



Centro de Investigación  
en **Criminología**  
Universidad de Castilla-La Mancha

Nº 14. AÑO 2006

**THE CO-OPERATION OF LAW  
ENFORCEMENT AGENCIES  
AND NGOs IN THE PREVENTION  
OF AND SUPPORT FOR  
VICTIMS OF TRAFFICKING IN  
PERSONS FOR THE  
PURPOSE OF SEXUAL  
EXPLOITATION**



EUROPEAN COMMISSION

 **UCLM**  
UNIVERSIDAD DE CASTILLA-LA MANCHA



**CENTRO DE INVESTIGACIÓN  
EN CRIMINOLOGÍA**  
UNIVERSIDAD DE CASTILLA-LA MANCHA

***“THE CO-OPERATION OF LAW ENFORCEMENT AGENCIES  
AND NGOs IN THE PREVENTION OF AND SUPPORT FOR  
VICTIMS OF TRAFFICKING IN PERSONS FOR THE  
PURPOSE OF SEXUAL EXPLOITATION”***

**BEST PRACTICES**

***COOP-TRAF  
JLS/2005/AGIS/156***

**AGIS PROGRAMME 2005**

*Cristina Rechea Alberola  
Andrea Gimenez-Salinas Framis  
Stana Buchowska  
Beata Gruszczynska  
Maryla Koss  
Cristina Soeiro  
Valentina D’Angelo  
Isabella Ofrano  
Marta González  
Carlos Botrán  
José Luis González Alvarez*



## EXECUTIVE SUMMARY

This research has been conducted by eight partners in four European countries: in Spain, four partners have participated: Centro de Investigación en Criminología - Universidad de Castilla-La Mancha, the NGO Proyecto Esperanza, Two national police forces represented by the law enforcement units in charge of the fight against trafficking in persons: Cuerpo Nacional de Policía (Comisaría General de Extranjería y Documentación) and Guardia Civil (Unidad de Policía Judicial). From Portugal, our partner has been the Instituto Nacional de Policia e Ciencias Criminaes. From Poland, two partners have participated: The NGO La Strada Foundation and the Warsaw University, and finally, from Italy, the NGO On the Road has been our partner.

The aim of the project was to elaborate a *best practices guide* in order to improve preventive strategies to fight against the phenomenon of THBSE and to improve social integration and support for the victims. Public (members of law enforcement units and members of Judiciary) and private (members of the NGOs) practitioners have participated in two focus group in every country to find strategies to improve cooperation between them and to integrate their experiences and practices in proactive activities to reduce THBSE and to promote victims' social integration.

### Methodology

1. A general spreadsheet has been designed to gather information in each country on legal status, data collected, existing preventive strategies and available resources, all related to victims of THBSE, and in the present forms of cooperation among the police, judicial authorities and NGOs to deal with these victims in order to promote prevention and assistance. With the information collected through these spreadsheets and using a common index, all the participants have produced a report of the situation in each country.
2. The technique of focus groups has been used in each country to deepen the actual cooperation relationships among the public and private agencies that work, at different levels, with the victims of THBSE and to produce new forms of strategies and cooperation among them. Semi-structured interviews have also been used when necessary.

Two focus groups have been organized in each country. The first one was focused on **Prevention of trafficking in persons** for the purpose of sexual exploitation and the second one was focused on **Protection and Support of victims** of trafficking in persons for the purpose of sexual exploitation. Those focus groups had two main objectives: a) to discuss ways to improve the existing prevention strategies promoting better coordination between judicial institutions, law enforcement units and NGOs or b) to explore new ways or strategies to promote prevention, how they could be implemented and how many institutions should be involved. Recommendations have been summarized in a final country report.

### Results

Comparing the four countries, we can find that concerning *legal framework*, countries analyzed have undertaken legal provisions directly related with THB as well as others

that deal with related activities. With regard to this point, Italy's effort to provide for specific legislation since 2003 which complies with the main elements of the UN protocol is outstanding since it covers all forms of trafficking, slavery and servitude. Regarding the National plan against THB, only Poland and Portugal have a national plan on that topic.

Concerning *databases* about victims and offenders of THBSE, all databases are decentralized except Portugal, which has created the Integrated System of Criminal Investigation in order to unify the information related to offenders. Spain also has a centralized database including data concerning offenders and victims but it is very difficult to disaggregate data from THBSE exclusively.

Among prevention and proactive actions against THBSE, every country except Spain, has developed prevention strategies at *social* level. Spain seems to be the weakest country on that topic.

From the *judicial assistance* point of view, Poland, Italy and Spain have legal provisions regarding witness protection Italy being the most developed and effective system. There is a clear lack of training programs for official staff in the four countries.

Regarding the *support and protection of victims*, the four countries have developed activities with the purpose of assisting and protecting the victims of the THBSE the Italian system being the best practice. Italy has a wide integrated and human rights based programme to assist and protect victims of THB. They have short term programmes (three months) and long term programmes (six months). The only country that has *reflection period* is Poland. Nevertheless, Italy has an informal and in practice reflection period

The *Policies undertaken about origin countries* are considered in Poland, Italy and Spain with programs of repatriation of victims to their countries of origin, but only the last two have *risk assessment programs*. Finally, concerning the coordination with the original countries, Italy is the only country that does not maintain a relationship with them.

## **Best Practices**

The Italian legislative system provides what constitutes a multi-agency which implies: law enforcement agencies, judicial system, public authorities and NGOs. Apart from having a wide system of assistance and protection granted by Article 13 (short term programme) and article 18 (long term programme), they have developed the *Teramo Protocol* which constitutes a Guideline to approach potential victims of trafficking and exploitation and smuggled persons. In these sense, the *Teramo Protocol* regulates the distinct roles of all those involved and defines the operational procedures of co-operation amongst the law enforcement agencies, the judiciary, other public figures, and the civil society organisations.

The Spanish law enforcement units in charge of THBSE have very good practices on THB prevention. They have been conducting Preventive inspections using the Guardia Civil since 2000 where they inform victims of their rights and protection could be

applied. They also have joint investigation units between origin and destination countries and with labour inspection units in order to monitor prostitution.

The Portuguese Plan for the Integration of Immigrants in Portugal approved in March 2007 will be a useful tool in the future to fight against THB situations since it is a goal of this plan to try to define policies of reception and integration of immigrants and to promote the participation of the whole of civil society to intervene in general trafficking contexts. The characterization of stronger victim support in legal aspects and new strategies of combat against THB crime through the definition of best practices in Law enforcement agencies, judiciary and NGOs cooperation are also priorities of this plan.

Poland is a country of destination and origin and support and protection will be developed in the future. Nevertheless, cooperation with institutions is based on personal contacts and trust but there are no standardized strategies to implement networking. Cooperation is better at international than at national level.

## ***TABLE OF CONTENTS***

1. Introduction.....	6
2. Acknowledgements.....	6
3. Partners of the project.....	8
4. Aim and goals of the project.....	9
5. Methodology.....	9
6. Country reports.....	10
A comparison between countries.....	10
Introduction to the countries reports.....	16
6.1 Italian country report .....	25
6.2 Polish country report .....	67
6.3. Portuguese country report .....	95
6.4. Spanish country report .....	115
7. Best practices in each country .....	144
Annexe A: spreadsheets.....	151
Annexe B: focus groups.....	157
Annex C: Polish action plan against trafficking on human beings..	159

## 1. Introduction

Trafficking of human beings (THB) is a crime<sup>1</sup> that is increasing in all European Countries. Globalization and availability of movement between countries is attracting criminal organization to this business that is acquiring large financial benefits<sup>2</sup>. Trafficking in human beings for the purpose of sexual exploitation (THBSE) is a specific crime which has significant consequences and impact on victims who have been involved in that kind of behaviour. Hope of a better life is used by criminal organizations to bring people from most needy countries to Europe in order to exploit them on the prostitution market. This business is described as one of the most lucrative organized crime activities generating many billions of dollars of income per year and which attracts all levels of criminal interest from amateurs, the smaller groups operating on a more permanent basis through to the international criminal networks with capacity to deal with large number of trafficked victims having connections in countries of origin, transit and destination<sup>3</sup>.

Some countries of destination have developed legal provisions and organizational networks<sup>4</sup> to prevent from the expansion of this crime and to protect and support victims of trafficking who have been detected in their countries. Nevertheless, even if European legislation is trying to homogenize European provisions and services against the problem, countries still do not have the same level of response to those crimes. There are still many differences between countries in terms of legal response to organized crime organizations, in terms of prevention strategies to fight against this crime and assistance and protection services provided to the victims. A more general claim is better cooperation and coordination with institutions participating in prevention and assistance, namely law enforcement units, judiciary and NGOs working on the assistance of victims.

That is the reason why we decided to conduct a project aiming at the strengthening of cooperation between institutions in charge of THB prevention and assistance and protection for victims. NGOs and law enforcement units in charge of dealing with trafficking in humans find that improving and promoting cooperation between them and the judiciary will be necessarily and extremely positive to the development of better strategies in order to fight against this crime and to protect victims being made to suffer great psychological impact.

## 2. Acknowledgements

This report is the result of the development of a European project under the AGIS programme 2005. The report has been prepared and coordinated by Cristina Rechea and Andrea Gimenez-Salinas from the Research Centre on Criminology from the University of Castilla-La Mancha but the following people have prepared the country reports included in this report:

---

<sup>1</sup> See art. 3 from Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children which supplements the United Nations Convention against Transnational Organized Crime.

<sup>2</sup> *Trafficking of Women and Children for Sexual Exploitation in the EU. The Involvement of Western Balkans Organized Crime*, 2006. Available at [http://www.europol.europa.eu/publications/Serious\\_Crime\\_Overviews/Western\\_Balkans\\_THB\\_Threat\\_Assessment.PDF](http://www.europol.europa.eu/publications/Serious_Crime_Overviews/Western_Balkans_THB_Threat_Assessment.PDF)

<sup>3</sup> Ibid, p. 4.

<sup>4</sup> To see updated information about European legislation adopted against trafficking on human beings and exploitation of women and children: [http://ec.europa.eu/justice\\_home/doc\\_centre/crime/trafficking/wai/doc\\_crime\\_human\\_trafficking\\_en.htm](http://ec.europa.eu/justice_home/doc_centre/crime/trafficking/wai/doc_crime_human_trafficking_en.htm)

Beata Gruszczynska  
Zbigniew Lasocik  
Maryla Koss  
Cristina Soeiro  
Valentina D'Angelo  
Isabella Orfano

The following people have contributed to the Spanish country report:

Marta González  
Carlos Botrán  
José Luis González Alvarez

The preparation of this report would not have been possible without the contribution of several experts and individuals participating in focus group or expert debates:

### **Italy**

Participants in one focus group on assistance and protection of victims of THBSE

Organizers:

- Roberto Della Rocca, Vice-Questore Adjunct Squadra Mobile of Venezia (Flying Squad and Intelligence Office of the Police Headquarter of Venice).
- Olimpia Del Maffeo, Vice-Questore Adjunct, Director of the Ufficio Studi e Documentazione of the Police Academy of Alessandria
- Giuseppe Bataglia Maggiore, Carabinieri General Headquarter of Rome, International cooperation Office
- David Mancini, Public Prosecutor, Prosecutor's Office of Teramo
- Marco Bufo, General coordinator of the Associazione On the Road and member of the Interministerial committee on Trafficking on behalf of the Commissione Unificata (Regions, Provinces and Municipalities).
- Isabella Orfano, Transnational Officer fo the Associazione On the Road.
- Valentina D'Angelo, legal consultant of the Associazione On the Road
- Michela Manente, legal consultant of the Associazione On the Road.

### **Poland**

Participants on the first Focus: Protection and assistance of victims of trafficking in THBSE

- Powel Maslowski from Police Headquarters Criminal Bureau
- Przemyslaw Molenda from Police Headquarters Criminal Bureau
- Piotr Mierecki. Head of the Department of Migration Policy. Ministry of Interior and Administration.
- Katarzyna Fenik. Nobody's Children Foundation
- Irena Dawid-Olczyk. La Strada Foundation
- Anna Balchan. Association of Maria Immaculate for protection of girls and women.
- Aleksander Tynelski. Department of Youth and Education. Ministry of National Education.



- Marek Krawczak. Vistulan Section of the Border Guard Pursuit-operational Department.

Participants on the second focus: Prevention of trafficking in persons for the purpose of sexual exploitation

- Joanna Garnier: La Strada Foundation
- Maria Kahlaw. Department of Women, Family and Counteracting Discrimination. Ministry of Labour and Social Policy.
- Piotr Wojciechowski. Department of Legislation. National Labour Inspectorate.
- Andrzej Krempleski. Helsinki Foundation for Human Rights
- Karolina Wieckiewicz. University of Warsaw.

### **Spain:**

Participants of first focus group: Prevention of trafficking in persons for the purpose of sexual exploitation

- Cristina Rechea Alberola Centro de Investigación en Criminología. Universidad de Castilla-La Mancha
- Andrea Jiménez-Salinas Framis. Universidad Castilla-La Mancha
- José Luis González Alvarez, Unidad Policía Judicial Guardia Civil
- Marta González Proyecto Esperanza NGO
- Carlos Botrán. Comisaría General de Extranjería y documentación. Cuerpo Nacional de Policía
- Corneil Servan. Agregado de Interior de Rumanía
- Beatriz González. INGECON, K consultant of Women Institute
- Gentiana Susaj. Coordinator of Network on trafficking on Human beings
- Ramón Esteso Mesas. Médicos del Mundo
- Maria Otilia Martínez Palacios. Judge of Primera instancia e Instrucción.

Participants of second focus group: Protection and assistance of victims of trafficking in THBSE

- Cristina Rechea Alberola Centro de Investigación en Criminología. Universidad de Castilla-La Mancha
- Andrea Jiménez-Salinas Framis. Universidad Castilla-La Mancha
- José Luis González Alvarez, Unidad Policía Judicial Guardia Civil
- Marta González Proyecto Esperanza NGO
- Carlos Botrán. Comisaría General de Extranjería y documentación. Cuerpo Nacional de Policía
- Carmen Peñalba. IOM
- Malia Fernández Doyagüe. Vicepresident of Asociación themis de Mujeres Juristas
- Genciana Susaj. Coordinator of Network on trafficking on Human beings
- Itziar Ruiz Jiménez. Amnesty International
- Julia González Pernia. Public prosecutor of Castilla-La Mancha

### **3. Partners of the project**

This project has been coordinated by the Research Centre on Criminology of the University of Castilla-La Mancha in Spain. The partners of the project were the following:

#### **Spain**

- Centro de Investigación en Criminología - Universidad de Castilla-La Mancha
- NGO Proyecto Esperanza
- National police forces Guardia Civil and Cuerpo Nacional de Policía: Law enforcement units in charge of trafficking in persons

#### **Portugal**

- Instituto Nacional de Policia e Ciencias Criminaes

#### **Poland**

- NGO LA STRADA:
- Warsaw University

#### **Italy**

- NGO On the Road

### **4. Aim and goals of the project**

The aim of the project was to elaborate a "best practices" guide in order to improve preventive strategies to fight against the phenomenon of THBSE and to improve social integration and help for the victims. Public (members of law enforcement units and members of the Justice system) and private (members of the NGOs) practitioners will participate in focus groups to find strategies to improve co-operation between them and to integrate their experiences and practices in proactive activities to reduce THBSE and to promote victims' social integration.

The concrete objectives of the project were:

1. To learn the current legal status of the victims, the data that public and private agencies gather and the amount and types of resources available to assist them. Special attention should be paid to cooperation strategies between agencies that work for crime prevention and victim assistance (information sharing, resources and current practice).
2. To create a forum where practitioners could debate how to deal with this phenomenon and which are the possible common strategies.
3. To design a good practice guide for each agency to enhance cooperation, efficiency and to profit from the resources available.

### **5. Methodology**

1. A general spreadsheet (see annexe A) will be designed to gather information in each country on legal status, data collected, existing preventive strategies and available resources, all related to victims of THBSE, and in the actual forms of cooperation among the police, judicial authorities and NGOs to deal with these victims in order to promote prevention and assistance.
2. With the information collected through these spreadsheets and using a common index, all participants produced a report of the situation in each country.
3. The technique of focus groups has been used in each country to deepen the actual cooperation relationships among the public and private agencies that work, at different levels, with the victims of THBSE and to produce new forms of strategies and cooperation among them (see annexe B to see instructions and structure for the focus groups).

Two focus groups have been organized in each country. The first one was focused on the Prevention of trafficking in human beings for the purpose of sexual exploitation and the second on the Protection and Assistance of victims of trafficking in human beings for the purpose of sexual exploitation. Those focus groups had two main objectives: a) to discuss ways to improve the existing prevention strategies promoting better coordination between judicial institutions, law enforcement units and NGOs or b) to explore new ways or strategies to promote prevention, how they could be implemented and how many institutions should be involved. Recommendations have been summarized in a final country report.

## **7. Country reports**

### **A Comparison between countries**

In this section, we will summarize the information collected in each country about the current situation of THBSE in each country. The information collected by means of a spreadsheet was divided in five main categories, including specific questions for each other: legal framework, existing databases about trafficking in THBSE, prevention strategies: social prevention, law enforcement prevention and judicial prevention, assistance and protection of victims and policies undertaken about origin countries (see annexe A to see the general spreadsheet).

The most significant conclusions about each country practices are described in the following paragraphs and illustrated in a general table.

Regarding *legal framework against THB*, the four analyzed countries include a crime related with THB in their penal legislation, as well as with others that deal with related activities. In this aspect, Italy's effort to provide specific legislation is outstanding, following UN definitions included in Protocol to Prevent, Suppress and Punish Trafficking in Persons.

Poland and Portugal both have a national plan against THB as opposed to Italy and Spain, which do not.

All four countries collect some information about victims and offenders and store it in *databases*. These databases are not centralized except in Portugal, which has created the Integrated System of Criminal Investigation in order to unify the information related to offenders.

Concerning *Prevention strategies*, every country, except Spain, have developed prevention campaigns at *social* level.

In terms of *legal prevention strategies* it seems that early identification of victims is a big issue that should be gone into in the future in every country because none of them have currently developed any strategy.

In *judicial prevention*, every country has as an internal system of cooperation among judicial institutions. In addition, Poland, Italy and Spain have developed provisions in order to implement witness protection to victims of THB. Portugal will develop a new program for the protection of victims that includes the support of the victims' family in the country of

origin. Nevertheless, the lack of training programs for official staff and lack of specialized and trained personnel is clearly visible.

Regarding the *assistance and protection of victims*, the four countries are developing certain activities with the purpose of assisting and protecting the victims of the THBSE. Most of these activities are fulfilled by NGO's. The only country that has a recognized *reflection period* is Poland.

The *Policies undertaken about origin countries* are considered in Poland, Italy and Spain with programs of repatriation of victims to their countries of origin, but only the latter two have *risk assessment programs*. Finally, concerning the coordination with the origin countries, Italy is the only country that does not maintain this kind of relation with them.

This given information shows an idea of the situation of the THBSE in Poland, Portugal, Italy and Spain.

	Poland	Portugal	Italy	Spain
<b>Legal framework</b>				
THBSE punishment/Article/Penalties	Yes / 253 PC/ from 3 years up to 15 years	Yes/169 PC/ from 2 to 8 years of imprisonment//176 PC (Pandering and Trafficking of Children)/ from 6 months to 10 years, depending on the age of the victim.	Yes / art. 601 / Imprisonment 8 years up to 20 years	Yes / 318 bis / 4 years up to 10 years
Other linked crimes punishment/ Article/Penalties	Whoever lures or abducts other persons abroad to prostitution/ 204.4 PC/ 1 up to 10 years	Pandering/ 170 PC/ from 6 months to 8 years// Abduction/ 158 PC/ from 2 years to 15 years// Servitude/ 159 PC/ from 5 to 15 years// Criminal association/ 299 PC/ from 1 to 8 years.	“Child prostitution” / art. 600-bis / 5.164 euros up to 154.937 euros // “Child pornography” / art. 600-ter / 1 year up to 12 years // “Possession of pornographic material” / art. 600-quater / up to 3 years // “Virtual pornography” /art. 600-quarter.1 / no specified // “Tourist initiatives aimed at the exploitation of prostitution” /art. 600-quinquies / 6 years up to 12 years // “Aggravating and attenuating circumstances” / art. 600-sexies / no specified // “Accessory penalties” / 600-septies / no specified // “Kidnapping” / art. 605 / no specified // “Criminal	Forcing someone into prostitution using violence, intimidation or deception. / Art. 188 / 2 years up to 4 years

			association” / art. 416 / 3 years up to 15 years // “Mafia-type association” / art. 416-bis / 5 years up to 12 // “Cancellation of regulations on prostitution and fight against exploitation of prostitution” / art. 3 / 2 years up to 6 // “Provisions against irregular immigrations” / art. 12 / 1 year up to 15 years // “Residence permits for social protection grounds” / art. 18	
Legal framework on prostitution	Abolitionist model	Abolitionist model	Abolitionist model	Abolitionist model
National Plan/Proposals	Yes / Not specified	Yes/ I National Plan Against the THB must be implemented between 2007 and 2010.	No yet / no specified	Not yet / The current government is developing one

Databases				
Databases about Victims/Centralized?	Yes/ No	Yes/ No	Yes / Ministry of Interior – Immigration Department Rights and Equal Opportunities Department Anti-mafia National Division / No	Yes / National Police Force and Civil Guard
Databases about Offenders/Centralized?	Yes/ No	Yes/ Yes (Integrated System of Criminal Investigation)	Yes / Ministry of Justice – Statistic General Division Ministry of Interior – Criminal police general division Ministry of Interior – Criminal Police General Division / No	Yes / National Police Force and Civil Guard / Yes

**Prevention strategies**

<i>Social prevention/Campaigns</i>	Yes/ Implemented by NGOs, IOM Poland & initiatives planned in the National Plan	Yes/ Since 2007 National Plan against trafficking on human beings (2007-10) and Plan for the Integration of Immigrants in Portugal	Yes / Ministry of Foreign Affairs' projects in collaboration with Department for Rights and Equal Opportunities; article 14 – law no. 228/03 organisation of international meetings and information campaigns; national hotline <i>Numero Verde</i> 800-290.290; Local prevention measures: drop-in centres and outreach units. Awareness Campaign “EXIT-End Trafficking and Exploitation”	Not currently
<i>Law enforcement prevention</i>				
Early Identification System/Kind	Yes/ It is not systematic and not a long term strategy, but the police and border guards are progressing in the field of warning strategys.	Yes/ The creation of an evaluation and identification system of victims during the emergency phase in the I National Plan Against the THB and monitoring of the THB crime with special attention to the sexual exploitation situations.	No system created/ Ministry of Interior has conducted reorganization and training of liaison officers and police officers from Italian consulates in countries of origin.	Not specified
Institutional Cooperation/Kind	Yes/ NGOs in cooperation with the police, ministry of interior and law enforcement is implementing a series of training for the practitioners.	The new Plan for the Integration of Immigrants in Portugal wants to create links between Law enforcement agencies, judiciary and NGOs.	Yes / Between NGOs, local authorities, law enforcement agencies, the judiciary and local service providers / Implementation of the Programme of social assistance and integration	Yes / NGO, National Police Force and Civil Guard
<i>Judicial prevention</i>				
Judicial institutions cooperation/ Kind	Yes/ Ministry of Justice and National Prosecutor Office are involved in implementation of the National Action Program.	The new Plan for the Integration of Immigrants in Portugal wants to create links between Law enforcement agencies, judiciary and NGOs.	Yes / Direzione Nazionale Antimafia, Direzioni Distrettuali Antimafia (Law 228/2003)	Yes / Not specified

