Executive Summary

The Expert Workshop on Victims of Trafficking in Human Beings, organized within the framework of the Eastern Partnership Panel on Migration and Asylum, took place in Warsaw, Poland. Participants from Armenia, Azerbaijan, Georgia, Moldova and Ukraine, as well as 13 EU Member States, Council of the Baltic Sea States (CBSS), Swedish Migration Board, UNHCR, IOM, ICMPD and EC attended the meeting. The workshop was co-organized by Poland, Armenia and European Commission with the thematic focus on victims’ rights, cooperation between law-enforcement agencies and NGOs, and identification, support and protection of child victims.

The first day of the workshop began with opening remarks by Poland and Armenia. Panel I dedicated to the victims’ rights started with the EC informing on the activities aimed at protection of victims’ rights followed by the UNHCR presentation on victims of trafficking and international protection and IOM presenting good practices of the direct assistance. The Panel continued with Armenia, Germany and Moldova sharing examples of national models of support and protection of victims’ rights. The Panel was summarized and closed by the ECPAT.

Panel II provided an overview of the standards in cooperation between law-enforcement agencies and non-governmental organizations and started with the introduction into the subject by the IOM. Presentations of experiences of cooperation between law enforcement and civil society in the aspect of victims’ protection were individually delivered by Romania, Belgium, Poland and Armenia and followed by sessions of questions and answers. Later on Poland illustrated theory and practice of the National Referral Mechanism, which resulted in a discussion.

The second day of the workshop started with Panel III focused mainly on identification, support and protection of child victims. Ireland informed on the assistance and protection of child victims and added on implementation of the EU aquis on assistance and protection of child victims. CBSS followed with presentation on children trafficked for exploitation in begging and in criminality based on findings in Norway, Sweden, Poland and Lithuania. Poland, Denmark and Ukraine delivered separate presentations on the best ways of coordination of actions between law enforcement and child protection in case of child trafficking followed by discussion of the presented issues.

The workshop was summarized and closed by Poland.
Opening and Welcome Addresses

Mr. Piotr Mierecki, Deputy Director of the Migration Policy Department, Ministry of Interior of Poland, opened the workshop by greeting all the participants on behalf of the Ministry of Interior and Poland. He marked joint organization of this expert workshop in cooperation with Armenia and underlined importance of the topic for both countries and in terms of broader relations between EaP states and EU. Mr. Mierecki wished everyone a nice stay in Warsaw and fruitful discussion during forthcoming two days of the workshop.

Mr. Robert Grigoryan, Head of Division for Combating Trafficking in Human Beings, Department for Combating Organized Crime, Police of the Republic of Armenia, expressed his gratitude to Poland for joint efforts in the workshop planning. He admitted that trafficking in human beings remains problematic for Armenia and described recent institutional and legislative developments within the country in this respect. The state concept on THB was developed in 2004 regulating adoption of the national programme on combatting THB every three years. Armenian law-enforcements structures cooperate closely not only with other state bodies, but also with international agencies on THB.

Mr. Gert Bogers, Policy Officer, European Commission, welcomed everyone on behalf of the EC defining THB as one of the priorities for the EU. The EU Directive on preventing and combating trafficking in human beings and protecting its victims was adopted in 2011. The Action-Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings was developed in 2009. Mr. Bogers expressed his hopes for productive discussion during the workshop.

Panel I. The Victims’ Rights
Facilitator: Ms. Stana Buchowska, ECPAT

Ms. Stana Buchowska, ECPAT, pointed out to the two parts of the workshop: overview of the victims’ rights from the international perspective and presentation of national solutions, frames and procedures.

