic of Women) has published 'a **guide to sorting out the myths and the facts about sporting events and human trafficking under the title of 'What's the Cost of a Rumour?'** The guide takes a closer look at why this unsubstantiated idea still captures the imagination of politicians and some media, and offers stakeholders a more constructive approach to address human trafficking beyond short-term events.

Another lead questions for future, more effective anti-trafficking efforts will have be:

**What works under which circumstances?** There is no meaningful analysis of what works and why, what is less effective and why.

### **Evaluation**

Counter-trafficking measures, especially in the field of prevention and protection, are handicapped by the fact that there is **insufficient evaluation** of the measures undertaken, and especially of **the impact – both intended and unintended** – of these measures (on the human rights of trafficked persons, on our societies, on the perpetrators etc).

This is, inter alia, due to the **lack of baseline data** against which to **measure the impact as well as the weaknesses** in the design of anti-trafficking responses and in the evaluation plans. Not least due to the difficulties involved, few efforts have been made to work towards an **evidence base** and to **systematically and rigorously assess the success, effectiveness and impact** of anti-trafficking measures, including measures that have been declared 'best practices', nor are there any **assessments of the transferability of these practices to other contexts**. As a result there have been calls for sound project evaluation, and for the creation of 'evidence-based' policies and measures.

*In the **Regional Implementation Initiative** we therefore encourage a **systematic review of past and currently implemented anti-trafficking programmes** in the region, including the 'THB partnerships programmes' whereby the validity of project results and their impact will be assessed, with a view to shaping the design of future prevention programmes.*

Apart from more specific research into the clandestine side of the crime, **evaluation** of all anti-trafficking responses, measures and actions must be undertaken.

So far, monitoring and evaluation have been **little more than an afterthought** and at best conceived as **self-edited reporting on project outcomes** by governments, NGOs or IOs.

This is not enough. What is needed, is **independent external objective evaluation**; evaluation that is based on **professional methodology and standards**, informed by trafficking expertise.

Indeed, I would argue that evaluation is the most important new element that must be added to current responses in order to strengthen our understanding and the results in all facets of our work against human trafficking - and if we wish to drastically improve our responses to it. This means that **evaluation needs to be adequately resourced as an integral part of all anti-trafficking projects.**

A report by GAATW highlights the importance of comprehensive evaluation, and throws new light on evaluation as an **essential means of preventing misdevelopment** and – eventually – as an incentive to **avoid pouring good money after bad.**

Let me summarize the most important '**must do**' and '**must not do**' in combating THB:

- States must **prohibit the detention, removal or deportation** of people who have been trafficked until their physical and psychological health needs have been identified and fully addressed.
- Law enforcement and immigration services must **make every effort to establish whether a person has been trafficked.** In these efforts they ought to cooperate with relevant NGOs.
- The legal status of residence should also imply access of victims to **the labour market** as well as the right to **state welfare benefits** and to **crime victims compensation.**
- Professional procedures for law enforcement and immigration officials, who are dealing with (potential) victims of trafficking, should require officials to **determine whether the people are in need of medical services**, are in pain, or are psychologically unwell, before interviews are conducted or other actions are taken.
- Frequently victims suffer from severe trauma. To expose them or force them too early to confront the traumatising experience may cause **additional traumatisation.**
- The victims must, therefore, have the **right to refuse to testify**, and if they agree to testify, they should be able to do so in a **non-confrontational environment.**
- In any case, the process of testifying against the trafficker must **not re-victimise** a victim, but should be an **empowering, positive experience** through which the victim's rights are protected and promoted. Criminal prosecution must be reconciled with the protection of the human dignity of the victims.
- Therefore, a starting point is to make sure that victims really want to testify against traffickers and are not just submitting to police or other pressure. The victims have to **be informed about the implications of testifying**, before they make a statement.
- Whether they are prepared to become witnesses will depend to a great extent on the **capacity and willingness of states to protect and support victims** of trafficking.
- States must ensure that a full range of physical, psychological, sexual and reproductive health services are provided free of cost to all victims of trafficking. These **services should not be limited to emergency care**, and should be provided until the victim is no longer in need of support.
- Effective **victim-witness protection** does not end at the conclusion of a trial, of course. Research has indicated that in countries of origin victims and their families are more or less totally unprotected against threats or violence. Victims of trafficking must never be forced to return to States where their protection, including their health needs, cannot be met (**individual risk assessment!**).
- Another right should be the right of **family reunification.** Family reunification frequently is the only way to ensure the security of the closest relatives of victims.
- And, last but not least, **victims must not be excluded from criminal proceedings.** State authorities should not obstruct victims of trafficking from participation, making criminal proceedings exclusively their own business. Victims should be given the possibility to present and describe the

injustice they have suffered and to witness that the perpetrators are taken to account for their deeds.

### **Where's the Accountability?**

While there is a **role for everyone in a concerted approach** to this complex problem of human trafficking, the **ultimate responsibility and accountability** for responding appropriately and effectively lies with the governments and states.

International organizations and non-governmental organizations (IOs and NGOs) can **trigger developments** that are designed to lead to sustainable solutions in a coordinated fight against human trafficking and support governments in many ways. But it is for the governments and states - individually and collectively - to bear prime responsibility for the implementation of sustainable structures and measures in combating human trafficking, if progress is to be made, and to **ensure compliance with the international obligations and commitments** under the human rights norms, namely to respect and **protect the rights of human beings by both legal and administrative means**. It is the determination of the governments and government officials, it is their commitment and it is their responsibility that will ultimately make all the difference.

But, when addressing questions about **responsibility and accountability** in the context of anti-trafficking efforts, I would like to add that there is also need for the **larger institutional actors** – such as the large international organizations and financiers including the World Bank, International Monetary Fund (IMF) etc. – to take on such responsibility and accountability. They are the ones dominating the decisions about **how resources are allocated**. They must better coordinate their activities, projects and investments with anti-trafficking mechanisms and actors in order not to counteract trafficking efforts.

Last but not least, we have no alternative but to **engage with the root causes** of THB –such as poverty, unemployment, discrimination, social exclusion etc.-, no matter how complex, difficult and forbidding they may be. Anti-trafficking initiatives must offer real prospects of escaping from the cycle of poverty, abuse and exploitation.

And, state governments and all those responsible on the spot would be well advised **not to simply control migration and prostitution**, but to adopt diverse, long-term policies and **strategies in dealing with unemployment and labor migration** and to develop options other than trying to get rid of victims of trafficking as quickly as possible, - strategies, such as **joint programs of (re) integration and more socially balanced economic programs**.

With this in mind, I do hope that I have been able to **contribute to a better understanding** of what is happening and of what we are dealing with in order to enable all of us to **take the right choices** in the fight against human trafficking.

Let's add just one recommendation, one single recommendation to the many that already exist, namely: **let's do it!**