

**Dr Helga Konrad**  
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**on Combating Trafficking in Human Beings**

**FemCities-European cities networking for gender equality**  
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**MOYA (Museum of Young Art)**

Ladies and Gentlemen, Distinguished Participants,  
I have been tasked to introduce

**Workshop B of today's conference**  
**on Human Trafficking/Trafficking in Women.**

Let me start by briefly recalling that over the last years –especially since the unveiling of the UN Protocol in the year 2000- trafficking in human beings and the fight against it has been receiving ever more attention, in Europe and beyond.

There have been a great number of high profile conferences at local, national, regional and international levels; many countries have either adopted new anti-trafficking laws or amended their national laws and Criminal Codes; national and regional coordination among various actors has improved; in some countries national coordinators have started working with multidisciplinary working groups/teams/tasks forces/committees. National plans of action have been put in place, the European Union has adopted its Action Plan.

More and more actors have been getting involved in the fight against human trafficking. The funding for anti-trafficking projects and programmes has started to flow;

We can look with a certain sense of satisfaction at the fact that a considerable number of countries within and beyond the EU has ratified the UN Protocol and that the Council of Europe Convention on Action against Trafficking in Human Beings will enter into force on 1 February next year because more than 10 countries have already ratified it. And, very important: a new 'Body to Monitor Trafficking in Human Beings in Europe', called GRETA will be created, consisting of 10-15 independent experts who will assess the implementation of the Convention and of anti-trafficking measures in Europe and beyond.

Many countries have put human trafficking on their political agendas, 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, as we know. Considering that human trafficking is a X thousand billion dollar criminal business annually and involves tens or rather hundreds of thousands of people worldwide – most of them women and children -, it is obvious – and we must admit - that we have at most, at best, scratched the surface of the problem.

There seems to be a lack of unreserved commitment to putting a halt to this modern form of slavery. Many governments and state authorities consider human trafficking to be less important than other

crimes and they are reluctant to take a more determined stand against human trafficking. Almost all European countries have learned how to manage THB – at least somehow -, but they are not willing to step up their efforts in order to actually contain, to diminish THB, to truly combat it .

Reality shows that most European States generally put the emphasis on preventing irregular immigration and on combating asylum abuse – which means that concentration is primarily on state borders and control mechanisms.

But concentration on border controls, deterrence and immediate repatriation of migrants - who very often are not identified victims of trafficking - is frequently the beginning of a vicious circle. Although such measures are obviously short-sighted, it is stubbornly held that they are effective means of self-protection serving the interests of state security.

It is high time for all of us to understand, that human trafficking must not be seen primarily or exclusively from the perspective of national security. We must be aware of the fact that state policies that primarily focus on measures of control and self-protection as opposed to a more comprehensive approach to the issue, are counterproductive and, therefore, part of the problem. And we have to understand that current immigration responses to human trafficking are almost always inadequate. It is from the fact that these people are considered as illegal immigrants and often as illegal workers that criminals and criminal organisations draw their profits.

This approach has 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 protection measures to which they are entitled under international law.

Due to the fact that in recent years migration in general has been set in the framework of combating organized crime and terrorism, human rights protection has been subordinated to control and anti-crime measures, which has extremely negative impacts on how human trafficking is approached and on the protection of the victims of this crime. Recent studies from the *Global Alliance Against Traffic in Women (GAATW)* confirm already the collateral damage caused by these approaches.

Therefore, it must remain a priority to make decision-makers to understand that trafficking in human beings is distinctly different from illegal immigration and smuggling of people and as such requires specialised measures for the proper identification of its victims and consequently of trafficking cases, for the proper investigation, and for the proper prosecution of the criminals.

In this regard *the FemCities Network* can play an important role in raising awareness of the fact that human trafficking is both, a law enforcement issue and a human rights concern and that there is no either or. Both issues must be tackled together, if we wish to be successful in curbing this crime.

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

For the victims, trafficking is about violence, it is about being hurt, it is about pain, fear, deep distress. We all know that 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. Very often, victims of trafficking 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.

Therefore, the status and protection of the victims deserve particular attention. The status of the victims has to be established as being consistent with the status of victims of a serious crime and not with that of criminals. What follows is that state authorities need to play a crucial role in changing the perception of victims of human trafficking. They must recognise them as victims by the way they treat them.