Witness protection/ What?	Yes/ A person who decides to testify or to cooperate with the law enforcement agencies can benefit from social assistance, legal assistance, legal counselling, psychological support, safe place to stay, data protection, NGOs assistance, return safely to their country of destination.	Plan for the Integration of Immigrants has as main goal to develop a new program of victim protection that includes the support of the victims' family in the country of origin.	Yes / Law no. 228/2003: Families' security and subsistence and change of identity. Appearance as witnesses of victims through <i>Incidente probatorio</i> (art. 392 Code of Penal procedure) evidence pre-trial hearing to protect the victim.	Yes / LO 19/1994. prueba preconstituida: evidence pre-trial hearing to prevent victims being able to return to their countries.
Training Programs	Judges in Poland rarely accept invitation for the training.	Not specified	No institutionalised training: only occasional training modules to public prosecutors	No training programmes
Specialized personnel	Judges in Poland are very resistant to cooperate with information in this aspect.	Not specified	Personnel, but not so specialized	Personnel, but not so specialized

Assistance and protection of victims				
Support/Kind/Institutions/How?	Yes/ Reflection period, legal program, social and medical help, psychological support and safe place to stay/ La Strada.	The new Plan for the Integration of Immigrants in Portugal tries to define stronger support in legal aspects for these victims and new strategies of combat against the crime (criminal investigation strategies, a new program of victim protection that includes the victim's family in the origin country)	Programme of social assistance and integration	Yes / Residence licence for exceptional circumstances from Art. 59 / Not specialized // Social protection / Not specialized / By means of reception centres
Reflection period/Time	Yes/ Two months	Not specified	Not specifically provided by law, only an "informal" reflection period / According to the hosting organization and police	Not yet
Short term Programs/ Which?	Yes/ legal, social and medical help, psychological support and safe place to stay.	National Plan Against the Trafficking of Human Beings give more attention to needs like an evaluation and identification of a system of victims during the emergency phase	Yes / Article 13 Programme (3 months-6 months)	Yes / Not specified

Long-term Programs/ Which?	Yes/ Care programs, provision of accommodation and vocational training, study and employment	Not specified	Yes / Article 18 of the Legislative Decree 286/1998 (Immigration Law) Programme or Programme of social assistance and integration	Yes / Not specified
Stay permit		stay permit without obligation of collaborating with authorities	Stay permit by two methods: social path and judicial path (6 months- 1 year)	Stay permit by art. 59 Immigration law in case of bringing charges against authors/1 year
Compensation program/Kind	Not specified	Not specified	No special economic compensation programme	No compensation programme

Policies undertaken about origin countries				
Repatriation program/Name	Yes/ International cooperation on safe return and reintegration.	Not specified	Yes / National project to ensure the assisted voluntary return and reintegration in the country of origin of victims of trafficking managed by OIM	Yes / OIM Program, ACCEM Program and Cruz Roja Program
Risk assessment program/Which?	No/ Not specified	Not specified	Yes / Voluntary assisted return programme	Yes / NGO Proyecto Esperanza
Assistance and protection program coordinated with origin countries/Institutions	Yes/ IOM, Polish consulates and embassies of different countries and NGOs	Yes/ Portuguese Border Control Police ("Serviço de Estrangeiros e Fronteira") & Brazilian Government.	No	Yes / NGO <i>Proyecto Esperanza</i>



## Introduction to the country reports

Before presenting the final report of each country participating in the project, we will illustrate common features and differences between countries regarding law provisions on THBSE, prevention strategies to fight against THBSE and protection and assistance measures for THBSE victims.

### ITALY

The most significant changes that are currently occurring in Italy concern exploitation and modus operandi of THB criminal organizations. They are becoming less aggressive and threatened, because the relationship between exploiters and victims is more consensual, it is a kind of “negotiated exploitation”, (see national report), shearing most of the economic benefits in order to avoid being reported to the police and to gain the trust of the victims. Prostitution is also changing mainly to indoor places while previously prostitution was mainly carried out outdoors, this poses serious problems in order for the detection and monitoring of the activities.

Italy is the country which has a most developed framework to fight against THBSE. The legal framework to punish and fight against it is well defined and since 2003 a serious offence of trafficking on human beings is provided by the Italian Criminal Code. Such provision complies with the main elements of the UN Protocol of 2000 on transnational organized crime.

Prevention of THBSE is more developed in Italy than other countries and also protection and assistance has reached a degree of coordination and integration that seems to be an example for other countries which have a less comprehensive model of assistance. Regarding prevention, social measures have been developed and judicial measures have been put in place to fight against THBSE. Nevertheless, proactive activities promoted by law enforcement have to be developed in order to anticipate and try to identify more THB cases.

Recommendations regarding prevention would be:

- To improve coordination among different law enforcement agencies (Police, *Carabinieri*, *Guardia di Finanza*, and Municipal Police) as regards trafficking cases;
- to appoint national and local anti-trafficking task forces, including law enforcers and judicial officers;
- to standardise identification and referral procedures of victims of trafficking;
- to always duly inform victims about their rights and possibility to access a programme of social assistance and integration;
- to adopt measures to protect interpreters, who often fear reprisals by criminal networks;
- to ensure the homogeneous and full application of the Art. 18 procedures by the *Questure* (Police headquarters) and Public Prosecutor’s Offices throughout Italy;
- to guarantee an efficient and quick issuance of stay permit to victims;
- to review the repressive strategy implemented through raids and massive deportations to assess the effective results achieved and ensure the respect of victims’ rights during these operations;
- to repatriate victims of trafficking only upon their voluntary request and with the assistance of specialised agencies;

- to employ pro-active, intelligence led investigative methods to fight organised crime and corruption, at local and international level;
- to collect information through standardised forms by interviewing all intercepted migrants to gather data on recruitment methods, travelling routes, means of transportation, services provided by smugglers and traffickers and prices paid, to be referred to a central database that will be useful for efficient *intelligence* activities;
- to fight corruption among officials.

Assistance and protection Italian model is a multi-agency model which implies the involvement of different players such as: law enforcement agencies, judicial system, public authorities and NGOs at local regional and national level. This model is the most developed compared to the other three countries and it consists of two programmes: a short term programme (Art. 13 Programme) for three months that provides accommodation, social assistance and health care services. Once the program is over, the victims can continue to be assisted by a long term programme (Art. 18 Programme). To have a residence permit Art. 18 provides two paths: a judicial one which implies that the victim will co-operate with the police and prosecutor bringing charges against the perpetrator and a social path, where the victim is not obliged to bring charges against trafficker but is expected to give extensive information to law enforcement agencies through the public social services or NGOs.

Nevertheless, the main problems encountered regarding assistance and protection are the following:

- After the experimental period of implementation of the “Article 18 Programme”, the Government should acknowledge the crucial function taken on by the Art. 18 agencies as social services providers on behalf of the State;
- allocating adequate and regular funding to support the projects is therefore a priority that should be very high in the political agenda;
- it is fundamental to introduce annual public monitoring and evaluation of the Art. 18 projects in order to assess the projects’ outcomes and the functioning of the implemented procedures; identify the best practices;
- it would be necessary to implement a formal National Referral System in order to ameliorate and co-ordinate at national level the anti-trafficking policies, strategies and schemes in place;
- the implementation of a repressive strategy through continuous police raids and forced repatriation does not favour the accomplishment of the aims set by the law;
- the application of the law is not fully and homogeneously implemented throughout the territory. Some Police Headquarters in fact apply only the “judicial path” and, in some cases, they do so only if it is “judicially useful”, thus, on one hand, not entirely respecting the law and, on the other, significantly diminishing the effectiveness of the system but, most of all, not respecting the victims’ rights and needs;
- there is a need to implement regular training activities and refresher courses directed to all professionals (government officials, law enforcement agencies, the judiciary, NGOs, local social welfare organisations, labour unions, labour inspections and other labour related agencies) employed in the field to properly identify and assist victims of trafficking;
- up to this year, the Art. 18 Programme has been applied to victims of trafficking for sexual exploitation in prostitution. In order to meet the needs of persons trafficked for other purposes, both male and female, it is necessary to ensure the set up of proper services that take into account their diverse backgrounds, profiles, and specificities;

- new studies are currently underway on trafficking for sexual exploitation that takes place within indoor premises but some venues are still very difficult to reach and/or investigate. Little is known about trafficking for other purposes than sexual exploitation, even though in this case some research is being carried out regardless of the obstacles faced.

## **POLAND**

Poland is a special case in Western Europe because it is at the same time a country of origin, transit and destination. As a country of destination, main origins of victims coming to Poland are from Ukraine, Belarus, Bulgaria, Moldavia, Romania and Russia. As a country of origin, victims recruited from Poland are being sent principally to Western Europe (Germany, the Netherlands, and Belgium). The criminal groups devoted to these activities use different passages along the German-Poland border, but especially the environs of Szczecin, Poznań, and Gorzów Wielkopolski.

Regarding prostitution, it is possible to classify Poland's policy on prostitution under the abolitionist model, because outdoor and indoor prostitution are neither prohibited nor regulated by the State. Being a prostitute is not punishable by Polish law, but it is illegal for a third party to take profits from prostitution.

The legal framework concerning THBSE is divided into two main provisions, European provisions and National provisions. At European level, the definition of the Palermo Protocol of Trafficking in Persons is not properly reflected in Poland's Penal Code, but since Poland signed and ratified the Protocol, the definition is widely used. At national level, the new Penal Code introduced alterations to instructions and sanctions from legal regulations concerning trafficking in people.

Article 204.4 of the new Code is a modification of article 9.1 from the 1969 code, and establishes that: "*Whoever lures or abducts other persons abroad for prostitution, is subject to imprisonment for up to 10 years*". In this article the legislator left out the statement "even with their consent", distancing from the wrong interpretation that suggests that abduction with the consent of the abducted person is possible. It foresees from 1 to 10 years of imprisonment as penalty. Lastly, article 253 of the new Penal Code states that "*Whoever is trafficking in persons is subject to imprisonment for a period of not less than 3 years*". In this case neither the purpose of trafficking in people nor the fact that the victim's consent has been given, matter. This article foresees as punishment from 3 years to 15 years of imprisonment.

Poland has a National Action Plan to Prevent and Combat Trafficking in People (see annexe C) for the period 2005-2006. This Plan is a continuation of the activities undertaken within the framework of the National Program of Fighting and Prevention of Trafficking in People approved by the Council of Ministers on September 16, 2003. The program was implemented by the Team for Fighting and Prevention of Trafficking in People established by Prime Minister's Order No.23, dated march 5, 2004.

In Poland there's a Working group that is implementing the National Action Program to Combat and Prevent trafficking in Persons. This group is currently working on a first national report about trafficking, and it provides information for the period 2005-2006. It is in process of development and it will also reflect different statistic data provided by different institutions.

Regarding prevention of THBSE, prevention strategies is relatively well developed in Poland. La Strada is a big NGO which is carrying out prevention campaigns to general population and to victims at risk and training programs are implemented to provide training for practitioners. Nevertheless, standardized strategies for identification of victims should be developed.

Main problems encountered regarding prevention of THB are the following:

- Not enough NGOs and resources for THB.
- Informative campaigns in order to improve identification of THB victims, especially with Bulgaria.
- More monitoring strategies to legal agencies such as travel agencies, employment agencies in order to take away certificates to dishonest agencies.
- To improve inspection activities of National Labour Inspectorate.
- To develop training programs for schools.

Regarding protection and victim assistance, Poland has a well developed system. There is a reflection period of 2 months provided to trafficked victims. During this period, a trafficked person has access to legal, social, medical and psychological support and shelter as short term programmes. Long term programs are also provided for victims who decide to live in the country.

Regarding return and repatriation, there is cooperation with the IOM assisted voluntary Return & Reintegration Programme for Victims of Trafficking in Poland.

Main problems encountered regarding assistance and protection of victims of THB are the following:

- One of the weak aspects of the system is the identification of victims.
- There are troubles with sharing information between police and NGOs, especially because information could be confidential.
- Lack of financial resources to provide assistance and protection.
- The polish system does not provide working permits to victims of THB. Resources should be provided to provide training to victims to find legal work.
- Nowadays polish authorities have a problem with financial debt which victims are forced to take out with banks and stores. The victims are unable to pay and back their debts and there is no answer to the question of who should be paying the victims.
- There is a lack of centralized database about THB.

## **PORTUGAL**

Portugal is a country of destination for THBSE victims who come mainly from three origins Brazil, Eastern European countries and less frequently from Africa. Portugal falls into the abolitionist prostitution model and has recently engaged in legal and political measures against THBSE and other kinds of THB.

Regarding legal framework, in Portugal no criminal law refers specifically and uniquely to the Trafficking of Human Beings, or at least in those terms, but it is possible to identify in the

Portuguese Penal Code two articles directly related to the Trafficking of Human Beings for the purpose of sexual exploitation (art.169 y 176).

In March 2007 the Portuguese Government approved official measures related with the crime of Trafficking of Human Beings: First, a National Plan Against the Trafficking of Human Beings to be implemented from 2007 to 2010 and a Plan for the Integration of Immigrants in Portugal: This plan has as its main goal to define all the duties of the Portuguese State related with policies of reception and integration of immigrants and try to promote the participation of all the civil society through a partnership with the State to intervene in this kind of situation. Concerning the subject of THB this plan tries to define stronger support in legal aspects to these victims (e.g. definition of a status of “victim of traffic”) and new strategies of combat against the crime (criminal investigation strategies, a new program of victim protection that includes the support of the victims family in the origin country). The creation of special shelters for these types of victims and the definition of best practices in Law enforcement agencies, judiciary and NGOs cooperation are also priorities of this plan. Finally the plan also defines the importance of have a monitoring of the THB crimes with special attention to sexual exploitation situations.

A centralized database about THB exists in Portugal (SIIC) which is official but confidential for criminal investigation purposes. The action Plan against THB will develop a database with information from accusations. It is expected to start in July 2007.

Regarding prevention of THBSE, in Portugal until now it has not been possible to identify a specific prevention program on THBSE made either by governmental or non-governmental institutions. However it is possible to find some NGOs specialized in the intervention of victims of prostitution with some activities on prevention of THBSE. Since these NGOs are not specific to the context of THBSE their prevention activities on this matter are just made in special situations in relation with special contexts. The media has dedicated some attention to the THBSE problem through several news items on television, newspapers and specials reviews about the prostitution market in Portugal and the different Portuguese routes on traffic of Human Beings.

From the point of view of the protection and assistance of victims of THBSE, Portugal doesn't have any governmental or non-governmental organisations specialized in this kind of victim. The first governmental Plan against the Trafficking of Human Beings approved in March 2007 is the first standard to develop a program to intervene on prevention, and protection/assistance of victims of THBSE. This plan tries to define the following strategies regarding protection and assistance:

- Reflection period of six months
- New programs of victim protection which will include support of the victim's family in countries of origin.
- Provision of legal stay without obligation of collaborating with authorities.
- Emergency programs
- Legal changes to provide legal documents and residence and work permits for the victims

## **SPAIN**

Spain is a country of destination from three main geographical origins: South American countries (especially Colombia and Brazil), Africa (especially Nigeria and Morocco) and Eastern European countries (especially Romania and Poland). Organized groups dedicated to the THBSE are both, strong networks and well organized groups who develop their activity at transnational level and characterized by a deep penetration in different countries at the same time and also small groups (two, three or four people) without strong infrastructure and organization but capable of working to end this kind of crime. Regarding the location of the activity, THBSE is widely developed over the whole country, specifically in places where prostitution is taking place.

Prostitution in Spain is mainly an indoor activity and we have an abolitionist model, this means that prostitution is permitted but not regulated.

Regarding legal framework, we have had a legal provision for trafficking on human beings and smuggling of immigrants since 2003, article 318 bis. Legal provisions have not respected international regulations and definitions provided by Palermo Convention and Protocol to Prevent, Suppress and Punish Trafficking in Persons. Nevertheless, we have legal provisions to fight against this crime; the main problem comes at law enforcement level. Judges and prosecutors rarely apply for that article in cases of THB and prefer to convict for coercion into prostitution (art.188.2 which has lower penalties).

No Action Plan has been published in Spain. Spanish government is discussing and drafting a National Plan against trafficking on human beings as a consequence of a request from Parliament.

A centralized database of crimes is managed by the ministry of the interior but is almost impossible to have public data on THB. Criminal data published by the Ministry of the Interior do not include specific crimes such as THB and desegregation of data is almost impossible.

Prevention strategies against trafficking of human beings are well developed in Spain, especially by police forces. Since 2000 special units have created proactive strategies to fight against this crime and to provide information to victims. Nevertheless, police action in terms of awareness rising campaigns regarding prevention and new information would be necessary.

Most important needs regarding prevention would be:

### **LAW ENFORCEMENT**

- No assistance to THB victims is provided in police stations when victims have to report their situation to the police.
- Police do not inform THB victims about social assistance available for them.
- Policemen who first assist victims and write the police report do not know the specific situation of victims of THBSE. They are not aware of their situation, their needs, risks or danger of being caught by the criminal organization that brought them to our country.
- No language assistance is provided to help victims to understand.
- There is no special obligation to call any NGO when a victim is reporting to the police.

## **JUDICIARY**

- Lack of knowledge and training about the phenomena of THBSE.
- Lack of sensibility and knowledge about victims' situation and problems.
- Lack of material and personal resources in order to avoid victimization in court and psychological consequences.
- Lack of information of victims' rights. Even if there is written information from the court about their right to make private charges against authors and their right to have a lawyer if they cannot pay for a private one, this is not enough because it is just an ordinary information and many times victims do not understand what the information means.
- Many times compensation is not guaranteed in every case. No special deposit has been created to guarantee compensations in cases of THBSE.
- Witness protection is not guaranteed in many cases and sometimes judicial institutions do not use formal procedure to provide protection and the protection is given de facto but it is not formally authorized by the judge.
- Expenses incurred by judicial procedure are not reimbursed to the victims.

Regarding protection and assistance, this is provided mainly by NGOs who have no homogeneous services and assistance covering national territory. During the last years some social services have integrated victims of THBSE in their responsibilities. Nevertheless there is no National plan against THB with a clear strategy in this case and no minimal standards required all over the national territory. Protection depends whether the victim is located and the existing resources and means oriented to this specific problem

Article 59 of Law 8/2000 offers the possibility to victims of THBSE of having a residence permit if they collaborate with police and judiciary, giving essential information for criminal investigation. This is a general protection provided by the law but in practice, the implementation of this article is very difficult and the authorisation of these permits is subjected to many conditions that make implementation extremely difficult.

Most important needs in terms of Assistance and protection are:

- Protection is subject to the victims report to the police. Sometimes, a report is not evident; they are threatened by the criminal organization in our country and in the country of origin.
- Authors of crime committed must be members of a criminal group. As we have seen during recent years, authors are less permanent members of a group and they go individually and contact the criminal network. It is not so easy to find evidence of a criminal organization.
- The information given by the victim must be useful for judicial investigation and for the identification of authors.
- Police oblige victims to quit prostitution and change their main activity. This is not simple if we do not provide alternatives to victims

- |   |
|---|
| <ul style="list-style-type: none"><li>- The residence permit is authorized by the State Secretary of Security and there is no limit of time or date, it sometimes takes a long time to acquire the permit and the victims are not protected during this period<sup>5</sup>.</li></ul> |
| <ul style="list-style-type: none"><li>- Victim identification is very difficult when victims do not recognize themselves as victims.</li><li>- Institutions where victims could apply or have contact are not aware of THBSE problem or characteristics</li></ul>                     |
| <ul style="list-style-type: none"><li>- Language is a big obstacle for the victims in any institution.</li><li>- No coordination is created between public and private institutions</li></ul>   |

---

<sup>5</sup> In addition, the residence permit is provided for one year and the victim is obliged to find a job in this period in order to have a work permit. Victims are obliged to pay social security for 6 months to be able to renew residence and work permits. This is not so easy without assistance and protection; victims cannot quit prostitution and find a job offer themselves without any assistance and help.



## **COUNTRY REPORTS**



## ***ITALIAN REPORT***

*Giuseppina Valentina D'Angelo  
Isabella Orfano*

## ***TABLE OF CONTENTS***

### Introduction

#### Part I. General information about trafficking in human beings for sexual exploitation (THBSE) in Italy

1. The current situation of trafficking in human beings for the purpose of sexual exploitation
2. The legal framework to fight trafficking and assist trafficked persons
3. The current situation of prostitution
4. The legal framework on prostitution
5. National Action Plan against trafficking in human beings
6. Databases about trafficking in human beings
  - 6.1 Data on victims of trafficking
  - 6.2 Data on crimes and offenders
  - 6.3 Available data on trafficking

#### Part II. Strengthening co-operation between law enforcement agencies, the judiciary and NGOs to improve prevention and assistance of victims of THBSE

##### A. Prevention strategies to improve the fight against THBSE

1. Social prevention
2. Prevention by the law enforcement agencies
3. Prevention by the judiciary
  - 3.1 Witness protection of THBSE victims
4. Training the law enforcement agencies and the judiciary on THBSE
5. New prevention strategies strengthening co-operation between police, NGOs and judiciary to improve prevention
  - 5.1 Victim's identification
6. Main problems encountered by NGOs and other institutions while working with judicial institutions and law enforcement agencies

##### B. Assistance and protection of trafficked persons

1. Article 13 short-term programme
2. Article 18 long-term programme: "The Programme of social assistance and integration"
  - 2.1 Stay permit for humanitarian reasons
  - 2.2 Permit for work and study reasons
  - 2.3 Reflection period
  - 2.4 Channels of identification and referral
  - 2.5 How the Programme works
    - 2.5.1 Activities
    - 2.5.2 Shelters
    - 2.5.3 Social and labour inclusion
3. Legal compensation
4. Assisted voluntary return
5. Strengths of the Italian assistance and protection scheme for trafficked persons
6. Main problems faced by institutions regarding assistance and protection of victims of THBSE

#### Part III. Co-operation between law enforcement agencies, the judiciary and NGOs to improve prevention and assistance of victims of THBSE: the Italian focus group

1. The focus group

2. Rationale and goals
3. Participants, trainers, organisers
4. Content & tools
5. Conclusions

Annex 1: Identification of victim of THBSE

## **Introduction**

The present report is the result of the work carried out by *Associazione On the Road*, the Italian partner of the Agis project *Law enforcement agencies and NGOs co-operation in the prevention and victim assistance of trafficking in human beings for the purpose of sexual exploitation (THBSE)*.

