



TRACE

TRafficking as A Criminal Enterprise



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1 INTRODUCTION

On the 29th of February 2016 a final workshop regarding the overall results of TRACE work and policy implications of future trends in human trafficking took place at the premises of the Council of the Baltic Sea States (CBSS) in Stockholm, Sweden. Various stakeholders including law enforcement officials, policy makers, practitioners, and civil society representatives were invited to discuss the future trends in human trafficking and their policy implications.

The aim of the workshop was to receive feedback and further suggestions from policy makers and practitioners regarding policy implications and recommendations vis-à-vis new and emerging trends in human trafficking, the impact of migration crisis on trafficking situation and new and innovative means of human trafficking prevention. This information was used to further develop the handbook for policy makers, which will be finalised before 30 April 2016.

2 THE WORKSHOP

It was decided at the outset that the format of the workshop would be topical and focus on future trends in human trafficking – namely the emerging or new forms of trafficking (forced criminality, forced begging and exploitative sham marriages), the impact of migration situation on human trafficking as well as new and innovative methods of preventing trafficking. This was so to allow rich interaction and topical discussion regarding the policy implications of these trends. Several European trafficking experts from different countries and organisations were approached and invited to present their experiences and recommendations in three panel sessions of the workshop.

The workshop was advertised on the TRACE website, on social media, in the TRACE newsletter as well within the networks of the CBSS Task Force against Trafficking in Human Beings in the CBSS Member States. A variety of stakeholders were invited to the workshop: representatives of different authorities, policy makers, practitioners, and NGO representatives as well as representatives of international organisations. Special attention was paid on inviting people from the Baltic Sea region comprising the Nordic countries, the Baltic countries, Poland, Germany and the Russian federation.

The following organisations attended the workshop:

Organisation	Country
Assistance system for victims of trafficking in human beings	Finland
European institute for Crime Prevention and Control, affiliated with the UN (2)	Finland
National Anti-Trafficking Coordinator, MoI	Finland
National Anti-Trafficking Coordinator, MoI	Latvia
Office of the national rapporteur on trafficking in human beings and sexual violence against children	The Netherlands
Office of the National Rapporteur on trafficking in human beings	Finland
Swedish Foundation Against Trafficking	Sweden
Swedish Migration Agency	Sweden
Danish Ministry for Children, Education and Gender Equality	Denmark
Danish National Anti-Trafficking Center	Denmark
NGO HopeNow (2)	Denmark
Caritas Sweden	Sweden
NGO Shelter Safe House	Latvia
NGO Living for Tomorrow	Estonia
Platform for Undocumented Migrants	Belgium
COTEH	Luxemburg
Greater Manchester Police Modern Slavery Coordination unit (4)	UK

County Administrative Board of Stockholm (2)	Sweden
Swedish Prosecution Authority (2)	Sweden
Ministry of Justice and Public Security	Norway
Reach for Change NGO	Sweden
CoMensha	The Netherlands
National Rapporteur	Sweden
Federal Ministry of Labour and Social Affairs	Germany
FAFO institute	Norway
Independent trafficking expert	France
Ministry of Interior and Administration	Poland
Victim Support NGO	Finland
ICMPD & OSCE	Austria
Swedish Civil Society Platform against THB	Sweden
Warsaw University, Human Trafficking Research Centre	Poland

Table 1: List of participants at the workshop (excluding TRACE consortium members)

In addition TRACE consortium members were present. Altogether 47 stakeholders and 13 TRACE consortium members attended the workshop. The input from the presenters and stakeholders will be discussed in the following sections with focus on identified new and emerging forms of human trafficking and policy recommendations that will feed into the development of the TRACE handbook for policymakers.

3 OPENING PRESENTATIONS AND KEY NOTE SPEECH

The workshop was opened by Mr Jan Lundin, the Director General of the CBSS Secretariat. Mr Lundin emphasised human trafficking foremost as a problem of mobility that keeps on changing and developing – thus up-to-date information is needed to keep track of the phenomenon and to prevent exploitation and trafficking of people.

Ms Anna Donovan (TRI) introduced the TRACE project to the workshop participants and presented a summary of the findings of TRACE deliverable 6.2 on the findings of future trends in human trafficking. The findings were the result of using forecasting tools and analysing current and emerging trends in relation to human trafficking situation in Europe by all contributing partners.

