

Working group 18:

Victims of trafficking as rights holders: the role of local authorities

Background

Human trafficking is a severe violation of fundamental rights, explicitly prohibited by Article 5 of the EU's Charter of Fundamental Rights. It is also a serious form of organised crime, driven by very high profits and high demand for the services of its victims. It affects women and men, girls and boys, from within the EU and from non-EU countries, causing profound and often lifelong harm.

To address this phenomenon, the European Commission adopted the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016. This mid-term report takes stock of how the EU Strategy has been implemented, from early 2012 to the third quarter of 2014. The report includes work carried out through cooperation between EU institutions, agencies and bodies, Member States, civil society organisations and the private sector. It covers action taken within the EU and in cooperation with non-EU countries of origin, transit and destination.

Between 2010 and 2012, 30,146 victims were registered in the EU. The EU's approach to trafficking begins from a gender and human rights perspective and focuses on prevention, prosecuting criminals and protecting victims. This is reflected in the Directive on trafficking in human beings and the EU Strategy towards the Eradication of Trafficking in Human Beings. This includes support for victims, information measures and adequate services. The provision of victim support services to victims of crime is fundamental to achieving justice for victims and ensuring victims can claim their rights.

The Directive grants a series of important rights to trafficking victims. The corresponding strategy stresses the importance of clear and consistent information for victims and frontline officials likely to come in contact with them. This includes information on rights relating to assistance and healthcare, residence permits, labour rights, access to justice and to a lawyer, and the possibilities of claiming compensation.

In 2013 the European Commission published a document on the EU rights of trafficking victims. It provides a practical overview of victims' rights, ranging from (emergency) assistance and healthcare to labour rights, access to justice and to a lawyer, and access to compensation, based on the EU Charter of Fundamental Rights, relevant EU directives and framework decisions and the jurisprudence from the European Court of Justice and the European Court of Human Rights. Additional references to the rights of the child are included at the end of each chapter. The overview contributes to the upholding of victims' rights by helping Member State authorities deliver the information, assistance and protection that they need and deserve. It is addressed to victims and practitioners, and to

Member States so that they can develop similar approaches for the rights of victims of trafficking at the national level.

Objectives

This workshop aimed to raise awareness of the dimension of victims of trafficking as rights holders and focused on access to, and realisation of, these rights. The workshop examined how this dimension is implemented in practice and promoted the exchange of practices across the EU. The role of local authorities as service providers guaranteeing access and realisation of these rights is essential and was thus also examined.

Speakers

- Helga Konrad, Coordinator of the Regional Implementation Initiative, Austria
- Elisabeth Tichy-Fisslberger, Ambassador Director General for Legal and Consular Affairs at the Federal Ministry for Europe, Integration and Foreign Affairs, Austrian Coordinator on Combatting Human Trafficking
- Vineta Polatside, Senior Adviser at the Council of the Baltic Sea States Task Force against Trafficking in Human Beings
- Daniela Urschitz, Director, EU Strategy for the Danube Region: Cooperation for Cities on the Urban Platform Danube Region
- Dagmar Engels, Head of the Ulm School of Adult Education (Ulmer Volkshochschule) and Town Councillor, City of Ulm
- Alina Braşoveanu, member of the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA)
- Evelyn Probst, Head of LEFÖ-IBF (Intervention Centre for Trafficked Women), Austria
- Nadja Schuster, Gender consultant, Vienna Institute for International Dialogue and Cooperation
- Georgia Dimitropoulou, Child rights expert, FRA

Main messages

1. Further cooperation and awareness raising at all levels of governance: public services should work in a coordinated manner and should be involved at all administrative levels — EU, national, regional, and local (cities). In particular, Member States could work more closely with local authorities, civil society organisations and other relevant actors in policy-making initiatives, information and awareness-raising campaigns and training, as well as in monitoring and evaluating the impact of measures to support and protect victims. Decentralisation could be seen as a challenge but also as an opportunity for strengthening cooperation.
2. Increase capacity building, exchanges of information and best practices in networks and platforms: raise awareness of human trafficking at the city level and build the capacity of local authorities to develop and implement coordinated policies, as well

as accessible, inclusive and non-discriminatory public services. This could include, for example, opening the EU's e-platform against Trafficking in Human Beings to local authorities and fostering their engagement.

3. Generic welfare systems should be comprehensive and integrate protection for victims and vulnerable groups by default. For instance, developing guidelines with tools and practical methods to assist and train local actors to address the challenges of fighting human trafficking. For this minimum standards for local services should be developed (e.g., access to social services, housing and medical care), accompanied by adequate and easily accessible financial support by the EU and Member States to cities or local authorities implementing them.

Promising practices

- Municipal authorities in national coordination mechanisms, various member states of the Council of Europe Convention on Action Against Trafficking in Human Beings.
- Emphasis on prevention at the local level (municipalities), the Netherlands.
- Business permit and inspection authorities' action if suspicious activities are detected, the Netherlands.
- Awareness-raising campaigns in Roma communities, Bulgaria.
- Guidelines on the role of local authorities to assist victims of trafficking, UK.
- Several ministries focused on preventing/ prosecuting perpetrators, compensating victims, and implementing the EU directive. It is possible to report directly – national referring mechanism, Austrian Task-force on Combatting Human Trafficking.
- A manual (in 10 languages) with guidelines for municipalities to fight trafficking. The guidelines was implemented in 8 municipalities and aims to strengthen the capacity of municipalities to fight trafficking, The Council of Baltic Sea States.

Next steps

- Develop a network of municipalities at regional level, e.g. Danube region.
- Raise awareness in cities and promote cooperation among relevant actors; by building individuals' awareness (and their capacity to report), existing resources can be better used.
- Ensure comprehensive social protection and inclusion measures for the most vulnerable groups (refugees, people in situations of poverty, unaccompanied children)/people at risk of trafficking; strengthen prevention.
- Fill in the gaps in the National Referring Mechanisms, recognising that it entails a whole procedure, starting with identifying victims.
- The Austrian Task-force on Combatting Human Trafficking aims to improve protection of victims (e.g., prevention and access to justice) through various means (funding, infrastructure, human resources, implementation at local level – yet secured at national and international level), with special attention to children.

- Clarify and standardise applicable law by clarifying legal terminology (e.g., protection, compensation) and designing national laws according to international legal frameworks.
- Focus on implementation by actually implementing law-based guidelines – it is important to have clear budgets linked to the actual activities of the countries' action plans. Also, standardise the services that are offered within the same Member State.
- Promote decentralisation and integration: child protection systems should be comprehensive and their role strengthened; they should be included at the local level, and from a preventive perspective.
- Raise awareness of the link between missing children and trafficking in children (law enforcement).
- National task forces should actually learn from one another and even share resources and implement what would make sense in each municipality.
- Raise awareness and take concrete measures to strengthen the capacity for identifying victims of trafficking in migration flows; this includes making human trafficking training of asylum authorities more systematic among Member States.
- Include trafficking in existing municipal strategies and action plans to promote human rights, tackle poverty, or address the needs of vulnerable groups (e.g., Roma, asylum seekers, unaccompanied children).