Part I of the report provides a general synopsis of trafficking in human beings as it occurs in Italy as well as a brief overview of the Italian prostitution scenario. It, then, presents the legal framework currently in place to fight human trafficking and address prostitution; the description of the existing databases on victims and offenders.

Part II describes the policies, strategies, and measures to prevent trafficking in Italy and to provide support and assistance to trafficked persons. It specifically explains the short- and long-term programmes offered to trafficked persons in Italy as well as their corresponding legal frameworks. Finally, it discusses the positive aspects of the Italian anti-trafficking policies and schemes and lists their shortcomings that should be overcome.

Part III illustrates the structure and the main results achieved through the focus group organised by *Associazione On the Road* in collaboration with the Public Prosecutor's Office of Teramo with a view to strengthening the co-operation between NGOs, the law enforcement agencies and the judiciary in order to improve prevention and assistance of victims of trafficking in human beings for exploitative purposes. This part also includes some recommendations on how to ameliorate the effectiveness of the anti-trafficking response at national and local level.

Finally, short descriptions of good practices in fields of prevention, assistance and multi-agency co-operation are included in the different parts of the report.

## **Part I**

### **General information about trafficking in human beings for sexual exploitation (THBSE) in Italy**

#### **1. The current situation of THBSE in Italy**

The relationship between Italy and human traffic is old and bitter and tightly intertwined with the history of the country. Before becoming one of the main illegal ports of entry for thousands and thousands of persons looking for a better future in wealthy Western Europe, Italy was one of the major source countries of poor individuals migrating – legally or illegally – to other European nations, to North or South America and Australia. Between 1876 and 1976, 27 millions Italians moved abroad to ameliorate their living conditions and many of them reached the foreign countries through the circuits of smuggling and trafficking of those days<sup>6</sup>.

---

<sup>6</sup> G.A. Stella, E. Franzina, "Brutta gente. Il razzismo italiano", in *Storia dell'emigrazione italiana. Arrivi*, Donzelli Editore, Roma, 2002, pp. 293-294. As the authors underline, in the first decades of the twentieth century, human traffic also involved Italian women and girls, who were recruited in the poor Italian areas, transported from the main Italian cities and ports (Genoa, Trieste, Naples, Brindisi, Catania, Messina, etc.) to foreign cities (Algers, Tripoli, Porto Said Bnghazi, Malta, Montevideo, Buenos Aires, San Francisco, etc.) to be

Today Italy is facing a challenging situation: on one hand, to “defend” its national borders and, consequently, the ones of the so-called “fortress Europe” from the constant flows of illegal migrants and, on the other, to protect the rights of the aliens trafficked into its territory to be exploited. It is not an easy task to achieve, especially because illegal migration and human traffic are often “hot” issues that juxtapose different ideological and political parties that strongly debate within the public arena.

The transformation of Italy from a country of origin of migrants into one of transit and destination started in the 70s and reached its peak in the 90s. The fall of the Berlin wall has knocked down the boundaries that till then had been believed to be very strong, and the Italian peninsula started to become the landing and crossing point for thousands of migrants coming from many different countries. Once they arrived in Italy, the migrants either continue their journey to reach another European country – mainly Germany, France, Belgium, The Netherlands and Great Britain –, and sometimes American (United States and Canada), or stay on the Italian soil.

Nowadays, the main countries of origin of persons trafficked and sexually exploited in Italy are Romania, Nigeria, Albania, Moldova, Russia, Ukraine, Bulgaria and, to a lesser extent, Belarus, Brazil, Colombia, Ecuador. More recently, trafficked persons have started to come from farer countries such as Kazakhstan, Kyrgikistan, Uzbekistan, China, etc. Currently, Romanians are the most represented national group in many parts of Italy. Also the number of South Americans has increased, many of which are transsexuals.

The average age group of trafficked persons for sexual exploitation is between 20 and 25, even though the percentage of minors seems to be constantly on the rise.

Trafficking in persons is mostly carried out through the same channels and with the same mechanisms used to smuggle illegal migrants into Italy. It is mainly managed by sophisticated and structured criminal organizations, which, in many respects, are similar to the Italian mafia groups that are motivated by strong economic reasons and operate at an international level<sup>7</sup>. The most active organised crime groups active in the “trafficking business” are of Albanian, Romanian, Nigerian, Russian, and Chinese origin. The foremost known sector of exploitation of trafficked persons (mainly women and girls) is the sex industry.

Trafficked persons are recruited, transferred and exploited in different ways according to several variables such as the countries and places of origin, the degree of awareness as to the real aim of the recruitment, the type of criminal organisation involved, the antagonism between criminal groups, the relationships between the exploited person and the trafficker(s) and/or exploiter(s), and so on. The routes to reach Italy constantly change in order not to be detected by the law enforcement agencies.

Victims are generally recruited by an acquaintance, a friend, or a relative. Sometimes they directly approach the recruiter, which can also be a travel or an employment agency. They are generally offered good jobs in Italy as waitresses, factory workers, bar tenders, nurses, baby-sitters or dancers and, sometimes, openly as prostitutes, strip teasers, call girls etc. In most

---

exploited in the field of prostitution or – in the case of young boys – in child labour, especially as chimney-sweeps, glass workers, beggars, street vendors mainly in France, Great Britain and in the United States.

<sup>7</sup> Cfr. Direzione Investigativa Antimafia, *Attività svolta e risultati conseguiti, relazioni semestrali, 2001-2006*, Roma.

cases, however, they are deceived about the severe working and living conditions they will face. The victims are actually sexually exploited in many types of venues, such as streets, night clubs, apartments, hotels, saunas, massage parlours, etc. According to recent studies<sup>8</sup>, an increasing percentage of victims are exploited at the same time in outdoor and indoor premises.

Generally, trafficked prostitutes are deprived of their passports, “often” experience deceptive and abusive behaviours (different forms psychological and physical violence) and are required to make a minimum amount of money per day. Both on the streets and in indoor premises, they are controlled directly or via mobile by their exploiters and more often also by other prostitutes who have been involved in the sex sector for a longer time. Checks of the number of condoms used seem to be less common, if non-existent in most areas. In some places, this practice is employed in street prostitution only at the very beginning of the exploitative cycle.

The practice and the level of control has greatly changed since the 90s as a result of the development of the phenomena of prostitution and trafficking. Currently, trafficked prostitutes are less frequently controlled by their exploiters than in the past, when control was constant and coercive. The quality of control and the means have changed. Furthermore, recent cases of “negotiated exploitation”<sup>9</sup> have emerged, which entail the sharing of earnings on the part of the exploited trafficked persons and the enjoyment of a more significant degree of freedom. These new *modi operandi* have been driven by the changes occurred in the prostitution market and the need to obtain the victims’ confidence and loyalty by the traffickers and exploiters.

Finally, it must be highlighted that the studies performed in Italy on trafficking in persons for sexual exploitation mainly concern women<sup>10</sup>. Very little is known about men trafficked to be exploited in the sex market. So far no evidence has been gathered to prove that a significant number of males have been trafficked to be sexually exploited in Italy<sup>11</sup>. Also researches on trafficking in minors are scarce. As a matter of fact, only very few investigations<sup>12</sup> (based on case-studies) on this target group have been carried out.

## **2. The legal framework to fight trafficking and assist trafficked persons**

Since 2003 trafficking in human beings has been a serious offence provided for in the Italian criminal code through the enactment of law no. 228/2003 “Measures against trafficking in

---

<sup>8</sup> C. Donadel, R. Martini (eds.), *La prostituzione invisibile*, Regione Emilia-Romagna, Fusignano, 2005; Provincia di Pisa (ed.), *Il sommerso. Una ricerca sperimentale su prostituzione al chiuso, sfruttamento, trafficking*, i Quaderni di Strada, Pisa, 2004; T. Maritano, *Massaggi proibiti*, Kaos Edizioni, Milano, 2003.

<sup>9</sup> Carchedi F. (ed.), *Prostituzione migrante e donne trafficate. Il caso delle donne albanesi, moldave e rumene*, Franco Angeli, Milano, 2004.

<sup>10</sup> For an analysis of the Italian literature on human trafficking, cfr. I. Orfano, “La tratta degli esseri umani nella letteratura in materia” in AA.VV., *La tratta di esseri umani in Italia*, Franco Angeli, Milano (forthcoming).

<sup>11</sup> Ferraris V., “Prostituzione maschile in Italia: minori e giovani adulti”, in AA.VV., *Kinda. Ricerca sulla prostituzione maschile dei giovani stranieri*, Ires-Cgil, Torino, 2004; Carchedi F. (ed.), *Piccoli schiavi senza frontiere*, Ediesse, Roma, 2004.

<sup>12</sup> Cfr. F. Prina, “La prostituzione minorile”, in Istituto degli Innocenti – Centro nazionale di documentazione e analisi per l’infanzia e l’adolescenza, *Uscire dal silenzio. Lo stato di attuazione della legge 269/98*, Questioni e documenti, n. 27, gennaio 2003, pp. 17-47; F. Carchedi (a cura di), *Piccoli schiavi senza frontiere. Il traffico di minori stranieri in Italia*, Ediesse, Roma, 2004; Casa dei diritti sociali, Fondazione Romana per i Bambini, la Comunità e la Famiglia, Terre des Hommes, *Aumento della prostituzione minorile rumena a Roma*, Fondazione Terre des Homes, Bucarest, 2005.

persons” (Article 601 “Trafficking in persons” of the Criminal Code). Such provision complies with the main elements of the UN Protocol since it covers all forms of trafficking, slavery and servitude and contains elements of the crime – violence, abuse of authority, profiting from a situation in which the other person is in a situation of physical or psychological inferiority, as well as internal and cross-border trafficking:

“Art. 601. Whoever carries out trafficking in persons who are in the conditions referred to in article 600, that is, with a view to perpetrating the crimes referred to in the first paragraph of said article; or whoever leads any of the aforesaid persons through deceit or obliges such person by making use of violence, threats, or abuse of power; by taking advantage of a situation of physical or mental inferiority, and poverty; or by promising money or making payments or granting other kinds of benefits to those who are responsible for the person in question, to enter the national territory, stay, leave it or migrate to said territory, shall be punished with imprisonment from eight to twenty years.”

Law no. 228/2003 also provided for the replacement of the offence of “slavery” through Article “*Placing or holding a person in conditions of slavery or servitude*” (Article 600 of the Criminal Code), that now reflects the current components of such an offence:

“Art. 600. Whoever exerts on any other person powers and rights corresponding to ownership; places or holds any other person in conditions of continuing enslavement, sexually exploiting such a person, imposing coerced labour or forcing said person into begging, or exploiting him/her in any other way, shall be punished with imprisonment from eight to twenty years. Placement or maintenance in a position of slavery occur when use is made of violence, threat, deceit, or abuse of power; or when anyone takes advantage of a situation of physical or mental inferiority and poverty; or when money is promised, payments are made or other kinds of benefits are promised to those who are responsible for the person in question.”

Both offences are punished with imprisonment from eight to twenty years. The penalty becomes harsher, increasing by one third to 50%, if the offences are perpetrated against minors under eighteen or for sexual exploitation, prostitution or organ removal purposes.

Other legal provisions are also used to investigate and prosecute trafficking in human beings and to provide support to trafficked persons:

- **Legislative decree 286/1998** (as modified by succeeding laws)

**Art. 12** “Provisions against irregular immigrations”.

Whoever smuggles an undocumented person shall be punished with imprisonment for 1 to 5 years and a fine of 15.000 euros for each person smuggled. If the smuggler gains direct or indirect profit from smuggling an undocumented foreigner, they shall be punished with imprisonment for 4 to 15 years and a fine of 15.000 euros per smuggled person. The penalties shall be increased if five or more persons were smuggled; the smuggled migrants suffered an “inhuman or degrading treatment” and their life was endangered; the deeds were accomplished “to recruit people to be prostituted or in any way for sexual exploitation or they concern the entry of underage persons to be employed in illicit activities with the purpose of favouring their exploitation”; the offence was committed by three or more persons or by means of international transportation services or through the use of false, counterfeited or illegally obtained documents. The punishments shall be decreased “if the offender concretely collaborates with the police or the judicial authority to collect important evidences to reconstruct the facts, and to identify and arrest one or more persons responsible for the crimes.” Furthermore, the law has provided for more



severe measures of border control policies and expulsion of illegal migrants found on Italian soil.

- **Art. 18** “Residence permits for social protection”  
It provides for a residence permit for humanitarian reasons and a comprehensive Programme of social assistance and integration for trafficked persons, regardless of their co-operation with the competent authority:  
“1. Whenever police operations, investigations or court proceedings involving any of the offences set out in art. 3 of Law 75 (1958),<sup>13</sup> or in art. 380 of the Code of Criminal Procedure,<sup>14</sup> or whenever the social services of a local administration,<sup>15</sup> in the performance of their social assistance work, identify situations of abuse or severe exploitation of a foreign citizen, and whenever the safety of the said foreign citizen has been seen to be endangered as a consequence of attempts to escape from the conditioning of a criminal organisation which engages in one of the afore-cited offences, or as a consequence of statements made during preliminary investigations or in the course of court proceedings, then the chief of police, also acting on the proposal of the Public Prosecutor, or with the favourable opinion of the same Public Prosecutor, may grant a special residence permit enabling the foreign citizen to escape from the situation of abuse and conditioning perpetrated by the criminal organisation and to participate in a social assistance and integration program.”
- **Law 228/2003** – “Measures against trafficking in persons”  
**Art. 13** provides for a short-term protection programme for trafficked persons.
- **Law 17/2007** – “Turning into law, with changes, the law decree December 28, 2006, no. 300, containing the extension of the limits foreseen by legislative provisions. Provisions of legislative delegation”<sup>16</sup>  
**Article 6, para 4**, provides that Article 18 “Residence permits for social protection grounds” shall be applied also to victims of trafficking that are EU nationals. The latter can therefore access the Programme of social assistance and protection and benefit from all the services offered.
- **Law no. 75/1958** – “Cancellation of regulations on prostitution and fight against exploitation of prostitution” (known as “Legge Merlin”, after the senator who proposed it)  
**Article 3** comprises a series of crimes aimed at sanctioning all activities, which in any way would facilitate, abet and procure prostitution. All offences, even though differing in terms of gravity, are punished with imprisonment from 2 to 6 years and a fine ranging from five hundred thousand to twenty million *lire*. Para. 2, no. 6 envisages the offence of “inducement to move to a given location or place to carry out prostitution” providing for penalties for those who induce another person to move from one place to another, within the same country or to another country, in order to engage in prostitution; while no. 7 punishes the activity of national or foreign “associations and organisations dedicated to the recruitment and exploitation of prostitutes, and the aiding and abetting by said organisations or associations.
- **Article 600-bis, Criminal Code** – “Child prostitution”  
The provision sanctions with imprisonment from six to twelve years and a fine from

---

<sup>13</sup> The law on exploitation of prostitution of others

<sup>14</sup> Cases in which the police must arrest the offender

<sup>15</sup> City Councils or Regions

<sup>16</sup> “Conversione in legge, con modificazioni, del decreto-legge 28 dicembre 2006, n. 300, recante proroga di termini previsti da disposizioni legislative. Disposizioni di delegazione legislativa”

15,493 to 154,937 euros anyone inducing a person under 18 years of age to prostitute him/herself, namely anyone abetting or procuring prostitution involving a minor. Unless the deed constitutes a more serious crime, whoever performs sexual acts with a minor between 14 and 18 years old, in exchange of money or other economic gain, shall be punished with imprisonment of six months to three years and a fine not less than 5.164 euros. If the injured party is less than 14 years old, the offender shall be punished with imprisonment of two to five years. In case the offender is a minor, the punishment shall be decreased between one and two thirds.

- **Article 600-ter, Criminal Code** – “Child pornography”

Whoever exploits a person under 18 years of age performs pornographic exhibitions or produces pornographic material or induce a minor to participate in pornographic exhibitions shall be punished with imprisonment for 6 to 12 years and a fine from 25,822 to 258,228 euros. Whoever sells pornographic material is subject to the same penalty. The provision also sanctions with imprisonment for 1 to 5 years and a fine from 2,582 to 51,645 euros anyone distributing, spreading, or advertising pornographic material by any means, including Internet, in order to solicit or sexually exploit minors. It also punishes with imprisonment up to 3 years and a fine from 1,549 to 5,164 euros anyone offering or providing pornographic material, free or not, produced using minors. In these cases the penalty is increased up to two thirds when the quantity of the materials is considerable.

- **Article 600-quarter, Criminal Code** – “Possession of pornographic material”

Notwithstanding the provision above of Article 600-ter, whoever knowingly obtains or detains pornographic material produced using persons under the age of 18 is liable to imprisonment for a term up to 3 years and to a minimum fine of 1.549 euros. The penalty is increased up to two thirds when the quantity of the materials is considerable.

- **Article 600-quarter.1, Criminal Code** – “Virtual pornography”

The provisions of Articles 600-ter and 600-quarter shall be applied also when the pornographic material shows virtual images produced by using the images of minors or part of them, but the penalty is decreased by one third. Virtual images shall mean images produced through techniques of graphic processing that are not completely associated with real situations, whose quality of depiction makes unreal situations seem to be real.

- **Article 600-quinquies, Criminal Code** – “Tourist initiatives aimed at the exploitation of child prostitution”

“Anyone who organizes or promotes foreign travels which promotes child prostitution or encourages such activity is liable to imprisonment for a term of 6 to 12 years and a fine of 15,493 to 154,937.”

- **Article 600-sexies, Criminal Code** – “Aggravating and attenuating circumstances”

“In the cases provided for in Article 600-bis, para. 1 and 600-ter, para. 1, and 600-quinquies, 600, 601 and 602 the penalty is increased by a third to a half if the act is committed on a minor of under 14 years of age. The penalty is increased by a half to two-thirds if the act is committed by an elder relative, a step parent, or by their spouse or conjugal partner, or a similar person up to the second degree, by a relative up to fourth degree, or by the guardian or a person with whom the minor has been for the purposes of health, care, education, supervision, custody, employment, or in other words, any public official or social worker who is responsible for the minor in the course of their functions or responsibilities. The penalty is increased from a half to two-thirds if the offence has been committed against a minor who is physically or psychologically handicapped. In the cases foreseen in Article 600-bis, para. 1 and 600-ter above, the penalty is increased if the offence is

committed by the use of violence or threats. In the cases foreseen in Art. 600-*bis* and 600-*ter* above, the penalty is reduced by a third to a half if the person has taken concrete measures to ensure that the minor is enabled to become self-reliant and independent.”

- **Article 600-septies, Criminal Code** – “Accessory penalties”  
In the case of conviction for any of the offences provided in Articles 600, 600-*bis*, 600-*ter*, 600-*quarter*, 600-*quinquies*, 601 and 602, there is mandatory confiscation of the goods provided for in Article 240, and closure of the business which gave rise to the offences, together with the revocation of the business permit or the concession or authorisation to broadcast. Moreover the conviction provides for the perpetual ban from any job in any type of school and office or service in public or private institutions or organisations mainly attended by minors.
- **Article 604, Criminal code** – “Offence committed abroad”  
The dispositions of this section, as well as those foreseen by the articles 609-*bis*, 609-*ter*, 609-*quater* and 609-*quinquies*, are sustained also when the envisaged cases are committed also abroad by an Italian citizen, or against an Italian citizen, or by a foreigner concurrently with an Italian citizen.
- **Article 605, Criminal code** – “Kidnapping”  
Anyone who deprives a person of his/her freedom shall be punished with imprisonment for six months to eight years, and with imprisonment for one to ten years if the act is committed in detriment of an ancestor, a descendant, or a spouse, or by a public official taking advantage of his/her duties.
- **Article 416, Criminal code** – “Criminal association”  
When three or more persons associate together in order to commit more than one crime, the persons who promote, direct or organise the association shall be punished, for this sole offence, with imprisonment for 3 to 7 years. For the sole fact of participating in the association, punishment shall be imprisonment for 1 to 5 years. If the association is aimed at committing any of the offences referred to in the articles 600, 601, and 602 of the criminal code, the term of imprisonment shall be for 5 to 15 years in the cases foreseen in the first paragraph and for four to nine years in the cases foreseen in the second paragraph.
- **Article 416-bis, Criminal code** – “Mafia-type association”  
Any person participating in a Mafia-type unlawful association including three or more persons shall be liable to imprisonment for 5 to 10 years. Those persons promoting, directing or organising the said association shall be liable, for this sole offence, to imprisonment for 7 to 12 years. These provisions also apply to the *Camorra* and to any other associations, whatever their local titles, seeking to achieve objectives that correspond to those of Mafia-type unlawful association by taking advantage of the intimidatory power of the association.

### 3. The current situation of prostitution in Italy

Prostitution takes place in different types of venues even if street prostitution is the most visible one. Prostitutes in fact provide sexual services also in private apartments, hotels, night clubs, bars, massage parlours, saunas, but little is known about these behind closed doors

practices<sup>17</sup>. In the past indoor prostitution was considered a safer place to work as opposed to the street and “indoor prostitutes” the privileged ones since they enjoyed a higher degree of freedom.

Currently such a clear-cut distinction cannot be made any longer due to the changes the sex industry has undergone through in the last few years, mainly as the result of the significant presence of migrants in the prostitution sector and the related control exercised by the organised crime groups. The trend to move some women from the streets to indoor places has been registered throughout Italy. This can be read as a criminal reaction to the increased repressive strategies implemented by the law enforcement agencies as well as a way to fulfil “the clients’ request to enjoy a greater level of privacy and less social pressure while purchasing a sexual service”<sup>18</sup>.

In Italy, migrant women represent the highest percentage of the population engaged in street prostitution. They are generally undocumented and part of a quite well-organised and articulated criminal industry that started to systematically establish and flourish in the early 1990s throughout the country. Italian prostitutes generally work behind-closed-door premises. Only old prostitutes and female drug users can be found on the street. Male and transsexual prostitutes are also present in all major Italian cities.

#### **4. Italian legal framework on prostitution**

Since 1958 Italy has been an abolitionist country, thus, prostitution is neither illegal nor regulated by the State. Law no. 75 of 1958 “Cancellation of regulations on prostitution and fight against exploitation of prostitution” (known as “Legge Merlin”, after the senator who proposed it), in fact, put an end to the regulation system set up in 1861 that allowed the running and functioning of brothels. The main goals of the law were to stop the exploitation of women and their confinement into the brothels and to safeguard public order.

Towards this end, the following conducts are criminalised and punished up to six years of imprisonment and a fine: operating a brothel; renting a building for purpose of prostitution; habitual tolerance of the exercise of prostitution; recruitment, facilitation or exploitation of a person for the purpose of prostitution; persuading a person to prostitute him/herself or inducing him/her to move to exercise prostitution; being involved in a national or international group that recruits persons to be exploited as prostitutes. Furthermore, the law abolished the mandatory health registration and the medical controls for prostitutes. Hence, through the Merlin law, street prostitution is allowed as well as indoor prostitution in apartments (but not in brothels). However, prostitution itself is not regarded as a job.

In 1998, the Parliament passed law no. 269 to prohibit child prostitution and sex tourism aimed at the exploitation of minors, including the organization or advertisement of trips for the purpose of juvenile prostitution. The offenders are punished with a fine and a term of imprisonment between 6 and 12 years.