Professor Ryszard Piotrowicz from Aberystwyth University gave a key note speech “Trafficking in Human Beings in 2016 – Where are we, where have we been and where are we going?” Prof. Piotrowicz highlighted the astonishing expansion of international, European and national legal frameworks regarding human trafficking since the year 2000. However, greater will to enforce those laws effectively is needed so that trafficked people get better help and more traffickers are prosecuted and sentenced for trafficking. Prof. Piotrowicz also emphasised that traffickers are ultimately motivated by making money and they are constantly trying to find new ways of making profit. Their victims are there to be exploited for financial gain; there is a massive market for the services of trafficked persons, e.g. the food we eat and the products we buy may have been produced using trafficked and exploited labour. In the future more needs to be done to promote awareness and compliance in the private sector and their supply chains, especially through legal measures.

New forms of exploitation are regularly emerging. Some that have become more prominent in the UK recently include, for example:

- Car wash/commercial sex – sleep with a woman while your car is cleaned
- Charity collectors

- Cuckooing – befriend a vulnerable person, move in and use their house as a base for criminal activities
- Forced criminality, benefit fraud & identity theft

Finally Prof. Piotrowicz argued that perhaps most urgent, major current challenge in Europe is linked to the smuggling of migrants into Europe. There is little doubt that many of those who are being smuggled are very vulnerable to being exploited and may end up being trafficked, and not only unaccompanied minors. There needs to be greater awareness of this threat. More systematic training of relevant professional groups is also needed in order to enhance identification of trafficked persons and to make sure they know how to respond in such cases - both in the immediate term as well as on the long run. States also need to do more to separate traffickers from their money by freezing and seizing assets for the benefit of victims. Much more needs to be done to ensure that trafficked persons have access to compensation and to promote awareness in private sector, especially through legal measures.

4 PANEL 1: NEW FORMS OF TRAFFICKING

The first panel focused on new forms of human trafficking. There is growing evidence that traffickers exploit victims for begging and for criminal activities such as organised property crime (e.g. shoplifting, pickpocketing, ATM thefts, burglaries etc.), drug production and distribution as well as for benefit or identity fraud and forced or sham marriages. The panel was chaired by Mr Jan Austad from the Norwegian Ministry of Justice and Security who emphasised the importance of overall commitment in combating trafficking and its new forms.

The first panellist Dr Olivier Peyroux from France talked about forced criminality and exploitation of children. Dr Peyroux emphasised that trafficking of children for forced criminality is not something new and has been on-going for decades, but due to improved awareness of different actors, an increasing amount of cases are being identified in EU Member States. Since 2009 there has been an increase in number of groups using children for forced criminality to make profit. The children are treated as juvenile delinquents in criminal justice system which the traffickers take advantage of. Most of the time the children are not aware of being exploited and trust their exploiters as everything takes places in the context of family or peer business. Even up to 80% of the involved networks are family-based, small networks that use psychological means to control the victims. Often it is possible to detect the precise geographical origin of a group or a network limited only to a few neighbourhoods or to towns/villages in Romania, for example. Often also the modus operandi is specific to a certain group. The groups take advantage of the failures of the system such as failure of registering births, and use aliases or clone identities to move the children between different countries in every 3-4 months. Thus no Member State can keep track where the children are and they are being trafficked across Europe. In order to address this phenomenon more proactive initiatives to protect children are needed focusing on victim identification. It is important to work together with the communities in the origin and destination countries to understand how the networks are established elsewhere in Europe, e.g., their presence in Norway and Sweden and to design prevention activities that take into account the local circumstances and cultural factors involved. Some of these children will become traffickers themselves and exploit their own sisters or brothers and later their own children as they feel that it is prestigious being in this business.

The second panellist Mr Patrik Cederlöf (Swedish National Anti- Trafficking Coordinator) from the County Administrative Board of Stockholm talked about the Swedish experiences as regards new forms of trafficking. Traditionally Sweden has focused on sex trafficking, but in the past few

years also an increasing number of cases of other forms of exploitation have been identified. There was a successful conviction of THB for forced begging from the city of Gothenburg in early 2016. Securing a conviction needs a lot of resources from the police, and cooperation between different actors. In the future there is a need to cooperate more with new actors such as tax authorities and trade unions and to focus more on financial investigation and other innovative investigation methods to secure enough evidence of trafficking.