Mr. Gert Bogers, Policy Officer, European Commission, delivered a presentation on the EU rights of victims of trafficking in human beings starting with an introduction into the phenomenon of trafficking. Possible causes of THB include violence against women and gender inequality, precarious living conditions, unequal access to education, corruption, expanding sex industries, demand for cheap labour and low-risk/high profit activity for traffickers. The mandate of the EU Anti-Trafficking Coordinator provides for strategic policy orientation, contributes to coordination and coherence relevant to addressing THB, and ensures all appropriate means for EU actions against trafficking are adequately used. The THB Directive 2011/36/EU adopted in March 2011 focuses on protection of victims, prosecution of traffickers and prevention of THB. The Directive 2004/81/EC on residence permits for the THB victims defines conditions for granting residence permits of limited duration. The EU strategy towards Eradication of THB prioritizes identifying, protecting and assisting victims of trafficking. The EU rights of victims of THB includes assistance and support, protection of victims, compensation, integration and labour rights, reflection period and residence permit, adequate return. Please, see presentation “EU Rights of Victims of Trafficking in Human Beings”

Ms. Maria Pamula, National Project Manager of “Response to Vulnerability in Asylum” regional project, UNHCR Warsaw, presented on victims of trafficking and international protection. The project “Response to Vulnerability in Asylum” addresses specific needs of vulnerable groups of asylum seekers by promoting adequate standards of identification and determination of people with special needs. Victims of human trafficking and survivors of sexual and gender-based violence are one of these vulnerable groups. The projects strives to improve the system of identifying vulnerable asylum-seekers and providing tailored legal, social, psychological and medical help by mapping the current practices, policies and legislation; identifying good practices and lessons learnt; analyzing current
situation for vulnerable groups by collecting their views and feedback; providing capacity-building and training for government stakeholders to strengthen national asylum systems in responding to the special needs of vulnerable asylum seekers; and creating a network of civil society stakeholders to facilitate the regular exchange of information and experience and better coordination of activities.

**Ms. Anna Rostocka**, International Organization for Migration, informed on the victims of trafficking in the region of South-Eastern Europe, Eastern Europe and Central Asia with regard to the IOM direct assistance. Assistance provided by the IOM to victims of THB may encompass a broad range of activities and depends upon the need and circumstances of the trafficked person and the services available in the area. Key forms of assistance relate to assisted voluntary return, accommodation, medical assistance, education and vocational trainings, financial aid, legal assistance, job placement and monitoring activities. National referral mechanisms serve as a cooperative frameworks for state and civil society cooperation and a platform for counter-trafficking actors from different countries to share their practices. Activities which improve fight against THB include prevention campaigns, continuous evidence-base data collection, enhancement of regional and international cooperation, increasing monitoring and evaluation initiatives. *Please, see presentation “Trafficked Migrants in the Region of South-Eastern Europe, Eastern Europe and Central Asia – Good Practices in IOM’s direct assistance”*

**Ms. Victoria Avakova**, Anti-Trafficking Projects Coordinator, United Methodist Committee on Relief NGO (UMCOR), illustrated model of support and protection of victims in Armenia based on the experience of the UMCOR providing assistance to the victims of THB inside and outside the country since 2004. National referral mechanism was introduced in Armenia in 2008 making civil society, law-enforcement agencies and other state actors work together on THB. The Ministry of Social Affairs is actively involved in the provision of assistance to the victims. All identified victims receive full package assistance covering long-term or short-term shelter, legal advice, medical treatment, psychological help, professional orientation and employment, and humanitarian aid. Every year financial support and participation of the state increases. The UMCOR contributes to the development of practical solutions, national action plan and monitoring mechanism.

**Ms. Dorothea Czarnecki**, Associate Officer, KOK: German Network and Coordination Office against Trafficking and Violence against Women in Migration, described support and protection of victims of THB in Germany. KOK was founded in 1999 and now incorporates 37 member organizations being an interface between counseling services, public and private policy organizations. German nationals, EU nationals and third-country nationals are offered support in case they are identified as victims of THB including coverage of basic needs, accommodation in collective housing, medical treatment and issuance of residence permit during criminal proceedings. Counseling centers are NGO offices where advice is given for free and interpretation is available. They offer psychological and social support, arrange safety shelters, identify lawyers, accompany victims when communicating with authorities, support during criminal proceedings and organize return. Multi-stakeholder cooperation on political level is exorcized through federal working group on THB. *Please, see presentation “Respecting Victims’ Rights in Practice – Support and Protection of Victims in Germany”*