---

<sup>17</sup> Only recently two studies focusing on the underground forms of prostitution were published: AA.VV., *Il sommerso. Una ricerca sperimentale su prostituzione al chiuso, sfruttamento, trafficking*, Quaderni di Strada, Provincia di Pisa, Pisa, 2004; C. Donadel, E.R. Martini (eds.), *Hidden prostitution*, Regione Emilia-Romagna, Bologna, 2005. Both studies were developed within the framework of EC funded projects.

<sup>18</sup> AA.VV., *Research based on case studies of victims of trafficking in human beings in three EU Member States i.e. Belgium, Italy and the Netherlands*, Antwerp, 2003, p. 151.

Since its enactment the Merlin law has spurred much debate both in the public and in the political arena. As a matter of fact, the media periodically raise the issue while several parliamentarians of different political parties, every now and then, submit bill proposals to amend, strengthen or cancel the Merlin law. Such interest has greatly increased since the early 90s when the prostitution scenario changed with the appearance of migrant prostitutes on the Italian streets. The governmental bill n. 3826/2003 (known as Bossi-Fini-Prestigiacomo bill proposal) is the most recent and highly debated proposal. Its main goal is to outlaw street prostitution and regulate sex work within indoor premises. It also proposes to cancel some conducts punished by the Merlin law, such as, *inter alia*, aiding and abetting, the support among prostitutes and the rental of apartments for the purpose of prostitution, even though the possibility to exercise prostitution may be limited or forbidden by the condominium rules. Furthermore, the bill does not comprise mandatory health checks for prostitutes but, in case of death or sexual illness of a client, the prostitute can be held liable if he/she has not gone through regular health controls.

The Bossi-Fini-Prestigiacomo bill proposal is much criticized by several sectors of the society and the political milieu. It is in fact considered to be a bill that does not provide a clear-cut definition of prostitution and, moreover, it fails to respect the rights of all parties involved. Prostitutes and clients, in fact, are treated differently even though they supposedly commit the same offence. For instance, if they are found on the street, the prostitutes would be fined or imprisoned for up to 15 days while the clients would only be fined. Furthermore, the bill does not take into consideration the issue of trafficking and it actually could worsen the position of trafficked persons. The latter would be forced to exercise prostitution in unreachable venues, thus, becoming more vulnerable and subject to a higher degree of violence and abuse perpetrated by traffickers, exploiters, and clients.

**5. National Action Plan against trafficking in human beings**

Even though Italy has a rather comprehensive scheme to support trafficked persons and to fight trafficking, no National Action Plan (NAP) on trafficking is currently in place. However, the present government is planning to draft a NAP in the near future.

**6. Databases about trafficking in human beings**

Presently, neither an official comprehensive database on trafficking in human beings nor a special database on human trafficking for sexual exploitation are found in Italy. However, some data sources on trafficking exist. They can be distinguished into data sources on victims and data sources on offenders and are collected and managed by national and institutional actors. The following table illustrates the type of information gathered and the corresponding actors responsible for the data collection and storage.

Table 1 – Official sources of data on trafficking in human beings in Italy

<b>Victims</b>	Special residence permit “for humanitarian reasons” (Article 18)	MINISTRY OF INTERIOR – IMMIGRATION DEPARTMENT
	Beneficiaries of social assistance and integration programmes (the so-called “Article 18 projects”)	RIGHTS AND EQUAL OPPORTUNITIES DEPARTMENT

Offenders	Existence and quantitative characteristics of ongoing legal proceedings concerned with the “trafficking in persons for the purpose of exploitation” and the “smuggling of migrants”.	ANTI-MAFIA NATIONAL DIVISION
	Data on crimes and persons reported; data on persons arrested by the police forces; data on convicted persons	MINISTRY OF JUSTICE – STATISTIC GENERAL DIVISION
	Data on persons reported and arrested for offences related to trafficking in human beings	MINISTRY OF INTERIOR – CRIMINAL POLICE GENERAL DIVISION
	Number of crimes related to Trafficking of Human Beings (THB)	MINISTRY OF INTERIOR – CRIMINAL POLICE GENERAL DIVISION

Source: Censis, 2007 (Osservatorio e Centro Risorse sul Traffico di Esseri Umani – EQUAL Project)

Such data is generally neither in-depth processed nor disseminated through comprehensive official reports. In some cases, though, they are *ad hoc* processed and presented on the occasion of specific events and conferences dealing with trafficking in human beings.

## 6.1 Data on victims of trafficking

Through the work of the 103 local *Questuras* (local Police Headquarter), the **Ministry of Interior – Department of Public Safety – Central Division of Immigration and Border Police** can provide the list of the different typologies of residence permits issued, included those granted for humanitarian reasons (Article 18). The latter are mostly issued to persons being trafficked to Italy to be sexually exploited. Even though stay permits are nominal, the storage system cannot distinguish between different forms of exploitations linked to trafficking. As far as the information on victims is concerned, the stay permits issued can provide the following data:

Table 2 – Data provided through the residence permits issued to trafficked persons by Ministry of Interior – Department of Public Safety – Central Division of Immigration and Border Police

- Name & last name	- Visa
- Place of birth	- Issued by
- Date of birth	- Valid until
- Nationality	- Reason of visa
- Civil status	- Reason of stay
- Residence in the country of origin	- Means of support
- Address in Italy	- Wife/husband
- Type of document	- Persons being cared for, if living together
- Number of document	- References in Italy
- Valid until	- First permit
- Issued by	- Valid until
- Date of issuance	- Last renewal/revision
- Date of entry	- Valid until
- Border of	- Date

Since 2000, through the Programme for social assistance and integration set by the Article 18 of the Legislative Decree no. 286/1998, the **Department for Rights and Equal Opportunities** collects some key information on victims of trafficking. Data is gathered through the project reports that the funded organisations and local authorities must send to the Department on a six-monthly and annual basis. Such reports contain information on the activities carried out and on assisted persons, even though very few variables are considered for victims. As a matter of fact, since the baseline is the project and not the person, trafficked

persons assisted through different projects (run by the same organisation through distinct calls for proposals, or by different organisations working in cooperation) can be counted several times. It is noteworthy that up to the 6<sup>th</sup> call for proposals (2005-2006), according to the rules set, projects were asked to provide support to persons being trafficked for sexual exploitation. Starting from the second half of 2006, the funded projects may assist also persons being trafficked for other purposes.

Through a standardised chart, the Department for Rights and Equal Opportunities requires the funded organisations and local authorities to provide the following data on the assisted victims and on the project’s efficacy and efficiency<sup>19</sup>:

Table 3 – Data collected by the Department for Rights and Equal Opportunities through the reports of the organisations and local authorities funded by the Programme of social assistance and integration

Quantitative variables concerning the trafficked persons supported	<ul style="list-style-type: none"> <li>- referral channels</li> <li>- no. of trafficked persons accompanied to the health services</li> <li>- no. of trafficked persons provided with legal counselling</li> <li>- no. of trafficked persons provided with psychological counselling</li> <li>- no. of trafficked persons who joined the programme of social assistance and integration</li> <li>- no. of trafficked persons who successfully completed the programme of social assistance and integration</li> <li>- no. of trafficked persons sheltered</li> <li>- different typologies of accommodation provided (shelters, family placement, autonomy houses, non-residential programmes)</li> <li>- no. of stay permits applied for</li> <li>- no. of stay permits granted</li> <li>- no. of persons who joined vocational training schemes</li> <li>- no. of persons who joined school education schemes</li> <li>- no. of job placements</li> <li>- no. of persons placed in different sectors of the labour market</li> <li>- education degree of the trafficked persons supported</li> <li>- nationality of the trafficked persons supported</li> <li>- age of the trafficked persons supported (minor/adult)</li> <li>- no. of persons who left the programme of social assistance and integration</li> <li>- network of actors involved in the interventions to assist trafficked persons</li> </ul>
Qualitative variables concerning the trafficked persons supported	<ul style="list-style-type: none"> <li>- reasons for leaving the programme of social assistance and integration</li> </ul>
Qualitative variables on the project’s efficacy and efficiency:	<ul style="list-style-type: none"> <li>- impact of the project on the local area</li> <li>- capability of the project to identify the changes of the phenomenon</li> <li>- efficacy of the project as to the reached goals and the expected results</li> <li>- typology of the actions implemented by the project</li> </ul>

**6.2 Data on crimes and offenders**

<sup>19</sup> The Department for Rights and Equal Opportunities is currently in the process of revising the standardised chart to include other items to gather more detailed information on trafficking in human beings in Italy also in view to issue a comprehensive report on an annual basis.

Since 2003, the *Direzione Nazionale Antimafia* (DNA) and its local Districts (*Direzioni Distrettuali Antimafia* – DDA) are specifically in charge of all crimes foreseen in Articles 600 and 601 of the Criminal Code (slavery, servitude, trafficking). The *Direzione Nazionale* runs a database containing information about the abovementioned crimes, the offenders and the victims, regularly provided by the DDAs. Such database allows for the retrieval of data from judicial activities (cases under preliminary investigation, committals for trial, cases already adjudicated in the field of trafficking in human beings and alien smuggling). It also provides data on cases under investigation, brought to trial and therefore *sub judice*, and those already adjudicated, as well as information about victims. However, the storage system needs to be improved also to include cases of trafficking prosecuted under other articles of the criminal code and managed by the Ordinary Courts.

Since 2003, the **Statistic General Division of the Ministry of Justice** has started to annually gather data on THB through all *Procure* (Public Prosecutor's Offices) and Court of laws. So far the data collected cannot be considered reliable due to the irregular participation of *Procure* and Court of laws to this collection system.

The **Ministry of the Interior – Criminal Police General Division** collects data mainly for law enforcement purposes from the criminal courts and law enforcement agencies on criminal proceedings and investigations, also on human trafficking. It thus stores a significant amount of information on the type of offence; date and location of the offence; informative sources.

It was not possible to collect detailed information on the variables used by the *Direzione Nazionale Antimafia*, the Statistic General Division of the Ministry of Justice, and the Ministry of the Interior – Criminal Police General Division.

At a local level, some **Regions** have established data sources on specific regional projects on trafficking in human beings financed by regional laws (e.g. Regione Veneto) or on projects of the social assistance and integration programme financed by the national government (e.g. Regione Emilia-Romagna). Also in these cases, though, most data refer only to trafficking in human beings for sexual exploitation and not for trafficking for other purposes.

The most detailed data can be found in reports issued by **NGOs and other associations** that provide support to trafficked persons and contained both detailed qualitative and quantitative information on victims to trafficking and on the phenomenon. Unfortunately, no structured coordination between all Italian NGOs is in place to collect and transfer data to a centralized database. But, as previously explained, the NGOs funded within the Programme of social assistance and integration must send a series of data to the Department for Rights and Equal Opportunities on a six-monthly and annual basis. According to recent declarations of the Department, in the near future, a national report based on such data will be issued.

Given this situation, it would be crucial to set up a national agency on trafficking in human beings with the specific mandate to gather data and information coming from all institutional actors (Department, Ministries, local government, etc.) and non-institutional agencies dealing with trafficking and trafficked persons. Such an agency should develop common criteria for data collection, collation, processing, and storage systems of data collection on the various forms of trafficking in human beings (sexual exploitation, labour exploitation, etc.). Moreover, common indicators and indexes to better describe and analyse the phenomenon of trafficking in human beings should be created, while the investigative and judicial data should



include detailed data both on victims of trafficking in human beings and offenders. Finally, data should be disseminated for research and policy purposes.

It must be noted that, within the EQUAL project *Osservatorio e Centro Risorse sul Traffico di Esseri Umani*<sup>20</sup>, the *Associazione On the Road*, along with its partners and some national key-actors, is actually developing, *inter alia*, a set of indicators and methodological tools to gather data on victims of trafficking that should serve as the common basis for all Italian institutional and non-institutional actors to collect, collate, process, and store data on trafficking in human beings.

### 6.3 Available data on trafficking

Due to the lack of a comprehensive national database, the only available data are those concerning trafficked persons assisted through the Programme of social assistance and integration funded by the Inter-ministerial Committee for the Implementation of Article 18. In the period 2000-2006, seven calls for proposals have been launched and 448 projects funded. Between 2000 and 2006, 11,226 victims have been assisted and 5,495 residence permits for humanitarian reasons have been issued.

Table 4 – Number of victims in social assistance and integration programmes and residence permits issued (March 2000-June 2006)

Calls for proposals	Years	Victims in social assistance and integration programmes		Residence permits issued	
		a.v.	of which minors	a.v.	% on permits applied for
1 <sup>th</sup>	March 2000-February 2001	1,755	75	833	73
2 <sup>nd</sup>	March 2001-March 2002	1,836	80	1,062	77
3 <sup>rd</sup>	March 2002-March 2003	1,797	70	962	89
4 <sup>th</sup>	May 2003-May 2004	1,791	118	927	86
5 <sup>th</sup>	June 2004-June 2005	2,219	139	942	nd
6 <sup>th</sup>	June 2005-June 2006*	1,828	137	769	nd
<b>Total</b>		<b>11,226</b>	<b>619</b>	<b>5,495</b>	-

Source: Censis, 2007, on data provided by the Department for Rights and Equal Opportunities (Osservatorio e Centro Risorse sul Traffico di Esseri Umani – EQUAL Project)

\* data referred to 74% of the programmes

Taking into account only the time span between September 2003 and December 2004 (right after the enactment of the anti-trafficking law), 150 legal proceedings were instituted against 400 persons charged with trafficking; and 50 legal proceedings were instituted against 150 persons charged with reduction to slavery.

<sup>20</sup> [www.osservatoriotrattra.it](http://www.osservatoriotrattra.it)

## Part II

### **Strengthening co-operation between law enforcement agencies, the judiciary and NGOs to improve prevention and assistance of victims of THBSE**

#### **A. Prevention strategies to improve the fight against THBSE**

##### **1. Social prevention**

Because trafficking is a multidimensional problem, its eradication requires a broad set of responses and strategies, which includes the adoption of social policies and programmes to prevent trafficking and the re-victimization of trafficked persons.

In Italy, no comprehensive and co-ordinated prevention strategies and measures are currently in place. However, several initiatives at national and at local level can be found.

At national level, since 2000, the following measures (“*Azioni di sistema*”) have been funded by the Inter-ministerial Committee for the Implementation of Article 18 (Department for Rights and Equal Opportunities, the Ministry of Justice, the Ministry of Welfare, and the Ministry of Interior) within the framework of the Programme of social assistance and integration<sup>21</sup>:

- a national hotline against trafficking (*Numero Verde contro la Tratta* 800-290.290)
- printing and distribution of stickers advertising the national hotline in the main languages spoken by the target;
- public awareness campaign at national and local level to advertise the national hotline through radio, TV, and cinema commercials, billboards, flyers.

The agencies involved in the implementation of most of the listed activities are the local authorities and NGOs running programmes of social assistance and integration throughout the country.

---

<sup>21</sup> For a description of the Programme of social assistance and integration, see section B.

Table 5 – Social prevention of trafficking in human beings: A good practice

## Numero Verde contro la tratta 800 290.290

The hotline is developed within the framework of the so-called “System actions” of the Programme of social assistance and integration foreseen by the Immigration law (D.Lgs. 286/98), managed by the Interministerial Committee for the Implementation of Article 18.

The main objectives of the hotline are to provide detailed information on legislation and services granted to trafficked persons in Italy and, upon request, refer them to the specialised anti-THB agencies.

The *Numero Verde* is composed of a single central headquarter, that functions as a filter for the calls, and 14 territorial branches located in 14 different regional or interregional areas throughout Italy. In most cases, the territorial branches of the *Numero Verde* are managed by the same NGOs and public institutions responsible for the implementation of projects funded within the Art. 18 Programme. Information is provided in the various languages spoken by the target group, including: English, Albanian, Russian, French, Spanish, Rumanian, Bulgarian.

All local branches:

- provide information in various languages on several issues (immigration law, social and health services, Programme of social assistance and integration, etc.)
- provide psychological support
- provide legal advice
- assess if the conditions for the application of the 18 Article procedures are in place
- provide information about the available accommodation solutions
- place or refer victims to the accredited Article 18 agency located in the geographical area where the victim resides.

The main beneficiaries of the services provided are:

- Trafficked persons, mainly for the purpose of sexual exploitation
- Law enforcements agencies (Police, *Carabinieri*, *Guardia di Finanza*)
- Service providers (local social services, health care services, etc.)
- NGOs
- Citizens
- Local community.

The Ministry of Foreign Affairs funds projects in several countries of origin to raise awareness on trafficking in human beings among the general public and the potential victims. One of the most successful projects funded is certainly the “Programme of Action against trafficking in minors and young women from Nigeria to Italy for the purpose of sexual exploitation” (2002-2004) implemented by the United Nations Interregional Crime and Justice Research Institute (UNICRI) and, *inter alia*, the *Associazione Tampep Onlus* (Turin). Within the framework of such a project, in Edo State (Nigeria), three awareness campaigns on trafficking for sexual exploitation were carried out in collaboration with a coalition of six local NGOs. Such work included extensive community work<sup>22</sup> at local level, not only in the State’s capital, Benin City, but also in rural areas and villages<sup>23</sup>. A TV commercial (“*Aiutiamole a liberarsi dalla schiavitù*, tr. “Help them to free themselves from slavery”)<sup>24</sup>

---

<sup>22</sup> The community work included: seminars for teachers and school prefects of 100 public and private schools; schools visits (i.e. education and counselling sessions on trafficking and personal empowerment skills training); market enlightenment programmes; outreach to women’s and men’s meeting places; and outreach and workshops to traditional rulers, chiefs, opinion leaders and traditional priests.

<sup>23</sup> The full range of activities carried out within this project included:

- Research in Nigeria and Italy
- Creation of a bilateral task force including experts law enforcement and NGOs from the two countries for establishment pilot cooperation mechanisms
- Creation of a National Monitoring Centre in Nigeria within the Federal Ministry of Justice
- Awareness campaigns in Italy (national level) and Nigeria (Edo State)
- Pilot micro-credit activities in Edo State, Nigeria
- Outreach activities at local level in Italy
- Training for local NGOs in Edo State, Nigeria
- Training for Nigerian police officers and prosecutors both in Nigeria and Italy
- Final international conference in Italy.

<sup>24</sup> To view the commercial: [www.unicri.it/wwd/trafficking/nigeria/tvspot.php](http://www.unicri.it/wwd/trafficking/nigeria/tvspot.php)

was also aired on the Italian television public channels to raise awareness especially about the trafficking of young Nigerian women to be sexually exploited in Italy.

Moreover, also Article 14 of the anti-trafficking law (law no. 228/03) provides for the organisation of international meetings and information campaigns, in the most important countries of origin of trafficking as well, to strengthen the prevention activities. Such events should be organised by the Ministry of Foreign Affairs in collaboration with the Department for Rights and Equal Opportunities.

Local prevention measures addressing (potential) victims of trafficking of human beings for the purpose of sexual exploitation are regularly carried out by many organisations and local authorities especially through local awareness campaigns, drop-in centres and outreach units aimed at the (potential) trafficked persons, the clients<sup>25</sup> and the public at large.

Outreach units have proved to be key channels for the identification and referral of trafficked persons. Due to the changes occurred in the prostitution scenario (e.g. increase of prostitution in behind-closed door premises and the high mobility between the streets and such premises), also indoor outreach units have been developed to contact prostitutes and (potential) victims of trafficking<sup>26</sup>.

Finally, an innovative social prevention measure has been implemented in Italy by MTV through the awareness campaign “EXIT – End Trafficking & Exploitation” specifically designed to raise awareness on trafficking in human beings for the purpose of sexual exploitation<sup>27</sup>. The production and implementation of the multi-language campaign involved several actors, including specialized NGOs<sup>28</sup> and international musicians. The tools developed are a web-site in 20 European and Eastern European languages; a multi-language leaflet; a multi-language cd-rom; a multi-language video; several music events in Europe.

## **2. Prevention by law enforcement agencies**

An effective prevention of THBSE requires a proactive initiative to develop an early warning system. This kind of initiative is not currently in place in Italy.

In order to prevent and identify cases of trafficking, the Italian law enforcement agencies have

---

<sup>25</sup> For interesting awareness raising campaigns targeting clients, cfr. P. Di Berardino, M. Bufo, “Sperimentazione di un intervento di sensibilizzazione dei clienti sul tema della prostituzione legata al trafficking”, in V. Bussadori, C. Migani (eds.), *Manuale delle prassi. Alla ricerca di nuove soluzioni: un viaggio nel progetto W.E.S.T.*, Fusignano, 2005, pp. 213-226: [http://www.regione.emilia-romagna.it/WEST/italiano/diffusione\\_documentazione/pubblicazioni/manuale\\_prassi.pdf](http://www.regione.emilia-romagna.it/WEST/italiano/diffusione_documentazione/pubblicazioni/manuale_prassi.pdf)

<sup>26</sup> The trend of moving prostitutes from the streets to indoor places is having a major impact on trafficked persons exploited since they initially tend to experience a higher degree of exploitation, isolation and restriction of movement. This situation, in fact, does leave very little space for establishing contacts with social workers who can provide them useful information on health, social and legal issues as well as concrete possibilities to change their living conditions and, in case of trafficked persons, to enter into the Programme of social assistance and integration. In addition, the high mobility of women from one indoor place to another contributes to their isolation and lack of contacts with the outside world.

<sup>27</sup> To view the commercial: [www.mtvitalia.org](http://www.mtvitalia.org)

<sup>28</sup> In the case of Italy, the *Associazione On the Road* was involved as content developer for the flyers to be distributed at two major rock concerts that were held in Rome and in Milan (R.E.M. and Thievery Corporation). In the latter event the *Cooperativa contro l’Emarginazione Sociale (Milan-Varese)* was also involved to hand out the flyers and inform the concerts participants on the issues related to human trafficking.

increased the number of raids on the streets, in apartments, in night clubs and in other venues where prostitution takes place. As a result, also the number of expulsions of irregular migrants that may be involved in the trafficking chains rose significantly. Sometimes, such measures also target victims who are not always duly informed about their right to access a programme of social assistance and integration and, therefore, are immediately repatriated.

The anti-trafficking law authorises the implementation of undercover activities that can act as a prevention measure since they can contribute to dismantle the organised crime organisations (about to be) engaged in the “trafficking business”.

The law enforcement agencies have been equipped with special high tech devices (i.e. mobile x-rays and  $\gamma$ -rays to check containers; “bio sounds” to check train carriages; new fixed and mobile radars to detect small boats) with which to carry out investigations into smuggling and human trafficking cases.

International police co-operation has also been enhanced. Italy has signed 62 agreements with 40 countries in order to exchange know-how and information to counteract illegal immigration and human trafficking. Readmission agreements have been signed with most countries of origin, including Albania (1997), Romania (1997) and Nigeria (2000). According to these legally binding instruments, whenever a citizen of such countries is found to illegally stay in Italy, he or she can immediately be expelled.