Mr Cederlöf also presented a case where a Swedish minor was sentenced for a terrorist crime in Austria. She was apprehended in Austria on her way to Syria and prosecuted. However, the Swedes have been arguing that she might be a victim of trafficking. The girl is now in Sweden and in custody of social welfare whilst the case is under further investigation. This is the first such case, so it may well be an interesting trend moving forward. It is difficult to estimate whether a person who is forced/recruited to this form of criminality is a perpetrator or a victim and how to find balance between these two perspectives.

In 2015, a total number of 35,000 unaccompanied minors were registered in Sweden. They are vulnerable to exploitation and trafficking. Among them the Swedish Migration Agency has identified 132 minors who are married (and have children themselves) and thus from the Swedish perspective might be victims of forced marriages. This is also a difficult topic for the authorities as there is a need to consider the culture of the country of origin, and whether such marriages are either legally or culturally accepted. However, ultimately in such cases there is a need to follow the legal framework in Sweden (country of destination).

There are a lot of on-going efforts to train different professional groups on THB issues. Mr Cederlöf however argued that there should be a better focus on mandate of professionals to actually implement what they learn in the field/on the frontline. The main challenge is not a lack of knowledge and awareness, but rather a lack of mandate and insufficient number of practitioners to work against trafficking at the grass root level. Operation, field work needs to be intensified.

The third panellist Ms Minna Viuhko from the European Institute for Crime Prevention and Control (Finland) presented some preliminary findings from an EC-funded project focusing on exploitative sham marriages as a potential form of trafficking in human beings. The phenomenon is related to marriages concluded between EU National women (e.g. Latvian, Estonian, Lithuanian) and third country nationals (e.g. from Pakistan and India) taking place in a third country (Ireland, the UK and Cyprus) which have resulted in some serious cases of exploitation (including rape, violence, limiting freedom of movement, confiscation of passports). Some of the women recruited for such marriages are misled and deceived, e.g., by a job offer and are then coerced into marrying a third country national. Other cases have not been so exploitative, so it is really difficult to define whether a case is an “exploitative sham marriage” if it is a trafficking case, a case of forced marriage or a marriage of convenience. Key challenges are a general lack of clear definition and shared understanding on the phenomenon and focus on immigration laws and fear of the abuse of law. The upcoming research report will shed more light into these questions and suggest policy recommendations in order to address this form of exploitation. It is however clear that more cooperation is needed between authorities and other actors in the origin and destination countries and training is needed to enhance identification of such cases.

5 PANEL 2: MIGRANT CRISIS AND TRAFFICKING

The unprecedented increase in the number of migrants and refugees attempting to enter Europe in 2015 poses great challenges to state authorities in terms of both human rights protection and increasing criminal activity. This dramatic situation with hundreds of thousands of people, including large numbers of women and children, seeking every opportunity to enter the EU and being stranded in border areas, increases the risk of abuse, exploitation and trafficking, especially among vulnerable groups. The second panel session focused on the impact of current migration crisis on human trafficking situation in Europe. The panel was chaired by the TRACE consortium member Professor Conny Rijken (VUB).

The first panellist Ms Elisa Trossero from the International centre for Migration Policy Development (ICMPD) presented their recent study “Targeting Vulnerabilities. The Impact of the Syrian War and Refugee Situation on Trafficking in Persons. A Study of Syria, Turkey, Lebanon, Jordan and Iraq.”¹ The study focused on exploring the effects of the Syrian war and refugee situation on trafficking in human beings in Syria and its neighbouring countries. No refugees were interviewed during the project but instead a large number of representatives of national and local authorities, NGOs, humanitarian and international organisations and journalists were interviewed. One of the main conclusions of the research is that much of the exploitation taking place is not carried out by organised transnational groups, but rather involves family members, acquaintances and neighbours. Families and communities displaced by the war are often left with no viable alternatives for survival other than situations that can be characterised as exploitation. The difficulties experienced in obtaining and maintaining legal residence status and authorisation to work in the host countries further increase the vulnerability to exploitation and trafficking.