**Ms. Ala Vechiu**, Assistant on Social Issues, Permanent Secretariat of the National Committee for Combatting Trafficking in Human Beings, continued with a presentation of victims’ rights in Moldova. The Law on preventing and combating trafficking in human beings entered into force in 2005 adopting international and European standards in counteracting THB. National Referral System (NRS) constitutes a network of collaboration between state authorities, civil society and other actors in order to protect and promote victims’ rights. Beneficiaries of the NRS are THB victims, potential THB victims, stranded migrants and unaccompanied children. National Coordination Unit supports NRS focal points with screening and identification procedures, provides technical support for monitoring and reporting and produces progress reports. Assistance is provided by state (covering both immediate needs and long-term services) and by NGOs. Safe return of THB victims is possible due to development of the transnational cooperation with destination and transit countries. *Please, see presentation “The Victims’ Rights – Experience of Moldova”*
Panel II. Standards of Cooperation between Law Enforcement Agencies and Non-Governmental Organizations
Facilitator: Ms. Anna Rostocka, IOM

Ms. Anna Rostocka, International Organization for Migration, made an introduction into the subject of cooperation between law enforcement and civil society by highlighting importance of such joint effort in order to achieve common goals in fighting against THB. This cooperation allows to better ensure safety of a victim, provide him/her with accommodation and other support, and improve testification in criminal procedures. The independence of NGOs helps to build trust between law-enforcement agency and victim. For both sides safety, protection and human rights of a victim should be a priority. Such cooperation, either formalized or not, proved to be effective in many countries and is reinforced in many international documents.

Mr. Adrian-Ciprian Tamas, Police Inspector, National Agency against Trafficking in Persons, delivered presentation on cooperation between law-enforcement agencies and NGOs in the aspect of victims’ protection in Romania. Law-enforcement agencies (Police, Border Police, Gendarmerie, General Inspectorate for Immigration, Directorate to Investigate Organized Crime and Terrorism within General Prosecutor’s Office) are responsible for identification of victims of THB in Romania. The National Agency against Trafficking in Persons was established within the Ministry of Internal Affairs aimed at coordinating, evaluating and monitoring of THB policies implementation by public institutions and making a link between victims and law-enforcement agencies and NGOs. Mandatory procedural steps include initial evaluation of the victim, assessment of the need for protection and possible assistance, establishment of a working team (state agencies and civil society), initiation of assistance proceedings based on victim’s consent. Please, see presentation “Cooperation between Law-Enforcement Agencies and NGOs in the Aspect of Victims’ Protection – System Implemented in Romania”

Ms. Sarah De Hovre, PAG-ASA Director, shared Belgium’s approach to cooperation between civil society and law-enforcement agencies in the sphere of THB. PAG-ASA provides full package, tailor-made assistance to individual victims covering shelter, psychological assistance, legal advice, administrative support and assistance with voluntary return. Key features of the cooperation in the field of THB are multidisciplinary and multiagency approach, involvement of all actors at all levels, focus on prosecution of traffickers, protection of victims, prevention and partnership. Obligatory conditions for victims’ protection incorporate absence of contacts with the presumed suspects, compulsory assistance by a specialized centre and cooperation with law-enforcement agencies. Formal cooperation mechanisms work at national and local level and engage Interdepartmental Coordination Unit, THB Expert Network and Jurisdiction Coordination. Factors leading to successful coordination between NGOs and law-enforcement agencies consider multi-agency approach, strong legal and policy framework, formal and informal forums, limited number of NGOs, detection and identification process. Please, see presentation “Belgium’s Multi-Disciplinary Approach against Human Trafficking – Specific Focus on Cooperation between NGOs and Law Enforcement”

Ms. Irena Dawid-Olczyk, La Strada Foundation against Trafficking in Persons and Slavery, added on the cooperation between law-enforcement agencies and NGOs based on La Strada experience in Poland. The project “National Center for Intervention and Consultation” is coordinated by La Strada in line with the tasks set by the Ministry of Interior. Civil society works closely with police officers, prosecutors, judges, officers and border guards trying to find individual approach in each case. To be recognized by state as a reliable and professional partner sharing of knowledge and experience, as well as constant learning are essential. Since 2009 the NGO deals with victims of THB within the task assigned by the Ministry of Interior. When the information about the THB case received, the NGO informs police or border guards; when officers contact a victim, they also address the NGO in order to arrange crisis intervention. Today collaboration between civil society and law-enforcement agencies becomes obligatory and beneficial for both parties.