The Italian Ministry of the Interior has reorganised and specifically trained the liaison officers and the police officers stationed in the Italian consulates and embassies of the main countries of origin of trafficking in order to provide assistance on the subject of visa applications and collect information regarding illegal immigration also with a view to informing potential victims and, thus, prevent trafficking cases.

### **3. Prevention by the judiciary**

The prevention of trafficking in human beings provided by the judiciary is based on law 228/2003, the Italian anti-trafficking law. The latter assigns the task of investigating trafficking cases to the *Direzione Nazionale Antimafia* through its local *Direzioni Distrettuali Antimafia* and the institutional competence of the trial to a unique judge. This rather new provision contributed to a better management of the trafficking cases in collaboration with the local investigation law enforcement offices.

Since the enactment of Article 18 of the Immigration law and the implementation of the social assistance and integration programme, the number of trafficking cases, arrests and convictions has enormously increased as a result of the fruitful co-operation among the different actors taking part in the Programme. However, the number of cases related to human trafficking that ended with a conviction is still rather low if compared with the overall number of trafficking cases reported to the Public Prosecutor’s Office.

Due to the difficult mechanisms for gathering evidence during the investigations, it is often hard to grant an adequate conviction. This is because of the trans-border nature of trafficking, which involves several States with different law rules and procedures. As a matter of fact, the judiciary must resort to international judicial commissions to request judicial assistance to foreign authorities so as to gather evidence and write out necessary acts such as reports and notices. Since, the procedures of the international judicial commissions are generally too long

with regard to the probative requirements, traffickers may escape and destroy the evidence. Besides, a serious lack of coordination norms between countries of origin, transit and destination also contributes to hamper the work of the judiciary.

Furthermore, Italy often cannot delegate foreign authorities any investigative and judicial activities because they lack trial guarantees imposed by the Italian penal code for the correct carrying out of a trial. The Italian Prosecutors' Offices are thus obliged to provide for themselves and face a series of difficulties, such as:

- the very diverse anti-trafficking legislations and legal procedures in place in the countries of origin, transit and destination;
- the presence of corrupted areas in law enforcement, politics, bureaucracy and diplomacy in the countries involved;
- time periods too lengthy to meet the probative requirements;
- hostility from some foreign authorities who aim at maintaining their territorial power unaltered.

These difficulties, which impede Italy from fully carrying out on its territory an efficient criminal action against traffickers, can be overcome only through adequate enforcement of European legislation and international treaties related to trafficking and the establishment of structured and functioning forms of co-operation between Italian public prosecutors and those of origin countries in cases of investigations with an international scope.

The anti-trafficking law extends to victims of human trafficking the discipline to protect witnesses and police informants that provides a set of special measures for their and their families' security and subsistence, change of identity included. However, the implementation of such provision is rather complex.

The victims run the concrete risk of being re-victimized when they are called to testify against their exploiters and traffickers in the trial. Their declaration constitutes the main source of evidence to convict the accused. Generally, the victims testify through the so-called "*incidente probatorio*", a special evidence pre-trial hearing provided by Art. 392 of the Code of Penal Procedure. During the preliminary investigations, the Public Prosecutor can ask the judge to hold a special evidence pre-trial hearing in order to protect a (trafficked) person that may be exposed to violence or threats and, thus, could be scared to provide correct information.

The testimony is taken in the same way as it would be taken during a trial. As a result, the gathered evidence is usable in court and the person does not have to wait for an indefinite time period to give evidence in the public trial, in a situation of danger, blackmail and uncertainty. The injured parties have the right to be assisted by a lawyer during the special evidence pre-trial hearing as well as during the trial. The victims can also bring an action against the offenders and be admitted to the State legal aid.

#### **4. Training the law enforcement agencies and the judiciary on THBSE**

No institutionalised comprehensive training and refresher courses are provided for law enforcement officials or the judiciary professionals on trafficking in human beings. They are taught about the existing legal provisions against trafficking but no in-depth courses on human trafficking are included in the training curricula of the law enforcement academies and

in the judiciary.

However, some occasional training modules are offered to a selected group of law enforcement officers and public prosecutors. For instance, in 2006, the *Consiglio Superiore della Magistratura* (the Italian Supreme Court) organised a special course on human trafficking for prosecutors, and the Ministry of the Interior, in collaboration with the *Associazione On the Road*, tested a pilot training module for front-line police officers. This activity was carried out within the framework of the EU funded Agis project “Awareness Training on Trafficking in Human Beings for Police, Border Guards and Customs Officials in EU Member States, Accession and Candidate Countries – Development of a European Curriculum”, lead by the International Centre for Migration Policy Development (ICMPD) in co-operation also with the Austrian Federal Ministry of Interior and the Czech Ministry of Interior. The International Organisation for Migration developed and organised a one-day training module for the law enforcement agencies and the judiciary.

In the last few years, a number of workshops have also been organised – mainly at local level – to exchange experiences, practices and know how among the different agencies that come into contact with (potential) trafficked persons. Due to bureaucratic reasons, such workshops can be considered only a form of self-training and cannot be recognized as formal training sessions.

Given this situation, it would be extremely important for the comprehensive modules on trafficking in human beings were part of the regular training provided to law enforcement officials, public prosecutors and judges to grant a sound prevention strategy and properly identify and assist victims of trafficking. Such modules should focus at least on:

- the anti-trafficking legislation at national, European and international level;
- the ever-changing features of the different forms of the phenomenon;
- the *modi operandi* of the traffickers and exploiters in the processes of recruitment, transportation, and exploitation;
- the identification procedures;
- the programme of social assistance and integration provided to victims;
- the multi-agency approach to be adopted.

Finally, it must be underlined that Art. 14 of the anti-trafficking law provides for the implementation of training session on THB to be organised by the Minister of Interior, Justice, Labour and Social Policies, and Rights and Equal Opportunities. Nevertheless, it is important to state that in the law there are no financial provisions in order to allocate specific funds for those activities.

## **5. New prevention strategies strengthening co-operation between police, NGOs and judiciary to improve prevention**

The co-operation between NGOs, local authorities, law enforcement agencies, the judiciary, and local service providers is the key feature of the Italian system of social protection as envisaged by law (i.e. Article 18 of the Immigration Law) and developed through practice since the implementation of the Programme of social assistance and integration aimed at trafficked persons.

This type of programme is considered an important tool not only to prevent trafficking and assist victims but also to fight against traffickers and organized crime due to the relevant

information provided by the assisted persons. As a matter of fact, since the activation of the Programme the number of arrests and convictions has significantly increased as a result of the established ordinary co-operation among the different participants taking part in the Programme.

Moreover, some protocols have also been informally established between NGOs and law enforcement agencies. For instance, the Province of Arezzo and *Associazione On the Road* have institutionalised<sup>29</sup> their co-operation with the “*Questura*” (Police headquarter) through a Memorandum of Understanding, that describes how to fully apply the provisions related to Art. 18. Furthermore the Court of Teramo, in collaboration with the same association, has issued a Protocol on the identification and initial support to victims of trafficking, which has been sent to all local law enforcement agencies.

Table 6 – Co-operation strategy: A good practice

Based on a human rights-centred approach, the Teramo Protocol “Guidelines to approach potential victims of trafficking and exploitation and smuggled persons establishes the need to:

- adopt a victim-centred approach in order to establish positive contact with the (potential) trafficked persons and gain their trust;
- provide social support, assistance and protection to trafficked persons, regardless of their willingness to co-operate with the competent authorities;
- employ well-trained and equipped officers and prosecutors, that should also co-operate through the establishment of *ad hoc* multi-agency anti-trafficking units;
- employ a cultural mediator from the first interview onwards.

Finally, the Teramo Protocol regulates the distinct roles of all actors involved and defines the operational procedures of co-operation amongst the law enforcement agencies, the judiciary, other public actors, and the civil society organisations.

## 5.1 Victim identification

Identification is a crucial aspect for the protection of the (potential) trafficked persons and the fight against trafficking. The establishment of formalised identification procedures can be one of the main effective tools of a successful comprehensive anti-trafficking strategy that involve all agencies concerned, such as government actors, law enforcement agencies, the judiciary, NGOs, local social welfare organisations, labour unions, labour inspections and other labour related agencies.

In Italy, the identification of trafficked persons is not based on standardised procedures. In fact, regardless of the quite innovative system of assistance and protection put in place to assist victims of trafficking, no homogeneous and coordinated routines to identify trafficked persons have been established so far.

The *Direzione Nazionale Anti-mafia* reported to have developed a list of indicators to identify cases of trafficking to be used by the *Direzioni Distrettuali Anti-mafia*.

*Associazione On the Road* took part to the Agis project “Protocol for identification and assistance to trafficked persons and Training kit” led by Anti-Slavery International<sup>30</sup>. The main output of the project is a manual on identification of victims intended for front-line

---

<sup>29</sup> The Province of Arezzo with the *Questura* of Arezzo and *Associazione On the Road* with the *Questura* of Ascoli Piceno.

<sup>30</sup> Other partners involved: the Police Academy in the Netherlands, Eaves Housing for Women (UK), De Stichting Tegen Vrouwenhandel – STV (NL).



police immigration officers, detention centres workers and service providers. The manual includes:

- background information about existing international instruments and their relevance for law enforcement work
- list of indicators, check lists and recommended questions for interviewing trafficked persons
- training material for introduction into the issues of identification of trafficked people
- Italian anti-trafficking legislation and recommended identification procedures to be employed in distinct contexts and situations by different actors<sup>31</sup>.

*Associazione On the Road* distributed copies of the Italian version of the publication to the enforcement agencies and the judiciary offices it co-operates with in order to promote the adoption of the identification procedures developed.

## **6. Main problems encountered by NGOs and other institutions while working with judicial institutions and law enforcement agencies**

Through the implementation of the Programme of social assistance and integration a very fruitful co-operation among NGOs, law enforcement agencies and the judiciary has been established. However, in some areas of the country a few problems still hinder a completely effective functioning of such scheme. As a matter of fact, the application of the law is not fully and homogeneously implemented throughout the territory. Some Police Headquarters apply only the “judicial path” and, in some cases, they do so only if it is “judicially useful”, thus, on one hand, not entirely respecting the law and, on the other, significantly diminishing the effectiveness of the system but, most of all, not respecting the victims’ rights and needs. In some cities the stay permits are not promptly issued to the detriment of the sound implementation of the protection programme. In addition, the execution of a repressive strategy through continuous police raids and forced repatriation do not favour the accomplishment of the aims set by the law.

Given this scenario, as far as the prevention and repression strategies of law enforcement agencies are concerned, it would be necessary:

- to improve the coordination among different law enforcement agencies (Police, *Carabinieri*, *Guardia di Finanza*, and Municipal Police) as regards trafficking cases;
- to appoint national and local anti-trafficking task forces, including law enforcers and judicial officers;
- to standardise identification and referral procedures of victims of trafficking;
- to always duly inform victims about their rights and possibility to access a programme of social support and integration;
- to adopt measures to protect interpreters, who often fear reprisals by criminal networks;
- to ensure the homogeneous and full application of the Art. 18 procedures by the *Questure* (Police headquarters) and Public Prosecutor’s Offices throughout Italy;
- to guarantee an efficient and quick issuance of stay permit to victims;
- to review the repressive strategy implemented through raids and massive deportations to assess the effective results achieved and ensure the respect of victims’ rights during these operations;

---

<sup>31</sup> This part is included only in the Italian version of the publication.

- to repatriate victims of trafficking only upon their voluntary request and with the assistance of specialised agencies;
- to employ pro-active, intelligence led investigative methods to fight organised crime and corruption, at local and international level;
- to collect information through standardised forms by interviewing all intercepted migrants to gather data on recruitment methods, travelling routes, means of transportation, services provided by smugglers and traffickers and prices paid, to be referred to a central database that will be useful for efficient *intelligence* activities;
- to fight corruption among officials.

## **B. Support and protection of trafficked persons**

The Italian legislative system provides for two special programmes for trafficked persons:

- a short-term programme (“Article 13 Programme”) is provided by Art. 13 of the anti-trafficking law (228/2003) “Launching of a special support programme for the victims of the offences envisaged by Articles 600 and 601 of the penal code
- a long-term programme (“Programme of social assistance and integration” or “Article 18 Programme”) is provided by Art. 18 of the Immigration law (Legislative Decree 286/98) “Residence permits for social protection grounds”.

### **1. The Article 13 short-term programme**

The Article 13 Programme offers a series of protection and initial support measures to Italian, communitarian and foreign victims of slavery, servitude and trafficking. The first call for proposals was launched in August 2006 and 26 projects are currently in place in Italy.

According to the law, trafficked persons can benefit from a three months programme that, when applicable, may be extended for a further three months. The victims are given accommodation, social assistance, and health care services. Once the programme is over, the victims can continue to be helped under the Article 18 programme.

The Article 13 programmes are co-financed by the State (80%) and local authorities (20%), coordinated by a special Inter-Ministerial Committee and provided by local authorities and/or accredited non profit organizations. The Programme is managed by the Interministerial Committee for the Implementation of Art. 13, the managing body of the Programme. The Committee is composed of representatives of the Department for Rights and Equal Opportunities, the Ministry of Justice, the Ministry of Welfare, the Ministry of Interior, and two representatives of local authorities. Its task is to propose policies, evaluate, fund and supervise the projects.

### **2. The Article 18 long-term programme: “The Programme of social assistance and integration”**

The system to protect and assist trafficked persons currently in place in Italy is based on the Article 18 of the Legislative Decree 286/98 and its Executory Regulation that grant victims a “stay permit for humanitarian reasons”, the so-called “Article 18 permit”.

#### **2.1 Stay permit for humanitarian reasons**

Article 18 of the Legislative Decree 286/1998 (Immigration Law) establishes that temporary residence permits for humanitarian reasons may be issued to foreigners needing protection and assistance. This permit applies to foreign citizens in situations of abuse or severe exploitation where their safety is considered to be endangered as a consequence of attempts to escape from the conditions of a criminal organisation or as a result of pursuing criminal action against the traffickers.

This special permit does not require the victim's mandatory co-operation with the competent authorities. In fact, two paths are provided:

- the "judicial path", which implies that the victim will co-operate with the police and prosecutor. She/he will be instrumental in bringing charges against the perpetrator;
- the "social path", by which the trafficked persons is not obliged to press charges against then trafficker, but is expected to give extensive information ("statement") to the law enforcement agencies through the public social services or the private sector accredited NGOs.

The permit is issued for 6 months and may be renewed for an additional year; it does not oblige the person to go back home once the programme is over.

The granting of short-residence permits to trafficked persons is thus based on the principle of the protection of the human rights of the individual.

## **2.2 Permit for work and study reasons**

The stay permit for humanitarian reasons can be converted into a residence permit for education or for work, allowing the foreigner to remain in Italy in accordance with the regulations governing the presence of non-European Community foreigners.

## **2.3 Reflection period**

In Italy, there is no reflection period. In practice, though, an informal reflection period has been created by the daily practice of NGOs/local authorities and law enforcement agencies to allow the assisted person to assess their personal situation and make their own decisions after having been duly informed about the available options.

## **2.4 Channels of identification and referral**

Victims of trafficking can directly access a Programme of social assistance and integration or they can be informed on the available possibilities and referred to an agency running an Article 18 project through several channels and/or the support of different players, such as:

- outreach units
- drop in centres
- toll free number 800.290.290
- law enforcement agencies
- judiciary
- clients
- partners
- friends
- acquaintances
- self-referral
- other.

## **2.5 How the Programme works**

Persons granted the Article 18 permit are obliged to participate in a social assistance and integration programme (also named "Article 18 Programme") offered by various local NGOs and local public authorities funded by the above-mentioned Interministerial Committee.

The Article 18 programmes are co-financed by the State (70%) and local authorities (30%), coordinated by a special Inter-Ministerial Committee and provided by local authorities and/or accredited non profit organizations. The Programme is managed by the Interministerial Committee for the Implementation of Art. 18, the managing body of the Programme, that is composed of representatives of the Department for Rights and Equal Opportunities, the Ministry of Justice, the Ministry of Welfare and the Ministry of the Interior. Its assignment is to propose policies, evaluate, fund and supervise the projects of social assistance and integration targeting victims of trafficking.

The call for the submission of project proposals is launched yearly by the Department for Rights and Equal Opportunities, which technically and financially runs the Programme. Accredited NGOs and associations and local authorities (Municipalities, Provinces, and Regions) yearly submit their project proposal to the Department for Rights and Equal Opportunities to get funded to run an Article 18 project. The NGOs applying for the funding must involve, as a project partner, a local authority and must be accredited in a special register.

Private and public agencies running an Article 18 project ought to:

1. Inform the mayor of the place and time of the programme;
2. Carry out all administrative procedures;
3. Send every six months a report on the progress of programme implementation and interim outcome;
4. Comply with norms concerning privacy and protection of personal data;
5. Duly inform the mayor and *questore* (Chief of Police) issuing the residence permit in case the foreigner has discontinued his/her participation in the programme.

Between 2000 and 2007, 447 projects have been funded within the Programme of Social Assistance and Integration, as the following table illustrates. It is important to underline that most projects have been funded in all seven calls so far launched.

Project calls	Art. 18 projects funded
1 <sup>th</sup> call (2000-2001)	48
2 <sup>nd</sup> call (2001-2002)	47
3 <sup>rd</sup> call (2002-2003)	58
4 <sup>th</sup> call (2003-2004)	69
5 <sup>th</sup> call (2004-2005)	67
6 <sup>th</sup> call (2005-2006)	82
7 <sup>th</sup> call (2006-2007)	76
<b>Total</b>	<b>447</b>

### 2.5.1 Activities

Each project provides a series of measures and activities aimed at fostering the empowerment and the autonomy of trafficked persons, who are afforded access to social services and educational institutions, enrolment with the State’s employment bureau and are provided access to employment. The projects function as reception centres and assistance providers that offer a so-called “individualised programme of social assistance and integration” tailored to the needs of the person participating in it and in compliance with the law. Not every project







necessarily provides all types of services directly. In several cases, in fact, the wide range of activities and services offered is assured by the projects' network.

The measures provided are:

- board and lodging
- social counselling
- psychological counselling
- social and health care services accompaniments
- free legal consultancy and assistance
- social activities
- educational and training activities
- Italian language classes
- education
- vocational guidance
- training activities
- job placement.

### 2.5.2 Shelters

The assisted person can be hosted in different types of shelters depending on how the receiving organisation is structured. The main typologies of shelters offered in Italy within the Art. 18 projects are:

-  *Flight and emergency shelters* (for a short first stay period in which the motivations are verified and a first draft of the personal programme is worked out);
-  *First care shelters* (for stays of 2 or 3 months in which the programme is carried out and all steps for the regularisation are undertaken);
-  *Second care shelters* (for stays from 2 to 6 months in which the programme is developed in an advanced phase);
-  *Autonomy houses* (houses where the women are hosted while starting a job and waiting to find their own house);
-  *Family placement* (especially for minors);
-  *Non residential programme* (in which the person is supported at different levels – legally, psychologically etc. – but enjoys an autonomous accommodation usually shared with “significant others”, such as partners, family members or friends)<sup>32</sup>.

In some cases a person can be hosted in all these types of shelters following the order listed (from the flight house to the autonomy house) or only in one or two shelter typologies; furthermore, due to special protection provisions or to practical reasons (i.e.: job insertion, family reunion), a person can be hosted in different phases of her/his individual programme by distinct projects throughout Italy.

### 2.5.3 Social and labour inclusion

---

<sup>32</sup> This is an alternative solution offered to those people who have “significant relationships” and autonomous accommodation. This form of “shelter” is permitted within the Programme of Social Assistance and Integration on the basis that it is fundamental to value a woman’s or a man’s personal network in order to support her/his social inclusion in Italy.

In order to support the social and professional inclusion of the victims entered in the programme of social assistance and integration, vocational guidance and training courses can be provided either directly by the organisations providing support or by local agencies. Several models of job insertion of this specific target have been tried out in the last few years. One of the most effective has proven to be the “*Formazione Pratica in Impresa - FPI*” (Practical Training within Enterprises, that is an on-the-job training scheme) conceived by Associazione On the Road and adopted by most NGOs and local authorities that provide support to trafficked persons.

Table 8 – Social and labour inclusion: A good practice

### **Formazione Pratica in Impresa (FPI) (On-the-job-training)**

#### **Rationale**

The labour insertion of trafficked person is a crucial element of their process of social inclusion in Italy. In order to favour such process and provide qualified medium and long term job opportunities, the following on-the-job training scheme has been developed, tested and regularly provided the supported persons.

#### **Target group/s**

(Trafficked) women mainly exploited in the sex sector.

#### **Objectives**

- to support the labour inclusion of the assisted persons into the local job market;
- to favour the accomplishment or improvement of (new) job skills and professional know how
- to support the empowerment and the self-reliance of the assisted persons.

#### **Activities**

*For final beneficiaries:*

- co-development of a personalised project
- psychological counselling
- vocational counselling
- vocational guidance
- job accompaniment
- on-the-job training
- tutoring
- mediation
- self-evaluation

*For intermediate beneficiaries (employers):*

- assistance
- co-tutoring
- evaluation

*For the NGO:*

- co-development of a personalised project
- delivery of the activities foreseen for the assisted persons
- creation of a network of companies
- networking with local entrepreneurial associations, trade unions, labour agencies
- monitoring and evaluation

#### **Methods & tools**

The integrated network strategy aims at creating a strong connection between policies in the field of labour, vocational training and social inclusion through:

- local development and planning approach as areas where implicit or unmet needs and occupational basins may be better identified, in order to better efficiently organise the labour market in relation to the needs of the target group;
- adoption of methods of “work through objectives” and “workflow management”;
- development of partnership, that is the effective participation of all partners in the decision making process, the management of each activity and public resources, the joint accountability of the project management.

The *Formazione Pratica in Impresa* (FPI) is a job insertion model composed of different phases:

- Identification, contact and involvement of different companies: for the creation of a database of companies open to vocational training and direct job insertion through:
  - Meetings with the local entrepreneurial networks;
  - Contacts with companies;
  - Setting up of a companies database.
- Individual and group guidance activities: assessment of the beneficiaries’ skills, goals and potentials to match them with labour market opportunities. The aim is to have a match that fulfils the beneficiary’s skills and meets the company’s needs. Furthermore, the match, besides facilitating the acquisition of new skills, should lead to the attainment of a job contract.

- Individualised schemes of on-the-job training: to acquire, through practical internships (1-5 months), the basic vocational and behavioural tools that facilitate the job insertion. The participant must thus confront an ordinary working environment, routine and time management. The agency running the FPI scheme covers the beneficiary's insurance and salary costs.
- Support for direct and autonomous job insertion: search for direct labour inclusion for women with adequate professional skills, without the need for vocational training or FPI.

#### **Results**

##### For the final beneficiaries:

- real possibility to be inserted into the ordinary labour market;
- improvement of professional skills;
- increase the beneficiary's self-esteem and economic self-sufficiency;
- social inclusion in the local community.