The study identified different forms of trafficking related to the war including sexual slavery, forced marriage, exploitation in armed conflict, kidnapping for ransom, military forced labour. Official statistics show only a minor increase in trafficking but there are a lot of potential cases that are not registered or determined by law enforcement authorities. This is both because of low capacity of local actors, but also because the Syrians do not know their rights and are afraid to report the exploitation they have experienced as they are not officially registered in host countries. There is a need to increase the capacity of local actors to identify cases of trafficking among Syrian refugees and to build better infrastructure for assisting victims of trafficking in the countries of destination.

The second panellist Ms Michele Levoy from Platform for Undocumented Migrants (PICUM) focused on highlighting the problems migrants and particularly undocumented migrants face in Europe in the current situation. There is now nationality discrimination at the external borders of the EU. This means that some nationals can get through while others are stuck. Those who are not identified as priority countries are issued with expulsion orders without any focus on looking at the persons personal circumstances (including them being potential victims of trafficking or exploitation). The issue of return is also crucial, but there is not much focus on those returned who have been trafficked. Ms Levoy also talked about the concept of firewall which is based on the idea that the authorities should not disclose the information about a person’s migration status to other authorities when a person comes to claim their rights. Migrants should have the right to use different types of services without fear of legal consequences in other areas.

The current situation will ultimately result in an increase in the number of undocumented migrants as a growing number of people are coming through the asylum system without receiving protection and therefore becoming undocumented. Ms Levoy pointed out that NGOs need space to operate at the borders as they are in the position to work with vulnerable people and offer

¹ https://www.icmpd.org/fileadmin/ICMPD-Website/Anti-Trafficking/Targeting_Vulnerabilities_EN__SOFT_.pdf

support and assistance to those in need. Also more accountability is needed in terms of States' duties to protect vulnerable and trafficked persons. Lack of legal migration channels is problematic and at the EU-level there is a need to do more on this.

The third and final panellist Dr George Joseph from Caritas Sweden presented some concrete case examples concerning the victims of trafficking that their NGO has identified among migrants and asylum seekers in Sweden. In general they see insufficient screening of identifying victims of human trafficking during asylum claim process. This is significant given the current size of crisis. Proper identification and protection of victims requires a comprehensive approach in all policy areas, not just anti-trafficking legislation. Labour migration policies and immigration policies in general have an impact on trafficking flows as well.

Dr Joseph argued that there exists an assistance gap in the countries of transit. Most of the focus is on those migrants arriving at destination countries or country of first arrival. But there are no assistance programmes that are present along the way of the migratory route. The migrants have no chance to report, or seek assistance at an earlier stage. This is a challenge both for the governments and the civil society organisations. There is further need to implement support programmes and offer assistance during the transit phase. Most women the Caritas Sweden has identified would have contacted civil society along the way if they had been able to do so. Trust is needed before the migrants tell about their experience of exploitation and abuse. It would also be important to train migration service staff so that they can ask the right question and can better identify those migrants who have experienced serious exploitation and abuse.

The general discussion at the end of the panel was very lively and a lot of different experts shared their experiences. For example, the serious increases in 2005-2016 in the price of smuggling further increases the vulnerability of migrants for exploitation due to debt bondage. It was also highlighted that there might be migration fatigue among the EU Member States which results in less goodwill among local populations and policy makers in terms of responding to challenges and problems, as they are already overwhelmed by them. This means that there is also less ability among authorities to deal with the situation and to identify victims of trafficking among migrants and asylum seekers. This will have implications for the future as well.

6 PANEL 3: NEW APPROACHES TO PREVENTION OF TRAFFICKING

Different national authorities, actors and NGOs have developed some innovative approaches and promising tools to address trafficking in person and to prevent different forms of trafficking. Ideally, targeted prevention measures should address emerging issues, including by establishing outreach services with mobile units and cultural mediators to work with vulnerable populations, referring them to support, and promoting reintegration. The third panel tried to highlight such tools and methods by inviting three experts to lead the discussion by sharing their own experiences in trafficking prevention. The panel was chaired by the TRACE consortium member Ms Anniina Jokinen (CBSS TF-THB).