Mr. Robert Grigoryan, Head of Division for Combating Trafficking in Human Beings, Department for Combating Organized Crime, Police of the Republic of Armenia, introduced system of victims’
protection and cooperation between state and civil society in this regard. The document regulating cooperation between law-enforcement authorities and NGOs is National Referral Mechanism concept. Police is defined as a main body responsible for investigation of THB cases. Victims are referred only to organizations that have signed Memorandum of Understanding with the Ministry of Labour. If the person is referred to an NGO, supporting letter is sent to the Ministry of Labour. Assistance is provided to all victims, both own nationals and foreigners, who voluntarily agreed to receive it. NGO staff is a part of working groups of the Council on THB; cooperation with IOM is fruitful. In practice there is far more cooperation between state, civil society and international organizations then it is stated in legal documents.

**Discussion** on cooperation between law-enforcement agencies and NGOs followed.

**Mr. Piotr Mierecki**, Deputy Director of the Migration Policy Department, Ministry of Interior of Poland, described theory and practice of the National Referral Mechanism (NRM) based on Polish experience. Obligatory elements of the NRM scheme are roundtable/working group, national coordinator, professional staff from state authorities and civil society. The NRM scope of action covers identification, cooperation, support and protection services, repatriation and social inclusion, residence permit regimes, data protection, victim-witness protection and confiscation/compensation. The NRM model is different for each country and depends on scale and characteristics of THB, size of the country, administrative culture of the country, vitality of civil society and availability of resources. Polish model of NRM incorporates Inter-ministerial Committee as a cooperation framework and has no formal cooperation agreement (only between the Ministry of Interior and NGO implementing national center for victims). Areas for further development of the NRM include need of the NRM presence on regional level and need of clear description of rules and roles of all institutions involved.

**Discussion** on the National Referral Mechanism followed.

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**Panel III. Identification, Support and Protection of Child Victims**

**Facilitator:** Mr. Lars Loof, Head of Children’s Unit CBSS

**Ms. Gerardine M. Coyle**, Anti-Trafficking Unit, Department of Justice and Equality, delivered a presentation on assistance and protection of child victims of human trafficking. Directive 2011/36/EU adopted in March 2011 incorporates child specific provisions in Article 2 (4) (6), Article 4 (2)a, Article 9 (2), Articles 13-16. Child specific criminal law provisions state THB is punishable when children involved despite absence of coerciveness; it is treated as aggravating circumstances and applies minimum penalty of 10 years of imprisonment if children are involved. Support to child victims has to take into account the best interest of a child, physical and psycho-social recovery, access to education, appointment of a guardian for a child’s victim, assistance to the family of a child. Protection of child victims includes appointment of a representative in cases of conflict of interest, access to free legal counseling and representation, ensuring proper interview process. Please, see presentation “EU Policy and Law on Assistance and Protection of Child Victims of Human Trafficking”

**Ms. Gerardine M. Coyle**, Anti-Human Trafficking Unit, Department of Justice and Equality, described implementation of EU acquis on assistance and protection of child victims demonstrating Ireland’s experience. The National Action Plan on Preventing THB has a section dedicated to child trafficking and provides for involvement of the state and non-governmental organizations. The Health Service Executive (HSE) is responsible for protection and welfare of children, interaction with Irish Police Force and provision of assistance to child victims of THB. Basic principles of the HSE consider welfare of a child, best interest and wishes of a child, absolute right to care and protection, and equality among children. The Concept of Care Planning envisages engagement of dedicated social workers and covers accommodation, social needs, medical and psychological assistance, material assistance and legal aid. Special attention is paid to proper return and reintegration of child victims in cooperation with the IOM. Please, see presentation “Implementation of the EU Acquis on Assistance and Protection of Child Victim”
Mr. Lars Loof, Head of Children’s Unit CBSS, shared findings on children trafficked for exploitation in begging and in criminality. Indicators of forced begging are in place when a child is not in control of money, is told when and where to beg, moves within a group of children often of the same ethnicity. The Expert Group for Cooperation on Children at Risk (EGCC) adopted priority areas for 2011-2013: protection from all forms of sexual exploitation, protection of children in migration and that have been trafficked, early intervention and prevention as means to ensure protection, the rights of children in institutions and other forms of protection. The factors to be considered show that all forms of exploitation have to be made illegal, local protection of children need capacities and proper expertise, child victims may not be treated as victims in home countries, proper identification of a child victim, fostering a combination of centralized expertise with local expertise, and further monitoring.