##### For context and local networks:

- promotion of a stable, strategic, operational, and integrated network of various actors to develop services and tools for professional qualification and social-occupational inclusion of the target group through tailor-made schemes;
- testing of forms of mix management of the different activities and activation of the available resources (economic, human, etc.);

##### For policies:

- promotion of a stable integrated network of various participants on a political-strategic and a technical-operational level;
- implementation of new procedures for the management of the services;
- experimentation of an innovative system of training, social and labour inclusion.

#### **Human resources involved**

- 1 project coordinator;
- 1 vocational counsellor;
- 1 tutors for job intermediation;
- 2 legal consultants;
- professionals and tutors appointed by the involved companies.

#### **Funding**

Funding provided by the Programme of Social Assistance and Integration foreseen by the Immigration law (D.Lgs. 286/98): 70%: Government – Italian Department for Rights and Equal Opportunities, 30%: Local authorities.

### **3. Legal compensation**

No special economic compensation programme for victims of trafficking is in place in Italy. However, victims can join a civil action for damages as a civil party to the case against the trafficker in the criminal court. It must be highlighted though that the compensation is difficult to obtain because the offenders wittingly hide their profits. Furthermore, the process of compensation is slowed down by the long bureaucratic procedures in place. Victims can also have access to the “*Fondo di rotazione per le vittime della mafia*” (Revolving fund for victims of mafia), which foresees a compensation for the damages suffered for victims recognized as receivers of compensation in a trial.

### **4. Assisted voluntary return**

Since 2001, the *Progetto nazionale per assicurare il ritorno volontario assistito e la reintegrazione nel Paese di origine delle vittime della tratta* (National project to ensure the assisted voluntary return and reintegration in the country of origin of victims of trafficking) is provided to trafficked persons who wish to go back home. Developed within the “system actions” foreseen by the Programme of social assistance and integration, the voluntary assisted return programme is funded by the Ministry of the Interior and managed by IOM Italy.

Such programme offers the following activities to 80 beneficiaries per year:

- information and counselling
- case assessment
- medical assistance (in both countries)



- referral
- arrangement of travel and papers
- reception in countries of origin through IOM focal points
- accommodation (family, residential or non residential measures)
- support towards social and labour reinsertion (for 6 months).

The Italian legal framework provides a risk assessment procedure that takes place before the assisted return. There also is economic compensation provided of 516.00 euros as “*indennità di prima sistemazione*”.

## **5. Strengths of the Italian assistance and protection scheme for trafficked persons**

After seven years of implementation it is possible to state that the Programme of social assistance and integration has proved to be efficient and effective for several reasons:

- the adoption of a human rights centred approach;
- the adoption of a multi-agency and holistic approach, which implies the involvement of different players, such as: law enforcement agencies, judicial system, public authorities (Ministries, Regions, Provinces, Municipalities) and NGOs at the local, regional and national level; memoranda of understanding;
- a real chance for victims to escape trafficking, violence and exploitation and to access social and occupational insertion through specific programmes;
- the issuance of a renewable special stay permit, that can be converted into a permanent permit for study or work reasons and, thus, allowing victims to become regular migrants and fully-fledged citizens;
- the fact that the above-mentioned opportunities are not necessarily connected with the direct victim’s co-operation with the law enforcement. This is an important starting point, not only because it places the main emphasis on the protection of the victims and on provides a means of escape from exploitation, whether sexual or labour, but also because, from the point of view of fighting crime obtaining the trust of an exploited individual and providing him/her the opportunity to start a new life in Italy is the first step in overcoming fear, threats of vengeance by traffickers, distrust towards institutions and fear of deportation, which often prevent the victim from reporting her/his exploiters.
- no instrumental use of Article 18 by migrants to legalize their irregular stay on Italian soil has been detected due to the specific structure of the system in force;
- the considerable rise of arrests and sentences of traffickers and exploiters as a result of the collaboration of people (mainly women) inserted in the Programme;
- the diversified set of actions implemented by the Interministerial Committee;
- more widespread awareness concerning the phenomena of trafficking and sexual exploitation.

## **6. Main problems faced by the institutions regarding assistance and protection of victims of THBSE**

In order to ameliorate the system of social assistance and protection and fill in some gaps between the law on paper and its application, it would be necessary to take into consideration the following issues:

### ⇒ **From projects to services**

After the experimental period of implementation of the “Article 18 Programme”, the Government should acknowledge the crucial function taken on by the Art. 18 agencies as social services providers on behalf of the State.

### ⇒ **Funding**

Allocating adequate and regular funding to support the projects is therefore a priority that should be very high in the political agenda. Currently, the funding allocated is not sufficient to provide proper assistance to trafficked persons. It must be noted that while the number of funded projects has constantly increased since the first call of proposal (from 47 to 80), the amount of economic resources allocated has remained the same. Furthermore, after 7 years of implementation, the programme is still based on annual call for proposals, even if – as stated above – the projects function as services and should be treated as such, also from the funding point of view.

### ⇒ **Standards setting: monitoring and evaluation**

It is fundamental to introduce an annual public monitoring and evaluation of the Art. 18 projects in order to assess the projects’ outcomes and the functioning of the implemented procedures; identify the best practices; set a minimum standard to make sure they provide quality services based on the respect of the assisted persons’ human rights and the legislation in place; and issue an annual report. The collected data could also serve as valuable resources to evaluate the state of play of the phenomena of trafficking and exploitation in Italy.

### ⇒ **National Referral System**

It would be necessary to implement a formal National Referral System in order to ameliorate and co-ordinate at national level the anti-trafficking policies, strategies and schemes in place. This mechanism would allow for fruitful co-operation among the different agencies engaged in the field and the institutional players, based on a clear division of roles, competencies, and responsibilities. An institutional anti-trafficking structure of multidisciplinary and cross sector participation would ameliorate the current positive but improvable response to the multifaceted forms of human trafficking and it would also facilitate the monitoring and the evaluation of the scheme and measures in place

### ⇒ **Repressive strategy**

The implementation of a repressive strategy through continuous police raids and forced repatriation do not favour the accomplishment of the aims set by the law. On the contrary, they do not contribute to the fight against trafficking, impede contact with the trafficked person on the part of the outreach units, push trafficked persons into indoor premises and thus weaken their position and possibilities to be reached by social workers and law enforcers, favour the distrust towards the law enforcement agencies and the Italian institutions.

⇒ **Law is not the same everywhere**

The application of the law is not fully and homogeneously implemented throughout the territory. Some Police Headquarters in fact apply only the “judicial path” and, in some cases, they do so only if it is “judicially useful”, thus, on one hand, not entirely respecting the law and, on the other, significantly diminishing the effectiveness of the system but, most of all, not respecting the victims’ rights and needs. Furthermore, in some cities, it would be necessary to ensure the prompt and efficient issuance of stay permit to victims.

⇒ **Training & identification**

There is a need to implement regular training activities and refresher courses directed at all professionals (government officials, law enforcement agencies, the judiciary, NGOs, local social welfare organisations, labour unions, labour inspections and other labour related agencies) employed in the field to properly identify and assist victims of trafficking. The identification procedures should be constantly monitored and revised in order to respond to the ever-changing trafficking strategies implemented by traffickers and exploiters.

⇒ **Trafficking for purposes other than sexual exploitation**

Up to this year, the Art. 18 Programme has been applied to victims of trafficking for sexual exploitation in prostitution. In order to meet the needs of persons trafficked for other purposes, both male and female, it is necessary to ensure the set up of proper services which take into account their diverse backgrounds, profiles, and specificities.

⇒ **Research**

New studies are currently underway on trafficking for sexual exploitation that takes place within indoor premises but some venues are still very difficult to reach and/or investigate. Little is known about trafficking for purposes other than sexual exploitation, even if also in this case some research is being carried out regardless of the obstacles faced. It is thus essential that the institutions and universities finance and support diversified, multidisciplinary and multi-approach investigations, with special regard to the new forms of exploitation, based on updated systems of data collection and collation, disaggregated in terms of gender, nationality, age and type of exploitation. This would contribute not only to better knowledge of the state-of-play of the phenomenon but also help to adjust the services provided according to the identified features.

## Part III

### Co-operation between police, NGOs and judiciary to improve prevention and support for victims of THBSE: the Italian focus group

#### 1. The focus group

On February 28<sup>th</sup>, 2007, the *Associazione On the Road* organised the focus group “*Azioni e procedure di raccordo multi-attoriale per l’identificazione e la tutela delle vittime di tratta*” (Multi-agency actions and procedures for the identification and protection of victims of trafficking in human beings)”, which took place at the University of Teramo. The focus group was developed and managed in co-operation with the Prosecutor’s Office of Teramo, with which the *Associazione On the Road* drafted and issued the so-called *Protocollo di Teramo* (June 2005) to provide the law enforcement agencies and the judiciary with common guidelines to approach and identify (potential) trafficked persons.

Both as a key anti-trafficking public institution and as a co-organiser of the focus group, the Prosecutor’s Office of Teramo invited representatives of the law enforcement agencies (Police, *Carabinieri*, *Guardia di Finanza*, *Corpo Forestale dello Stato*) and the judiciary, with a special regard to those officers and prosecutors who may come across (potential) trafficked persons in their daily work.

#### 2. Rationale and goals

The focus group was organised taking into consideration two main critical issues that hinder the accomplishment of an effective comprehensive national anti-trafficking response in Italy:

- Victims of trafficking are often not recognised as such, treated as illegal migrants and immediately repatriated, even though Italian legislation specifically grants assistance and protection to trafficked persons;
- To a great extent the access to support and social inclusion programmes still depends on the “discretionary power” of the law enforcement agencies and the organisations and local authorities that offer the social assistance and integration programme in compliance with the law (Immigration law).

Bearing this in mind, the focus group was designed to:

- ⇒ Identify effective practices to counter-act trafficking in persons and help victims;
- ⇒ Identify the operational procedures to establish effective and regular co-operation amongst public prosecutors, law enforcement officers, and NGO personnel;
- ⇒ Present the Teramo Protocol (*Protocollo di Teramo*) in order to favour its adoption and application as a common tool to identify presumed trafficked persons. The Protocol calls for a formalised procedure of co-operation among different agencies and it includes a model to interview (potential) victims of trafficking and a list of indicators;
- ⇒ Stress the need to find appropriate measures to grant comprehensive assistance to victims, whose rights must be protected.

#### 3. Participants, trainers, organisers

The focus group involved about 60 participants of different local agencies and ranks, namely prosecutors, law enforcement officers (from the Immigration Office, flying squads,

intelligence units, border police, Economic and Financial Police), and professionals of the *Associazione On the Road*:

Table 8 – List of participants

<p><b>Polizia di Stato - Reparto investigativo</b>            Intelligence Unit of Teramo I Sez.            Intelligence Unit of Chieti II Sez.            Intelligence Unit of Pescara            Immigration Office of Ascoli Piceno            Immigration Office of Teramo            Immigration Office of Pescara</p> <p><b>Guardia di Finanza of Teramo</b></p> <p><b>Comando Provinciale dei Carabinieri di Teramo - Nucleo operativo</b>            Stazioni of Giulianova            Alba Adriatica            Colonnella</p> <p><b>Corpo Forestale dello Stato</b></p> <p><b>Prosecutor's Office of Teramo</b>            Public prosecutors</p>
---

The focus group involved as content developers, organisers, and trainers the following professionals specialised in anti-trafficking issues:

- Roberto Della Rocca, Vice-Questore Adjunct, *Squadra Mobile* of Venezia (Flying Squad and Intelligence Office of the Police Headquarter of Venice) – TRAINER;
- Olimpia Del Maffeo, Vice-Questore Adjunct, Director of the *Ufficio Studi e Documentazione* of the Police Academy of Alessandria – TRAINER;
- Giuseppe Battaglia, Maggiore, *Carabinieri* General Headquarter of Rome, International Co-operation Office – TRAINER;
- David Mancini, Public Prosecutor, Prosecutor's Office of Teramo – TRAINER;
- Marco Bufo, General co-ordinator of the *Associazione On the Road* and member of the Inter-ministerial Committee on Trafficking on behalf of the *Commissione Unificata* (Regions, Provinces and Municipalities) – TRAINER;
- Isabella Orfano, Transnational officer of the *Associazione On the Road* and member of the Experts Group on Trafficking in Human Beings of the European Commission;
- Giuseppina Valentina D'Angelo, lawyer, legal consultant of the *Associazione On the Road*;
- Michela Manente, lawyer, legal consultant of the *Associazione On the Road*.

#### 4. Content & tools

The focus group lasted one day and was structured as follows:

Table 9 – Schedule of the focus group

Modules	Trainers
---------	----------

<b>Module 1</b> Introduction: Goals and structure of the focus group	David Mancini Marco Bufo
<b>Module 2</b> Trafficking in human beings and the pertinent national, European, and international legislations to protect the victims and fight organised crime	Olimpia Del Maffeo
<b>Module 3</b> The trafficking process and new forms of exploitation. Analysis and strategies to approach and help (potential) victims of trafficking: Case studies	Roberto Della Rocca Giuseppe Battaglia
<b>Module 4</b> The multi-agency approach to trafficking	Marco Bufo
<b>Module 5</b> Identification processes. Indicators and procedures to identify (potential) cases of trafficking	Roberto Della Rocca Giuseppe Battaglia
<b>Module 6</b> The Teramo Protocol “Guidelines to approach potential victims of trafficking and exploitation and smuggled persons”. Prospects of a multi-agency co-ordination to protect (potential) victims and fight trafficking in human beings.	David Mancini

The trainers used different teaching techniques (presentation, group discussions) and tools (case studies, role playing, PowerPoint presentations, hand-outs).

Each participant received a kit containing the following documents:

- A copy of the Italian version of *Protocol for Identification and Assistance to Trafficked Persons and Training Kit* (2005), a publication developed by Anti-Slavery International in collaboration with *Associazione On the Road* (I), the Police Academy in the Netherlands, Eaves Housing for Women (UK), *De Stichting Tegen Vrouwenhandel – STV* (NL)
- The Teramo Protocol “Guidelines to approach potential victims of trafficking and exploitation and smuggled persons”;
- A list of indicators to identify (potential) trafficked persons.

After the first module on the international, European and national legislations on trafficking in human beings, the trainers analysed the necessary strategies to protect (potential) victims of trafficking and meet their individual needs, to fight the different forms of exploitation. It was stressed that it is necessary to develop strategies capable of reacting promptly to the ever-changing features of trafficking and the organised crimes involved; to employ gender sensitive measures to protect the rights of trafficked persons; and to regularly assess the anti-trafficking strategies to eventually ameliorate/update them through a regular mechanism of monitoring and evaluation.

Since trafficking is a complex and multi-faceted phenomenon, the participants underlined the need to establish and implement comprehensive and effective national and regional assistance and protection systems in the form of institutionalised co-operative frameworks, based on an interdisciplinary and cross-sectoral approach. During the focus group there was a discussion on the key role of a co-ordinated action between the law enforcers and the civil society representatives, that complement the support provided by State institutions. As a matter of fact, the civil society participation not only ensures adequate support for the victims, but also it renders prosecutions more effective through the willingness of the assisted persons to collaborate with the competent authority once they are reassured and fully assisted.

The different professional profiles and positions of the participants required the adoption of a practical approach to focus on common and efficient procedures to fight trafficking and protect trafficked persons. In particular, through the analysis of case studies based on true

stories, all participants were asked to identify the presumed trafficked persons specifying the possible indicators and the approaches to adopt with the (potential) victims. Not surprisingly, different types of approaches were identified according to the distinct professional tasks required.

Part of the focus group was dedicated to analysing and discussing the content of the Teramo Protocol as a main tool to be adopted at local level by all agencies involved in order to promptly and efficiently identify and attend to trafficked persons.

## 5. Conclusions

The main conclusions of the participants of the focus group on the strategies to be adopted to strengthen the co-operation between law enforcement agencies, the judiciary, and NGOs can be summarised as follows:

- it is necessary to implement and monitor the Teramo Protocol, complying with its instructions on how to identify and approach presumed victims of trafficking according to the established operational procedures based on strong co-ordination between all participants;
- the list of indicators to identify (potential) trafficked persons must be constantly monitored and updated in order to acknowledge the new trends of trafficking;
- it is crucial to develop and implement a standardised questionnaire to facilitate the identification of victims of trafficking to be used by distinct law enforcement agencies and the judiciary. The questionnaire should include specific sections that meet the needs of the actors accordingly to their assigned institutional role.

To improve the effectiveness of the national anti-trafficking response, the participants of the focus group underlined that it is necessary to also implement the following measures:

- to plan regular meetings of the Implementation and Monitoring Group of the Teramo Protocol in order to also guarantee its fully effective implementation;
- organise “information days” on specific aspects of the trafficking issues, in particular on the different forms of exploitation linked to trafficking and on the different ethnic groups involved);
- establish training modules on how to interview (potential) trafficked persons.

## **ANNEXE 1. INDICATORS**

### **Indicative to identify the victims of draws**

Suggestions to be discussed on the occasion of the Seminary-juridical one on draws

The proposal have been based eminently on the base of:

-Protocol and formative Kit for the identification and the first assistance to the possible victims of draws from the police- Anti-Slavery International 2005 School of police of the Low Countries, Association On the Road (I), Heaves housing for Women (UK) &STV (NL)

And besides on the base of the following sources:

- NATIONAL REFERRAL MECHANISM Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook OCSE-ODHR 2004
- Trainer Manual Modul 1 Victim Identification
- Agis-Pol- TRAINING- Guides- 2006
- AGIS POL- BACKGROUND-1
- Formation of sensitization on draws her/it of human beings revolt to the police , to the police of frontier and customs of States members and of State run (Project Agis, cod. GAI/2004/AGIS/203, ICMPD, Association On the Road, Czech and Austrian's Department of Interior, in collaboration with the Italian Department of Interior)
- From indicative of Draws formulated by the dott.ssa Giammarinaro)

Many have been the organisms that are hocked to individualize, in base to the experience matured in the same specific sector, useful elements to the identification of the potential victim of draws.

From the analysis of the material, picked in these years, it has been possible to individualize some generic indicators, shared by the different organizations, to consider as point of departure to integrate and to improve with the use of further and more specific detectors.

### **Introduction**

The crime of draws it necessarily passes through the identification of victims from the police; of the sanitary operators and of the social one and of the different agencies that operate in the sector and that they come to contact with trafficked people.

The identification of the trafficked people as victim of draws is constitutes an institutional order for all the agencies that operate in the sector and in by priority for the police in virtue of the institutional assignment to guarantee the person's rights offended by the crime and subsequently to pursue the guilty ones with the purpose to oppose the phenomenon of the draws one.

The most greater part of the investigations and the trails on draws of human beings it depends on the testimony of the victim, for this the incapability of the identification of the victim, take inevitably to the not punishment of the crime that keeps on not being recognized.

### **What it is necessary to keep in mind before beginning the identification**

Before effecting the interview, it is necessary to be aware of the possible barriers to the communication. Because has a positive result, it is necessary to know the role that can have the kind of the person, his condition of regularity or less, the fear of revenges, the cultural background, the circumstances and the individual reactions.

### **Kind**

The most grater part of the women withdrawn by the night-clubs by the police during a catch to effect some controls is found in a situation that makes her impotent and insecure. Impossibility to check a situation is a general characteristic of the condition in which a trafficked person is found independently by the sector in which is inserted. As it regards the women, this can be in partnership to the conditions of social weakness suffered in her own country, from the fact that the crime from them salesclerk in their comparisons can be attributed them as a guilt a crime against the honor of the family in the culture of origin. Besides, because of the cultural background and of the past experiences, some of them don't trust the police. It is for this reason that is so important that, during the interview, attention is paid to the specificity of the needs of the female kind and we allows the women to keep back the control of her own situation. In general, the specific problems related to the kind ask for answers of specifications kind.



### **Status of the immigrated people**

One of the most greater barriers that the immigrants victims of a crime are found to have to face when they try to access the arrangement judicial penalty, it is the fear to be arrested and expelled. The expulsion cannot only expose them to the risk of retaliation when they will return in their country, but it can also behave the permanent separation from the family ones, inclusive children. In different countries in which the prostitution is illegal, the women victim of draws in the industry of sex, they are all the rights to fear the forced medical controls, the forced social reinstatement and/or the incarceration to the repatriation. Besides it frequently happens that the traffickers, the “masters”, the capibandas and the protectors dissuade the emigrants to contact the police, saying them that the authorities are conniving, that they will hurt them. Fears of the kind make him that many immigrants victims of a crime doesn't ask the protection of the police, lodging near a structure of reception, assistance medical and other social services. To recognized that the immigrated population is extremely vulnerability to the possibility to be victimized for fear of expulsion is a necessary requisite for a positive result of an interview with a possible victim of draws.

### **Fear of the retaliations**

To discourage the contact with the authorities or with other people that can furnish helps, the middlemen or the employers can intimidate the subject victim of draws. The most frequent punishment to have infringed to their rules, is a physical or monetary punishment, Adding times of job or removing “privileges”, as leisure time, times of sleep, food and service. Abuses and punishments don't strike only the presumed transgressor, but they also make useful from warning for the others. It is not had to believe that, when it is not in a situation of exploitation or in the country of destination anymore, the subject is to the sure one from retaliations. In the most greater part of the cases of draws, the middlemen are already to the current one or they can easily find information that personally concern the victim on his/her house, his/her family and the friends. It is a common eventuality, for the middlemen and the employers, to resort to the threats towards the family of the victim, in particular his/her children's way, to manipulate and o check the victim.

### **You compare with the trafficker**

The relationship between the trafficked people and the trafficker can be very complex:

The victim of draws can believe that, after a period of abuses, they will extinguish their debt and they will be able to earn some money for him self. It is possible that they believe that any other, if not the trafficker, will be able to help her. They can consider themselves too much fools and ingénues to decide alone and that their situation could worsen. Besides, the victims can fear to be stigmatized or stamped as “a failure” if they returned home to empty hands or to have refused from his/her own relatives if they are prostituted. The traffickers are very skilled besides in to change their own behaviour as the States modify their own law against the draws.

To revolve the new laws, the traffickers can physically become less weapons and, for instance, if the victim of draws is a woman, they will assume a romantic attitude in her comparisons, marrying to regularize her status, or lavishing her small sums of money.

### **Cultural background**

Many migrant don't trust the police. They can consider the police as a further threat rather than a possible help. As already remembered, this worry is enough founded because of the possible corruption and of the disdainful attitudes of the police of their country of origin, of the fear to be rejected or punished by her own community as carriers of “troubles” and of shame. A lot of victims fear besides that the police won't understand and they will respect their religion, their culture and theirs believe.

For instance, the faith in the local values and in the powers of the voodoo, juju, marabou and in the wizard it is deeply rooted in the culture of the western Africa.

Thousand of women and girls that try to enter in Europe, sometimes with the false promise of a legitimate job, they undergo to the powerful rites voodoo that they force her to obey to the rules established by the traffickers and to earn enough money to pay theirs “debts”; these rites can involve that they had to drink blood from wounds and to take fingernails and locks to use as a “totem”. Nevertheless, the power that the cultural practices practice on the individual has often underestimated or neglected entirely from the agents of the police when they question the victim.