The first panellist Dr Anette Brunovskis from FAFO institute in Norway presented experiences gained from implementing a trafficking prevention project in rural Albania using the positive deviance methodology. In practice the approach is based on working together with the local communities by defining the problem in partnership with them and identifying people who have achieved better outcomes "positive deviants" i.e. those who have migrated but not ended up in situations of exploitation and trafficking. By identifying what such people did differently to achieve positive outcome and analysing if these behaviours are accessible and realistic, it was possible to design behaviour change activities which were implemented at the local level. The

project developed a manual for migrants with specific and contextual information on safe migration and how to minimise the risk of exploitation and trafficking. In addition former migrants successful in migration shared their experiences in community meetings. For the success of the project it was essential to discover and use already existing solutions utilized by community to minimise the risk of trafficking and to foster local engagement and ownership of the project. This is crucial for implementation of sustained long term activities.

Dr Brunovskis emphasised that trafficking is not isolated phenomenon but rather an extreme symptom of broader social problems. Therefore prevention efforts need to be integrated in broader programmes and policies addressing, for example, equality, poverty eradication and migration management. Due to the dynamic and changing nature of human trafficking, prevention strategies must be flexible and constantly adapted to new situations and circumstances based on timely and updated situational analysis. Also regular training of professional groups is needed because of high turnover in those mandated to work with trafficking.

Second panellist Mr Anders Lisborg from the Danish Anti-Trafficking Centre presented their work in cooperating with the businesses and the private sector in prevention of labour trafficking. The Danes have launched an online tool for Managing the risk of hidden forced labour: a guide for companies and employers. Mr Lisborg introduced some of the lessons learned in working with the private sector and how to frame the trafficking discussion in such a way that it is relevant for the businesses. When engaging with the private sector it is better to focus on highlighting the legal and reputational risks and opportunities (e.g. corporate image and corporate social responsibility) and explain how trafficking can affect their business in concrete terms, e.g., by presenting concrete cases and explaining what is in it for the company (risk minimisation, profits). Businesses listen to businesses – and thus, for example, in Denmark a real case of labour trafficking in the supply chain of a big Danish cleaning company was a game changer. In the future cooperation with a variety of different actors (trade unions, tax authorities, employers' associations, the media) it is needed to spread the message about the risk of trafficking to better prevent labour trafficking and exploitation.

The third panellist Mr Kamil Kisiel from the Polish Ministry of Interior presented different ways and means in which the authorities in Poland have implemented awareness raising and other activities to prevent human trafficking. Since Poland is a country of origin, destination & transit all implemented prevention activities need to take that into account. When designing and implementing awareness raising activities and prevention efforts, it is important to identify vulnerable groups and try to address the vulnerabilities, e.g., by assisting Poles migrating abroad and providing them with competencies and skills needed to minimise the risk of trafficking and exploitation. Also evaluation of activities implemented is very important (not just measuring the number of people trained or people visiting a particular website).

The final discussion focused on the necessity to tailor preventive actions according to local circumstances and specifications, with focus on flexibility and adaptability and knowing the target groups involved. Also cooperation between different actors and organisations is required to improve any preventive efforts that are being implemented.

7 CONCLUSIONS

The TRACE consortium member Ms Vineta Polatside (CBSS TF-THB) concluded the workshop by making some general remarks about the themes and issues discussed during the day. It is evident that there is a rich and advanced international regional and national framework to address

trafficking in human beings. The problem lies in the implementation of the framework and putting it into practice. There is still a lack of clear definition and understanding of different “new” forms of exploitation and what is culturally acceptable and not. It is important to raise awareness, to improve identification of victims and to put knowledge into practice.

The new or emerging forms of trafficking might not be new for trafficking experts, but they are new to a lot of relevant actors and professionals e.g. businesses, trade unions, immigration/asylum authorities, social workers etc. who are in a position to identify victims in their line of work. It is also important to consider the motivation and incentives for victims to come forward, disclose their experiences and cooperate with authorities. Why should they cooperate if there are no sufficient support frameworks in place?

The current migration situation poses huge challenges to authorities. It is evident that migrants are vulnerable to exploitation. If numbers of migrants increase, the number of victims should increase. However, there are some indications that the number of identified victims might be decreasing instead. This is mainly because authorities are overwhelmed and stretched by the sheer number of migrants. The “migration fatigue” experienced in many EU Member States further hinders the identification of trafficked persons. Thus there is a need to have a renewed commitment to tackling this crime, making sure that the right authorities and actors have a proper mandate to identify victims and refer them to assistance, they are properly trained about indicators of trafficking and that the State is doing its duty to protect those who are vulnerable and at risk.