Please, see presentation “Children Trafficked for Exploitation in Begging and in Criminality – Findings in Lithuania, Norway, Poland and Sweden”

Ms. Malgorzata Kozlowska, Department for Organized Crime and Corruption, General Prosecution Office, informed on the coordination of actions between law enforcement and child protection. Prosecutor responsible for monitoring and investigation concerning THB is placed in Prosecutor’s General Office, so that all actors involved in fight against THB can contact a competent prosecutor. Methodology of indictments incorporates history of the crime, international legislation, national legislation, features of THB offence, victim, procedural rules during investigation, possibilities of compensation, and penal measures. The Inter-Ministerial Committee for Combating Trafficking in Human Beings consists of representatives of governments, NGOs, IOM and Prosecutor General’s Office. Working groups on THB are engaged with monitoring and exchange of information, prevention and support for child victims. When a child at risk is identified the information is immediately shared among all actors: NGOs, social workers and child protection, law enforcement and prosecution. Challenges in this area include possibility to use special forms of hearing the child and work on possible flexibility of judge and prosecutor. Please, see presentation “How to Best Coordinate Action between Law Enforcement and Child Protection”

Ms. Astrid Winkler, ECPAT Austria, continued with best practices of cooperation between law-enforcement agencies and child protecting authorities in Austria starting with presentation of the ECPAT activities in protecting children from sexual exploitation and trafficking. Trafficking focal points began their activities from a broader focus on unaccompanied children and further included trafficked children and apply care standards according to youth welfare legislation. Vienna municipality-based institution for unaccompanied children, including trafficked children, provides accommodation and may take full guardianship, although underlining reliance on early return. The strategies for safe return prioritized and as a result reliable counterparts identified and crisis centers in main countries of origin contacted. Intervention center and shelter for women accepts girls from 16 years old and provide legal assistance for child victims of THB since January 2013. Today framework is in place, coordination structure is good, but the implementation is weak sometimes. There is need for national referral mechanism for trafficked children and development of identification mechanism. Please, see presentation “Good Practice in Cooperation between LEA and Child Protection in Austria”

Ms. Maryna Pasyechnyk, Head of the All-Ukrainian NGO Coalition for Combating Trafficking in Human Beings, NGO “Revival of the Nation”, reported on Ukrainian experience in coordination of action between law-enforcement agencies and child protection. The basic principles of assistance to child victims incorporates respect of child’s rights and wishes, clear explanation of the child’s rights and obligations, and confidentiality of the information provided by the child. When information about a trafficked child is received, local state administration identifies the child, makes an assessment of circumstances and approves protection plan. Social standards of assistance to child victims have to be developed and implemented, and cooperation of different state structures among themselves and with NGOs and international organizations has to be improved. Legislation framework in Ukraine has to be further developed and harmonized according to the international standards in combating THB.
Please, see presentation “Coordination of Actions between Law-Enforcement Agencies and Child Protection" (in Russian)

Mr. Lars Loof, Head of Children's Unit CBSS, summarized the Panel III.

Mr. Piotr Mierecki, Deputy Director of the Migration Policy Department, Ministry of Interior of Poland expressed gratitude to presenters, participants and organizers of the workshop on THB victims and hoped that it will contribute to the developments in the sphere of combatting THB in participating countries.