### **Circumstances and individual reactions**

The most important aspect that is not known before beginning the interview is what the circumstances and the individual experiences of the possible victim are. These will have nevertheless a key role in his/her decision to

speak or less with whom questions her/him. Doesn't exist certain data on the way according which the trafficked people act and they react. They vary in fact the circumstances in which they come to be themselves, and they varies them reactions. We can have of forehead people with due psychic troubles to a trauma, to addicts, people a lot of collaborative, others few shiny and that they don't want at all communicate, aggressive or completely passive. You remembers that an only system doesn't exist, correct or wrong that is, to react to draws her/it. We need a model of interview, based on lines it drives simple, to be able to use for questioning the victims in a variety of individual circumstances and without distinction of sex, nationality, language, religion, political opinions or of other kind, beliefs or cultural practices, ethnic and social origin and physical disability.

Indicative

Check list

**a) Recruitment**

A third person has predisposed the necessary one for the trip and the documents of job.

The costs and/or the affair applied from the recruiter or from the recruiters are excessive.

The subject is indebted and the family and/or his/her darlings have guaranteed the reimbursement of the debts in the country of origin.

False, inaccurate or misleading information are been furnished to the worker from the recruiter or from the employer.

**b) Documents and personal effects**

The passport and/or the documents of trip or identity of the subject have been held back.

The personal effects of the subject have been held back. The subject has a false identity, documents of job and/or of trip imitated.

To the subject is made prohibition to possess and/or to transfer earningses and savings.

**c) Liberty of movement**

To the subject is not allowed to freely stir without permitted and /or control.

The subject is physically confined in the place of job or where he/she live.

The subject has not been able to chose the place of residence.

The subject has to suffer arbitrary interferences or illegal in comparison to its right to the privacy, to its family, to its house, etc.

**d) Finished violence or threatened**

The subject has suffered psychological violences inclusive insults.

The subject is intimidated or it shows signs of depression.

The subject has suffered physical violences, as hits and consumption forced drugs.

The subject has suffered abuses and / or sexual harassment, understood the rape.

The subject has suffered threats of violences or abuses understood the direct threats to other people, as, for instance, the family ones in the country of origin.

**e) Condition of job**

The conditions of the contract of job and/or of oral accord is not respected by the employer or the subject has been forced to sign a new contract to the arrival in the country of destination.

The subject is forced to develop duties for which he/she had not been recruited and/or that is not anticipated from the contract of job.

The subject works for too times or with an irregular schedule and little leisure time is granted him, or it is not granted at all him. The subject is exposed to professional risks that put it in danger its health and its safety; garments and equipments of protection are not furnished to the worker.

To the subject information are not furnished on the health and the safety on the place of employment or a training in his/her language; the information and the formation furnished are inadequate.

The subject is not paid for the developed job or the payment is postponed in the time.

The subject earn less money in comparison to the promised salary or to the national, if applicable, wage minimum.

They effects meaningful deductions from the salary (to pay the expenses for the setup of house, or in the form of forced saving).

To the subject the benefits are denied to which has right ( or paid vacations, permissions for illness, dismissal for maternity).

The medical assistance is not anticipated or it is inadequate: the information of sanitary character and the sanitary service are inaccessible or not in conformity with to the necessities of subject.

They have been imposed to the subject medical examinations, test of pregnancy, the forced abortion or they have been administrated contraceptive with the strength.

The subject has been dismissed without correct cause, without warning and/or indemnity.

The subject lodges in the place where he/she works against its wish.

#### **f) Condition of life**

To the subject the right is denied to choose or to change the place of residence.

The subject pay an exorbitant figure for a cheap lodging. To the subject the right is denied to the liberty of thought, of conscience and of religion or of expression.

To the subject the right is denied to ask and to receive impartial information of every kind.

Following it tries to list the check generic list of indicators in base to the type of exploitation.

#### **Indicative in base to the Type of exploitation**

Among the indicators that can be of help in to verify if the person is victim of draws in order to sexual exploitation there are the following:

- The person (generally woman or smaller) it doesn't have the liberty to decide when, as and as time to work; the hours and the condition of job are imposed from the subject or from the group that check her.
- Earned money is partially or totally escaped; the person has a limited control of that she earns;
- The person has been raped or struck for being forced and subdued from the subject or from the group that checks her;
- The person is checked; the possible possession of a cellular telephone is functional to its control from who exploits her;
- The possibility to return home (to the foreign countries ort in the same country) it is limited, prevented or checked by others;
- Threats of retaliation against the victim or of her relatives or children in case of attempt of escape;
- Use of intimidation in alternative or additionally to the violence to the purpose to hold her under control;
- The person, initially recruited for another job, has been forced to prostitute herself;
- The person has initially been recruited as a prostitute, but it is been given her false information on the earningses and on the condition of job; it is seriously currently exploited and it is not free to abandon the exercise of the prostitution.

Among the indicators that can be of help in to define if the person is victimof draws in order to working exploitation there are the followings:

- To the worker is prevented from freely leaving his/her place of employment;
- The worker doesn't have the possibility to hold back his/her profit since he/she has to repay the contracted debt for the obtainment of the job;
- The granted salary is disproportionate (inferior to a bystander) in comparison to the anticipated minimum wage as the applied working standards are insufficient;
- The schedule of job is excessive or disproportionate in comparison to the salary;
- The condition of job are not those agreed upon;
- There is no possibility to negotiate the conditions of job;
- The worker lives in the same place in which he works;
- The worker is or has been exposed to physical or sexual violences;
- The worker is checked through the use of the threat of report to the authority (practice frequently used with immigrants or irregular workers).

The indicators that can be of help in to define if the person has been victim of draws in order to exploitation in the sector ho domestic job they are often similar or identical to those in relief for the identification of cases of draws in order to working exploitation with the addition of the following specific elements;

- Cohabitation (they often live in the same apartment or in the same house of the employer);
- Disrespect of the hours of job and the days of weekly rest;
- Main offensive actions or violence are made against the domestic worker;
- Violence physical or sexual exposure;
- To the worker it is forbidden to freely leave the place of employment;
- The salary is not corresponded or it is insufficient to allow the worker to conduct an autonomous life.



## ***POLISH REPORT***

*Beata Gruszczynska – Coordinator*

*Stana Buchowska*

*Maryla Koss - Assistant Coordinator*

*Zbigniew Lasocik*

Karolina Więckiewicz

## ***TABLE OF CONTENTS***

### Part I. General information about THBSE in each country

- 1 Introduction
- 2 The situation of THBSE in Poland
- 3 The current situation of Prostitution in Poland and its legal framework
- 4 THBSE legal framework
- 5 Action plan against THBSE
- 6 Databases about THBSE
  - 6.1 Data about victims
  - 6.2 Data about offenders
- 7 Policies undertaken between countries of origin and destination
  - 7.1 Return programs
  - 7.2 Evaluation of return risk
  - 7.3 Judicial cooperation between countries of origin and destination
  - 7.4 Police cooperation between countries of origin and destination

### Part II. Strengthening cooperation between police, NGOs and Judiciary to improve prevention and assistance of THBSE victims.

#### A. THBSE PREVENTION

1. Prevention strategies to improve the fight against THBSE in Poland
  - 1.1. Social prevention
  - 1.2. Prevention conducted by police agencies
  - 1.3. Prevention by the judiciary
2. New prevention strategies strengthening cooperation between police, NGOs and Judiciary to improve prevention of THBSE (Focus group on prevention of THB)
  - 2.1. Measures improving prevention of THBSE strengthening cooperation between NGOs, police and judiciary at the trafficking phase
    - 2.1.1 Recruitment in countries of origin and focused on victims at risk
    - 2.1.2. Prevention measures focused on criminal organizations and individuals collaborating with organized crime
  - 2.2. Measures improving prevention of THBSE strengthening cooperation between NGOs, police and judiciary at the exploitation phase
    - 2.2.1. Control measures
    - 2.2.2. Measures improving report and victim identification
    - 2.2.3. Promotion of client responsibility and awareness

#### B. ASSISTANCE AND PROTECTION

1. Assistance and protection for THBSE victims in Poland: problems encountered
  - 1.1. Legal framework
  - 1.2. Information given to the victims
  - 1.3. Reflection period
  - 1.4. Short time programs
  - 1.5. Data on victims assisted and protected
  - 1.6. Main obstacles encountered by institutions providing protection and assistance
2. New protection and assistance strategies strengthening cooperation between police, NGOs and Judiciary to improve assistance and protection (focus group on assistance and protection)
  - 2.1. Detection and identification of victims

- 2.2. Information provided to THBSE victims
- 2.3. Emergency fostering and accommodation
- 2.4 Provision of legal documents
- 2.5. Provision of short time assistance
- 2.6. Provision of residence and work permit
- 2.7. Victim/Witness protection
- 2.8. Trial assistance
- 2.9. Voluntary assisted return and economic compensation
- 2.10. Victims work and social integration
- 2.11. Data collection about victims

Part III- Cooperation between police, NGOs and Judiciary to improve prevention and assistance of victims of THBSE: Best practices.

ANNEXE A- Methodology of focus groups

## **Part I.**

### **General information about THBSE in Poland**

#### **1. Introduction**

The EU COOP-TRAF Project, the conception of which was elaborated under administration of the Universidad de Castilla – La Mancha, is being realized in Spain with cooperation with the partners from Poland, Portugal and Italy.

The main Polish partner in the EU COOP-TRAF Project is the Chair of Criminology and Criminal Policy at the Institute for Crime Prevention and Rehabilitation at the Warsaw University [1] in cooperation with an NGO – the La Strada Foundation [2]. Additionally – a newly established research-didactical unit – Human Trafficking Studies Center [3] plays a meaningful role in the realization of the Project.

Practical and academic experience of the above mentioned institutions had a very important meaning in the realization of the COOP-TRAF Project in Poland. The La Strada Foundation is the most important and currently the only NGO that provides protection and assistance for victims of trafficking in human beings. The University Chair and the Centre were the first academic units that realized an important educational and research project financed by the U.S. Department of State. One of its results is publication of the book “Trafficking in human beings – preventing and combating” – a compendium of practical knowledge as well as Polish and international regulations referring to counteracting the phenomenon. There was also a group of experts created and trained during the realization of that Project. Members of the groups deal with the problem of trafficking in human beings in different institutions and cooperate with one another.

In Poland the realization of the COOP-TRAF Project began in May 2006. It started with a series of workshop meetings and discussions between persons working at the Chair, at the Centre as well as at the La Strada. The timetable of the activities to be undertaken in Poland was set up, the tasks distributed and the realization of the Project began. It should be underlined that the Polish research team cooperated very effectively and all activities - headed by an individual author - were done jointly.

The first important stage was filling in the questionnaire that consisted of a large number of issues – among others: data on legal regulations, situation of victims of trafficking in human beings and strategies to prevent the problem. The answers were elaborated under Stana Buchowska’s supervision. She also took part in the meeting in Albacete, as well as in other activities of the project.

These activities were followed by the preparation of two focus groups on the Prevention of trafficking in human beings for the purpose of sexual exploitation and on Protection and Assistance of victims of THBSE. The choice of the method of study – focus groups – was made by the main coordinator. At the beginning the team had a little doubt about this method being a good way to share experience and opinions. But we decided to respect the decision made by the Spanish Coordinator and we began to make necessary arrangements to realize the focus groups. The detailed information on the focus groups is presented in the Methodological Report prepared by Maryla Koss – Assistant Coordinator. It is important to emphasize that the most difficult element of this stage was finding good experts who would agree to take part in a panel meeting. It was possible only because of the fact that both the La Strada foundation and the Human

Trafficking Studies Centre had previously made contacts with the specialists representing different state institutions and non-governmental institutions. To secure suitable conditions and service of a study we decided to conduct the focus groups at the professional institute that had a special focus.

According to the Polish timetable – organizing two focus groups was a result of the academic work on the issue of cooperation between state institutions and non-governmental organizations in the field of counteracting trafficking in human beings and assistance of victims. In the Technical report we present all the important issues connected with the process of organizing the focus groups (among others: the attitude and willingness of the representatives of particular institutions to participate in an international project on THBSE, materials, documents, etc.). The focus groups were organized in a professional way, in a specially prepared room and were lead by a qualified moderator – Mrs. Mariola Lacka. All of the persons involved in the organization had a chance to observe the discussions from a special room, being invisible to the participants (photo 2). After the focus groups were completed a joint meeting of both the participants and the ‘observers’ took place. It gave all the persons involved an opportunity to share opinions and to complete information referring to the topic.

The focus groups were essentially summarized by prof. Zbigniew Lasocik, a lawyer, the head of the Human Trafficking Studies Center at the Warsaw University, a specialist in the field of trafficking in human beings in Poland. The descriptions are very synthetic and concentrated on the most important, crucial issues by emphasizing strong and weak aspects of cooperation. They provide very good material to make compared conclusions.

The Realization of the COOP-TRAF Project in Poland was very effective and made a good ‘pretext’ for the experts in the field of trafficking in human beings in Poland to meet and empower their cooperation. The focus groups were an occasion to share opinions and experience about cooperation and also about the most important issues related to the problem of identification of the sources of information about victims of trafficking in human beings. They also gave an opportunity to discuss the problem of raising the social awareness about the problem, a need to educate youths as well as teachers and other staff working in the field of education to make them aware of what kind of danger different risky situations and behavior may cause. An important conclusion is that in Poland the effectiveness of cooperation between Police, state institutions and NGOs is based on well developed personal contacts between people working at any of these institutions.

I would like to emphasize that the success of the project is due to the great team I had the pleasure to work with. This especially refers to Ms. Maryla Koss who worked very hard in order to put all the elements together.

We would also like to thank the main Coordinators of the Project – persons working at the Universidad de Castilla – La Mancha: prof. Cristina Rechea Alberola, and dr Andrea Gimenez for the assistance in the realization of the project.

Formal issues. The necessary element of the Warsaw University’s participation in the Project was elaborating and signing the Partnership Agreement between the Universidad de Castilla – La Mancha and the Warsaw University that consisted of basic assignments in terms of tasks and forms of payment for fulfilling them. It was also needed to transfer at least a part of the money for the realization of the tasks. We would like to thank to Mr. Gerardo Marquet García, Oficina de Transferencia - OTRI Vicerrectorado de Investigación, Universidad Castilla-La Mancha for the



assistance in formal matters.

We are sure that the comparison of the results elaborated in Spain, Portugal, Italy and Poland will be good material for discussion and will make it easier to create good practice in cooperation between Law Enforcement Agencies and NGOs within the countries, as well as between the European countries.

## **2. The situation of THBS in Poland**

### **1. Poland as a country of destination (place for trafficking in foreign women)**

Since 1995, Poland has been a country of destination for victims of Trafficking in People. The principal countries of origin are Ukraine, Belarus, Bulgaria, Moldavia, Romania and Russia.

The majority of the victims ignore what kind of job they are going to perform in Poland. In most cases, victims are deceived about it and told, for instance, that they are going to become salespersons at bazaars or get seasonal jobs at farms or strawberry plantations.

Once in Poland, the deceived women are often sold to other traffickers that exploit them and in many cases resell them again at higher prices. This way traffickers also get to frequently change women's location, a practice that highly obstructs police investigations, specially in those cases where it is the victims who report the crime.

Victims can be exploited in different scenarios. For instance, the victims originated from Bulgaria are usually forced to exert the so called off-road prostitution, while those from Ukraine are most often sold to society clubs which then compel them to prostitute themselves.

As for localization, the central part of Poland, specially the environs of Warsaw, Plock, Żyrardów, or Radom, concentrates most of the trafficking in women activity of the country.

### **2. Poland as a victim's country of origin**

The most serious cases in this category occurred in the period 1997-1998, and were conducted by the former Voivodship Prosecution Office in Szczecin (51 victims) and the former Voivodship Prosecution Office in Opole (89 victims). In both cases the recruited women were going to be taken to work in Germany.

The victims recruited from Poland are being sent principally to Western Europe (Germany, the Netherlands and Belgium). The criminal groups devoted to these activities use different passages along the German-Poland border, but specially the environs of Szczecin, Poznań, and Gorzów Wielkopolski.

There is no precise data available about Polish victims within the EU countries because when dealing with these crimes, victim's nationality is either not registered or is not reliable.

### **3. Poland as a transit country**

Women from Lithuania, Latvia and Moldavia trafficked to Germany, are smuggled across Poland, mainly passing through the environs of Szczecin and Świnoujście. The eastern border of Poland is crossed legally, whereas the German border is crossed thanks to falsified documents

such as Polish passports.

#### **4. Suspects engaged in trafficking**

The traffickers that are being or have been investigated are mainly from Poland, Russia, Bulgaria, Turkey and Germany.

In Germany, according to the police, the Turkish minority appears to be particularly engaged in trafficking in women, as are males coming from the area of the former Yugoslavia. In Poland, citizens of Bulgaria are the most active in this field.

A very relevant piece of information is that in some cases, women who had previously been victims, in the end, also became engaged in this criminal kind of trade, most of them becoming recruiters with the task of establishing contacts with future victims.

#### **5. *The victims.***

Most of the victims were not aware of the real purpose of their trip abroad or the type of job they were planned to do. In Poland, those suspects who recruit women that are willing to go abroad to prostitute take advantage of their hard economical status.

Commonly, recruited women are aged 16-20, and have a low economical status and only primary education. Suspects are generally paid 250-1000 USD by the orderer for the recruiting of 1 woman. The orderer is always a foreigner (most commonly a German citizen) living in Germany or the Netherlands.

The victims generally decide to report the perpetration of a crime after their return to Poland and only in situations in which they have been raped or suffered drastic sexual exploitation. There are reports of 12 cases of victims that altered their testimony in the middle of the proceedings, which hindered the course of the legal process at court.

### **3. The current situation of prostitution in Poland and its legal framework**

It is possible to classify Poland's policy on prostitution under the abolitionist model, because outdoor and indoor prostitution are neither prohibited nor regulated by the State. To be a prostitute it is not punished in Poland, but it is illegal to take profits from prostitution by a third party.

The Criminal Code prohibits causing another person to engage in prostitution by means of force or illegal threat or by taking advantage of the dependence of a person. The penalty for this offence is, according to Article 203, imprisonment from 1 to 10 years.

The code also prohibits encouraging prostitution for pecuniary gains. Punishment for this offence is imprisonment for 3 years (Article 204). The same penalty applies to cases involving entrapping or kidnapping another person to cause that person to engage in prostitution abroad. The code also prohibits causing a minor less than 15 years of age to engage in sexual intercourse or to submit to a sexual act. The offence is punishable by imprisonment from 1 to 10 years (Article 200). The same penalty applies to a perpetrator who encourages the prostitution of a minor under the age of 15 and gains pecuniary benefit from that prostitution.

In the next section the other penal code provisions related to behaviour associated with the prostitution phenomenon and Trafficking in People are shown.

#### **4. TBHSE legal framework**

Poland's legal framework can be divided in two types of legislation: European laws and national Penal Code.

At a European level, Poland implements article 3 of the United Nations Protocol (Palermo Protocol) to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, which was signed and ratified by Poland in February 2003.

This article states in section (a) that *“Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of abuse of power, or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at least, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”*.

According to section (b) the consent of the victims of trafficking in people to their exploitation, as provided for in section (a), is of no importance if any of the methods also provided for in section (a) has been used. Also, according to section (c), recruitment, transportation, transfer, hiding or holding children in order to abuse them is considered as “trafficking in people” even when it does not involve any of the methods provided for in section (a). Section (d) specifies that a “child” means a person who is not yet 18 years of age.

This definition of the Palermo Protocol of Trafficking in Persons is not properly reflected in Poland's Penal Code, but since Poland signed and ratified the Protocol, the definition is widely used. Therefore, the introduction of clearer instructions and procedures have been necessary, in order to elaborate the secondary legislation that will enable representatives of the law enforcement agencies to put the Protocol into practice, though, overall, the knowledge about the Palermo definition and its practical implementation is not considered satisfactory as far as the prosecution of trafficking crime is concerned.

At a national level, Poland's modern Penal Code (06.06.1997) introduced substantial alterations with respect to the Penal Code of 1969. The 1969 version described the Crime of Trafficking in People in articles 9.1 and 9.2 in the following way: in 9.1 the legislator described behaviour involving provision, enticement or abduction of another person in order

to induce them into prostitution, even with their consent, and 9.2 specified the behaviour involving trafficking in women, even with their consent, and trafficking in children. In the latter case, the reason for trafficking in children was not crucial to the existence of the crime.

In general terms, in Penal Code of 1969, trafficking in women or trafficking in children for any reason was already a crime itself, not requiring it to be for prostitution purposes to the occurrence thereof.

Furthermore, in articles 174.1 and 174.2, the Penal Code of 1969 stated that the criminal responsibility was also borne by anyone who induced another person to prostitute, as well as anyone who financially benefited from the prostitution of another person or, in order to obtain financial profits, eased the conditions for prostitution thereof.

Finally, at a European level, Poland has obligations as a result of its European Union membership, as the EU acts on fighting trafficking in people, namely the Outline Decision of the Council of Europe on fighting trafficking in people or the Outline Decision of the Council of Europe on fighting sexual abuse of children and child pornography, among others.

In the new Penal Code, the legislator introduced alterations to both instructions and sanctions from legal regulations concerning trafficking in people.

Article 204.4 of the new Code is a modification of article 9.1 from the 1969 code, and establishes that: *“Whoever lures or abducts other persons abroad for prostitution, is subject to imprisonment for up to 10 years”*. In this article the legislator left out the statement *“even with their consent”*, distancing from the wrong interpretation that suggests that abduction with the consent of the abducted person is possible. It foresees from 1 to 10 years of imprisonment as penalty.

Lastly, article 253 of the new Penal Code states that *“Whoever is trafficking in persons is subject to imprisonment for the period of not less than 3 years”*. In this case neither the purpose of trafficking in people nor the wrong person’s consent to do so matter. This article foresees as punishment from 3 years up to 15 years of imprisonment.

The indications of two regulations (articles 204.4 and 253 of the Penal Code), simultaneously aspire to be considered as the same criminal behaviour.

Furthermore, other provisions exist, connected with the deprivation of liberty (Article 189), coercion through violence or threat of force (Article 191), aggravated rape (Article 197), sexual harassment or rape in conditions of dependency in power relationships (Article 199), violence against family members or other persons closely related to the victim (Article 156), harming a person’s health (Article 157), beating or physically violating a person (Article 217), facilitation of illegal migration (Article 264) and involvement in organised crime activities (Article 258) are also used to prosecute traffickers and exploiters(72).

## **5. Action plan against THBSE**

Poland has a National Action Plan to Prevent and Combat Trafficking in People (see annex C) for the period 2005-2006. This Plan is a continuation of the activities undertaken within the framework of the National Program of Fighting and Prevention of Trafficking in People approved by the Council of Ministers on September 16, 2003. The program was implemented by the Team for Fighting and Prevention of Trafficking in People, established by Prime Minister's Order No.23, dated March 5, 2004.

This plan is implemented by a multidisciplinary working group which consists of representatives of different Ministries, the Headquarters of the Police, Headquarters of the Border Guards, National Prosecutor Office and NGOs.