This is another field of action where *the FemCities Network* can develop concrete initiatives and support implementation.

In the practice of most of the destination countries – in Europe and beyond -, even when victims are allowed to stay temporarily - an anti-trafficking measure long recognized as an integral part of an effective fight against human trafficking with strong preventive impact -, support for them depends on whether they are willing to testify against their traffickers and often, even more so, on whether they are considered useful to the prosecution.

This attitude is also influenced by the assumption that the offer of an extended stay would attract more migrants and might be abused. But experience shows that this conditionality is counterproductive – and: it is incompatible with international human rights standards – and therefore, must be ended.

Many countries and almost all EU Member States have put in place basic counter-measures such as shelters, hotlines, return programmes, short-term assistance, etc., but which are frequently island solutions rather than interactive structures, which would deserve to be called comprehensive national referral mechanisms.

*The European Commission (EC)* has therefore developed and put forward a reference document at the conference in Brussels on 18 October this year, the first EU Anti-Trafficking Day, on

**‘Recommendations on the Identification and National Referral of Victims of Trafficking to Services’**. These recommendations have a new quality in that they are practice-oriented, that they systematically describe the sequence of actions and measures required, from the very start of the identification process via the coordination of all relevant stakeholders with a view to responding in an integrated and strategic manner, to good judicial practice, fully protecting victims’ human rights throughout the entire process.

Despite commendable efforts to deal with THB, the focus has been predominantly on combating trafficking into the sex industry, while hardly any attempts have been made to detect and properly

prosecute trafficking for labour exploitation in construction, agriculture, manufacture or restaurant chains and domestic servitude.

While we must encourage law enforcement and train the officers to better identify and properly refer trafficking victims – victims of all forms of trafficking -, we must at the same time create and/or significantly strengthen networks of support services so that victims can turn to and immediately access a supportive environment that will permit the victim a needed initial period of recovery prior to a decision to help state mechanisms of law and order. In this context cooperation with specialized NGOs is a must in order to ensure that - from the very start - (potential) victims are properly identified and treated.

This, again, is exactly where *the FemCities Network* can come in and launch activities, especially when it comes to assist and protect the victims.

The weak points in a successful fight against human trafficking are indeed, on the one hand, the identification of victims and trafficking situations in general and, on the other hand, the judiciary.

The moment of identification of potential trafficking victims 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.

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, and, with very few exceptions, the sentences handed down fail to reflect the severity of the crime. In addition, very often, cross-border legal assistance tends to get bogged down in red tape.

Hence, - by way of conclusion - the criteria of success in fighting human trafficking 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. The only focus that matters is to identify trafficking situations properly and in much larger numbers, to protect 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.

Just as we must understand that no country, ministry nor organisation or agency can single-handedly put a stop to this serious crime and horrendous violation of human rights, we must understand that no single, one-dimensional approach will put an end to it.

There are those who see human trafficking solely as a problem of illegal migration, or solely as a labour market issue, or solely as a demand-driven problem, or solely as a problem of organised crime. This is a tunnel-vision that completely misjudges the complexity of human trafficking and is not designed to lead to a desirable outcome.

This is why we must keep calling upon governments and authorities, upon all those responsible on the spot for the fight against human trafficking to adopt anti-trafficking measures that are both diverse and comprehensive, addressing root causes such as poverty, unemployment, discrimination,

domestic/gender violence, social exclusion etc. as well as criminal manifestations, providing for stringent punishment of the perpetrators and, in particular, responding to the needs of the trafficked persons.

And, they 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 labour migration, and to develop options other than trying to get rid of victims of trafficking as quickly as possible by returning them back home, - strategies, such as joint programmes of (re)integration and more socially balanced economic programmes.

In the development of such programmes *the FemCities Network* can certainly provide most valuable structures.

So, what we need, is a massive concerted effort, if we really wish to contain, if we really wish to fight human trafficking. A truly comprehensive and multi-pronged approach is called for – bringing together those who work in poverty reduction, education, human rights protection as well as those who address issues of corruption, organised crime, immigration and legal reform.