Trafficking in persons being a dynamic process, the plan for year 2005-2006 has introduced some changes with respect to the 2003 initial program. The underlying goal is still to *“create the conditions necessary for efficient counteracting and fighting the trafficking in people”*, though further work has been necessary in order to adapt Poland's solutions to its international obligations, especially the signing and ratification of the Palermo Protocol.

The implementation of the program requires the participation and cooperation of numerous subjects both from governmental and non-governmental organizations. The end of 2006 was the deadline for implementing the tasks assigned in the Program. The Team prepared a report and the Council of Ministers gave order to evaluate it, in order to make a decision on how to organize activities aimed at fighting and preventing trafficking in people.

With respect to the financing of the Program, tasks assigned to individual subjects are financed with money from budgets established on their approval, in the framework of Poland's General Budget approved on 2006.

The elements referring to the investigation of the problem, data exchange, best practice and training, among others, are financed by the European Union programs such as AGIS, Daphne II or EQUAL.

## **6. Databases about THBSE.**

In Poland there is a working group that is implementing the National Action Program to Combat and Prevent trafficking in Persons. This group is currently working on a first national report about trafficking and it provides information for the period 2005-2006. It is in the process of development and it will also reflect different statistic data provided by different institutions.

The project “Trafficking in people” implemented by Warsaw University's Human Rights Center of Criminology and Criminal Policy has collected information of the phenomenon and

stores statistics in Polish language with information provided by the police and by the National Prosecutor's Office.

### **6.1. Data about Victims**

In Poland there is no integrated system of information about victims of trafficking in people. However, there are some databases that include information about victims. The National Prosecutor's Office and NGO La Strada both have their own statistics, but there is no comparison made between these two different information sources.

La Strada Foundation against Trafficking in Women publishes an annual report on its web page and submits it, including the static data, to the Ministry of Justice and to the coordinator of the working group implementing the National Action Plan.

The variables about victims collected for the National Prosecutor Office and La Strada databases are:

- Victims (National Prosecutor Office)
- Nationality, kind of assistance provided to victims, number of contacts with victims (La Strada)
- Information regarding the return and reintegration process, data regarding social and vocational inclusion of trafficked persons, data of victim/ witness support program, research on "sociological portrait of victim of trafficking" (in some specific La Strada's projects)

Poland only provided information on the number of victims from 2000 to 2003, because the other data was not available.

During the year 2004 La Strada Poland provided its services to 163 new clients.

In the year of 2005, 128 new clients of La Strada benefitted from the different services.

According to La Strada annual report from 2006, 230 clients were under the care of La Strada. Within this number 133 were new clients, 27 migrants (12 from Ukraine, 5 from Bulgaria, 1 from Russia, 1 from Romania, 2 from Chechnya, 3 from Vietnam, 2 from Moldova, 1 Czech, 1 from Cameroon); 106 persons of the new client's group were Polish.

### **6.2. Data about offenders**

With offenders databases it happens as with victims database, but in addition to the National Prosecutor Office and La Strada databases, the police has its own offenders database.

Also the National Action program has used several other sources in order to collect information on trafficking such as results of preparatory proceedings, number of finalized cases, number of cases finalized with indictment, number of cases remitted on the grounds of unknown perpetrator or non-existence of crime, number of accused persons, number of victims.

## **7. Policies undertaken between countries of origin and destination**

### **7.1. Return programs**

Poland has a repatriation program within an international cooperation program on safe return and reintegration.

Cooperation with NGOs abroad concerning the return of trafficked persons took place with: Payoke (Belgium), Phoenix (Germany), Casa dei Dirritti Sociali (Italy), FIZ (Switzerland), LS Moldova, LS Bulgaria, Caritas (Sweden), Poppy Project (Great Britain), Contra (Germany).

### **7.2. Evaluation of return risk**

In this country no risk assessment program for before repatriation of the victims has yet been designed.

### **7.3. Judicial cooperation between countries of origin and destination**

There is no information about judicial cooperation between countries of origin and destination.

### **7.4 Police cooperation between countries of origin and destination**

Cooperation with the International Organisation for Migration (IOM) is established, in the frame of IOM's Assisted Voluntary Return & Reintegration Programme for Victims of Trafficking in Poland. Besides, LS cooperated with Polish consulates and embassies abroad in Croatia, Germany, Italy, Tanzania, France, Spain, The Netherlands, Belgium, Sweden, Cyprus, Greece, Norway, USA and Great Britain. At the same time foreign consulates in Poland were contacted: Countries: Belarus, Bulgaria, Moldova, Russia, Slovakia, and Ukraine.

## **PART II**

### **Strengthening cooperation between police, NGOs and Judiciary to improve prevention and assistance of THBSE victims.**

#### **A. THBSE PREVENTION**

##### **1. Prevention strategies to fight against THBSE existing in Poland**

###### **1.1. Social prevention**

Prevention campaigns to alert the population in destination and origin countries are being developed in Poland. This campaigns are being mainly implemented by NGOs, such as La Strada, Foundation Nobody's Children, CARITAS or IOM Poland.

In the National Action Program there are proactive initiatives planned such as, for instance, the “*introduction of the problem of trafficking in people to programs of public media*”.

Some other social prevention initiatives from the National Action Program include the refinement of techniques and procedures in order to ease the investigation process by, for example, protecting both “*victim and witness... against repeated victimization during the investigation*”, the “*application of appropriate [special] procedures*” in case of the victim being a minor, “*ensuring...the possibility of aiding the victim*” during and after “*the crisis situation*”, “*establishing standards to be met by non-governmental organizations and other institutions*” involved in aiding victims/witnesses, the “*introduction of the problem of trafficking in people into the curriculum of social workers’ education*”, providing for the “*monitored person’s return to normal life*”, or providing for a monitored person’s return to his/her country of origin.

## **1.2 Prevention conducted by the police agencies**

### ***1.2.1 Organized crime means***

Art. 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations *Convention against Transnational Organized Crime*:

*“Trafficking in persons shall mean the recruitment, transportations, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of abuse of power, or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.*

### **1.2.2. Reducing opportunities in borders**

The Polish eastern border is an external border of the European Union and because of that is very well-controlled. Activities undertaken by certain authorities are aimed at effectiveness of control, not at detecting human trafficking.

Western border (with Germany) is an internal border and is more open. Cooperation between border authorities and law enforcement authorities is natural and intensive. There are institutional forms of cooperation as well as informal ones. It is still (similarly to the East) done to detect all kinds of crime, not just trafficking, though.

### **1.2.3. Coordination between immigration units and organized crime units against THB**

In Poland a special anti-trafficking unit was established only in September 2006 in the headquarters of the police and regional coordinators for trafficking in persons were established in 16 voivodships.



It is too early to talk about concrete collaboration/cooperation – there were some common cases provided in cooperation among all of the above-mentioned units.

NGOs were not involved in this.

#### **1.2.4. Strategies to reduce economic impact of THBSE**

There are no strategies to reduce economic impact of THBSE yet.

### **1.3. Prevention by the judiciary**

In Poland, the Ministry of Justice and the National Prosecutor's Office are involved in a very active manner in the implementation of the National Action Program.

#### **1.3.1 Witness protection of THBSE victims**

There is a witness protection program in Poland, financed by the Ministry of Interior, but it is available only in Polish. In general terms, a trafficked person has 2 months of a reflection period before having to make an informed decision. A person who decides to testify or to cooperate with the law enforcement can benefit from social assistance, legal assistance, legal counselling, psychological support, a safe place to stay (a shelter or other safe place), personal data protection and NGOs' assistance during the trial. Non-Polish victims must be assisted in the event that they want, after the end of the trial, to return safely to their country of origin.

#### **1.3.2. Training the judiciary on THBSE**

Judges are the most reluctant group when it comes to receiving information or establishing any kind of cooperation with NGOs within the National Action Program. Judges only rarely accept invitation for the training activities that are being provided in all regions of Poland for different professionals who are bound to deal with the problem of trafficking due to their jobs (including prosecutors).

## **2. New prevention strategies strengthening cooperation between police, NGOs and Judiciary**

### **2.1. Measures to improve prevention of THBSE strengthening cooperation between NGOs, police and Judiciary at the Trafficking phase**

#### ***Cooperation and Institutions involved in prevention***

There are different institutions and organizations cooperating with one another in the field of preventing THB, although the role played by police and prosecutors is rather small.

The participants observed that recently prevention had become an interest of the Border Guard. An example of a project two institutions were involved in was issuing a brochure for persons who travel abroad: it was financed by the Ministry of Interior and Administration but the booklet itself was issued by an NGO.

International cooperation that aims at prevention is quite rare but it should exist because of the fact that there are a large number of Ukrainian women staying in the territory of Poland and Polish women are victims in Western Europe as well.

A good example of international cooperation is publication of a manual on trafficking in human beings by the Chair of Criminology at the Warsaw University, financed by the U.S. government.

An important role in prevention is played by media as they can guarantee making people aware of the problem of THB. But from the other side – making people aware of the danger can also cause cautiousness in the way perpetrators act as well as a higher level of perfection.

In Poland there is not much research done on THB. There is some analysis of legal regulations and of cases in which perpetrators were sentenced in courts. There is also research on prostitution, on prosecutors' and judges' opinions about definition of THB and on the picture of THB shown in press publications. There have been several master's dissertations on THB and there was also a new academic research unit established at the Warsaw University – Human Trafficking Studies Center.

The participants stated that there was a need for coordination but there were divided opinions in terms of establishing a special coordinator's office. There were doubts about such questions as: budget, competence and possibility to undertake real actions.

Participants identified the National Program for eliminating THB as a strategy.

Even though Poland ratified the Optional Protocol to the Convention on the Rights of the Child in 2004, until now it is not defined who is responsible for implementing this legal document.

### **2.1.1 Recruitment in countries in origin and victims at risk**

Because forced labor is one of the forms of THB, the participants paid attention to this problem. The victims of this phenomenon are, among others, women who work as housekeepers. A situation like that takes place when their passports are taken away from them or when they are threatened to be reported to the police or to be accused of robbery. One of the participants recalled a situation when a woman's head was shaved bald to prevent her from leaving the house.

In Poland a young woman (16-18 years of age) who is pregnant or has a child can be thrown out of school, foster home or her own home and that is how she is put in prostitution or trafficking by her closest family.

A process of recruiting women in Bulgaria is based on an offer made to solve a family's financial problems. A recruiter is a donor who offers a girl a job that will save her whole family.

Law enforcement authorities in Poland receive notification from Ukraine, Belarus, Russia or Moldova that a girl has gone to Poland and nobody hears from her or she does not tell the truth about what she really is doing in Poland. There is no such notification from Bulgaria

though. Bulgarian families do not report such situations to the Police. There is a need for an international informative campaign.

### **Target groups for informative campaigns (groups at risk)**

Among the participants there was no consensus in terms of the direction informative campaigns should take. A question of groups at risk was especially controversial. One of the participants stated that there was not such thing as groups at risk, that there is only risky behaviour. Everyone can lose their job, fall into debts or into a situation of dependence. Unemployed people can also be victims.

A large number of victims are persons raised by different institutions which is where information should be addressed.

So-called ordinary people whose financial situation is difficult are more likely to become victims than people with high education. Widely accessible publications that give straightforward information on what to do before going to work abroad are very important.

According to the participants, one of the biggest successes in prevention of THB is establishing the National Program for Combating and Preventing Trafficking in Human Beings.

Another group at risk are children who are taken care of in different facilities and abandoned children.

### **2.1.2 Prevention measures focusing THB criminal organizations or individuals collaborating with organized crime**

#### **Organization and criminal structures**

Trafficking in humans is a crime that requires cooperation of different organisations – both legal and illegal - such as employment agencies working legally abroad. In Poland the procedure to register an employment agency is easy and simple. Offices of employment are not fulfilling their controlling function. The fact that an agency has a certificate of legality does not mean anything if an agent does not know an employer and conditions of work (a case in Italy). It is important to take a certificate away from dishonest agencies. This is a state's responsibility.

Model agencies, travel agencies, transportation enterprises and Internet portals can also take part in a recruitment process. There are also hotels and care facilities that can be a part of the process.

Important links or cells of criminal chains are to be found in escort agencies. Registering such an agency in Poland is easy and there are a large number of them working under control. Recently aggressive information about them has disappeared in Warsaw and was shifted to press and the Internet.

A link between legal and illegal activities is a problem of the Vietnamese minority in Poland (shops, restaurants). It is very hard to control this society because of ethnical reasons. It is

also hard to help those people when help is needed. In Poland there is a trust line for Vietnamese people.

## **2.2 Measures to improve prevention of THBSE strengthening cooperation between NGOs, police and Judiciary at the Exploitation phase**

### **2.2.1 Control measures**

#### **Identification of victims and informative campaigns**

Informative campaigns should not be limited to sex and sexual exploitation. The problem should be shown on a wider scale.

An important method of making preventive activities more effective is describing and sharing knowledge about best practices. Good ways to perform that experts' exchange via conferences and seminars for different groups of professionals.

Information given by the media is still focused on chasing sensational news. A problem is defined as something that happens in pathological environments and an ordinary citizen thinks it will never be an issue in his life.

Campaigns run by so called "women's" organizations has one weakness – in Poland they are defined as connected with feminism. Those organizations not always operate effectively.

The Ministry of Labour and Social Policy, and especially one of its departments that is in charge of women, children and family related problems, does not perform any preventive activities because it is not one of its tasks.

National Labour Inspectorates in fact do not realize any tasks in terms of prevention, however recently during trainings organized by NLI this problem has been paid attention to. The NLI's competence is limited to the job market – it does not deal with illegal employment. It can be changed because there is a new act on NLI being prepared in Sejm. One of the participants indicated a need to create an organization that would perform mass informative campaigns and use resources form the EU. NGOs still have a lot of trouble with applying for such money because programs are constructed for big organizations. Small organisations are not able to deal with forms, bureaucracy, taxes, etc, thus killing a large number of initiatives.

A problem of THB (prevention) should be raised in schools. It would be optimum to teach it in the human rights perspective as a part of knowledge about society. It is necessary because of the fact that a large number of Polish citizens go to work abroad. Lack of such programs was explained by an expert from the Ministry of Education by the fact that schools in Poland are run by local authorities, not on a governmental level. In one school there were students who wanted to learn about this problem but it was declined by the headmaster who stated that this problem did not exist.

Headmasters do not know the problem and do not approve of classes prepared and performed by persons form outside the school because they do not know what kind of information is going to be given. It is necessary to create a system of education in this field so that headmasters are sure that persons who teach the subject are well trained and professional.

One of the experts paid attention to the fact of the great role of teachers and people play who work for the whole education system. It is a big professional group that has an authority and by distributing information can lead to the limitation of risky situations and behaviour.

The participants discussed the case of human trafficking in Italy (working camps for Polish people). After the Italian-Polish police operation „*Terra Promesa*” the agricultural industry in Italy faced a great crisis because Polish citizens did not want to go to work there. The Italian parliament opened its job markets to all the countries of the ‘new’ EU and an act on counteracting using slave work in Italy was brought into being. It seems that one situation can have its influence on the whole legal system.

### **Borders and problem of trafficking in children**

The Polish eastern border is an external border of the European Union and because of this it is very well controlled. Activities undertaken by certain authorities are aimed at the effectiveness of control, not at detecting human trafficking. The Western border (with Germany) is an internal border and is more open. Cooperation between border authorities and law enforcement agencies is natural and intensive. There are institutional forms of cooperation as well as informal ones. It is still (similarly to the East) done to detect all kinds of crime, not just trafficking, though.

As a conclusion main problems encountered in terms of prevention are the following

- Not enough NGOs and resources for THB.
- Informative campaigns in order to improve identification of THB victims, especially with Bulgaria.
- More monitoring strategies for legal agencies as travel agencies and employment agencies in order to take away certificates from dishonest agencies.
- To improve inspection activities of National Labour Inspectorate.
- To develop training programs for schools.

## **B. ASSISTANCE AND PROTECTION**

### **1. Assistance and protection for THBSE victims in Poland: problems encountered.**

#### **1.1 Legal framework**

There is no information about legal framework.

#### **1.2 Information given to the victims**

“La Strada” provides information and consultation to every trafficked person who is in need of it. Persons who decide to testify are provided with special advice and information on what it means to be a witness, specific information on legal proceedings as well as information on the case such as the victims situation, etc. There is no exact numbers available for 2004 or before, but in the year 2005 and in the first half of the year 2006 La Strada assisted to 16 victims of trafficking who were witnesses.

### **1.3. Reflection period**

Victims have a 2 months reflection period in order to choose between staying in the destination country or returning to their original homeland. During this period, the victims have access to legal, social and medical help, psychological support and a safe place to stay. That access is provided by NGOs (mostly La Strada) but part of it can be financed by local government, central government (Ministry of Interior) or the European structural funds (through the EQUAL program).

### **1.4 Short time programs**

There is legal, social and medical help, psychological support and safe places to stay. They are provided by NGOs – mostly La Strada and part of it is financed by the local government or government,(Ministry of Interior), as well from the European structural funds – program Equal

### **1.5 Data on victims assisted and protected by institutions**

During the year of 2005: there were **224 clients under** the care of La Strada. Within this number **137 were new clients** (**18** from Ukraine, **9** from Moldova, **6** from Bulgaria, **3** from Russia, **2** from Romania and **1** the Czech Republic, 1 from Slovakia, 1 from Nigeria, 1 from Belarus), **147** of them were Polish clients.

### **Main obstacles encountered by the institutions providing protection and assistance to victims of THBSE**

There is a problem with identification of the trafficked persons by institutions, not all institutions know where to refer trafficked persons to and what the procedures are generally, there is a lack of practical information.

## **2 New protection and assistance strategies strengthening assistance and protection (focus group on assistance and protection)**

### **2.1 Detection and identification of victims**

One of the key weak aspects of the system is a problem of identification of victims. Most frequently the main source of information is from the victims themselves. But there should be other sources, for instance information should come from the Border Guard that receives inquiries for refugee status. But there are not many such cases, this channel is not effective.

The Ministry of Labour and Social Policy should play a more serious role in identification of victims of forced labour. One of the sources in this aspect of THB is border checking and control of legality of stay and employment in Poland conducted by Border Guards.

According to Belarusian and Ukrainian Police, Poland is not effective in identification of victims from these countries.

In Poland there are the following sources of information about victims: Police, Border Guard and care facilities. In some countries victims are identified by AIDS programs but in Poland there is no such mechanism.

Prostitutes, especially those working on roads outside towns, are not willing to confirm the fact that they are being used.

Victims of forced labour abroad more and more frequently report this fact to NGOs working in a country they are currently staying in or to the ones working in Poland.

Identification of children as victims is done in two ways: after getting some signal from the outside or as an effect of activities undertaken by organizations, for instance during a hearing of an abandoned child.

Polish consulates inform and support Polish citizens – victims of THB as well preventively inform potential victims, persons who try to get visas (in countries of origin).

## **2.2. Information to be provided to THBSE victims**

The NGO “La Strada” has a legal program by which two legal consultants provide consultation, via a hot line as well as via e-mail, to every trafficked person who is in need of it. Persons who decide to testify are provided with special advice and information on what does it mean to be a witness, specific information on legal proceedings as well as information on the case, victims situation, etc.

## **2.3. Protection /assistance of victims**

In Poland there is an algorithm of dealing with a victim. Police and NGOs working together are responsible for protection and assistance of victims. There are some problems with sharing information – especially because not all information is open. A solution for that could be a security certificate for all of them.

The Polish legal system does not define a victim of trafficking as a beneficiary of social assistance. There are, though, some financial resources in the Ministry of Interior and Administration especially for support victims.

The situation of Polish victims is especially hard as there are no financial resources to support them. There is also no system of care and assistance, for instance in terms of medical aid. The problem of care and assistance for Polish victims will be raised in the new National Program for Combating and Preventing Trafficking in Human Beings prepared for the years 2007-2008.

Foreign victims (for example Bulgarians) staying on Polish territory expect assistance from NGOs because they are afraid of asking the police for help; they do not trust any police authorities. Out of 48 victims of forced labour in Poland who returned to Ukraine, none have testified.

## **2.4. Provision of legal documents**

On the one hand there is a question of issuing documents in Poland, on the other there is a problem of restoring documents that victims have lost to persons they were used by. NGOs help victims and the police help NGOs with restoring victims' documents by carrying out interventions in escort clubs or with people whose victims worked for apartments, etc. NGOs support victims with fulfilling formalities to change their personal data or to issue new documents. Change of identity is needed for the safety of victims but also in order for them to be able to break with the past.

## **2.5. Short term assistance**

Victims have a two month reflection period in order to choose between staying in the destination country or returning to their original homeland. During this period, the victims have access to legal, social and medical help, psychological support and a safe place to stay. There is a problem with medical aid for foreign victims. Without legal changes regulating the issue of foreigners' rights to access to certain amount of medical services, the Ministry of Health cannot do much. Psychological support is provided by NGOs.

When the police have no financial resources to provide a transportation for a victim, then the money needed for that has to be found by NGO that assists a certain victim. There are situations when there is nobody to pick up a victim at the airport or a railway station when they arrive from some other country or town. If a victim goes to the nearest police station and asks for a number to call LaStrada, then everything seems to be fine but otherwise their situation can be quite difficult. There are similar problems when there is an issue of who should assist a victim to a court.

## **2.6. Provision of work and resident permits**

A very crucial weakness of the Polish system is lack of opportunity to get a working permit and to get education. Without that, victims have a really hard time during an investigation and the time of waiting for a court trial. A situation like that makes it very difficult for them to be rehabilitated and get back on their feet.

The Ministry of Labour and Social Policy should play a more important role in creating conditions for employing victims but it does not take that chance. The Ministry has also a possibility to create a system of training social workers and make them more aware – thus making the level of protection a lot higher. It is a mechanism that is not being used.

A system solution is needed to solve a problem of issuing identity documents for victims. It is especially difficult when victims hide their identities.

## **2.7. Victim/Witness protection**

A person who decided to testify or to cooperate with the law enforcement can benefit from the social assistance, legal assistance, legal counselling, psychological support, a safe place to stay, data protection, NGOs assistance and a safe return to their country of destination.



In addition, in the year 2006 the care program for victims of trafficking called: “Support and Protection Programme for Witnesses/ Victims of Trafficking” was developed for aliens. In January 2006 this program was financed by the Ministry of Interior.

## **2.8. Trial assistance**

Legal aid for victims is organized by NGOs. Most frequently there is a consultation with a lawyer, in some exceptional cases hiring an advocate. NGO representatives support victims on their way to and from a court as well as during a trial, help them and protect them from contact with a defendant (for example in a court hall).

A victim of THB always has many questions considering a trial, for example referring to what testifying will look like, etc. A victim receives some kind of an instruction – they get to know what a trial looks like, what they have rights to, what they can collect or ask for.

Polish criminal procedure allows participation of an NGO’s representative in a trial. Participation can be active (giving opinions, formulating inquiries – among others for a psychological opinion) or passive (observation).

Support for children, especially foreign children, most frequently is just assistance in different situations. One organization takes part in hearings of abandoned foreign children in Poland. If a child has a tutor then an organization offers a psychologist’s presence during a hearing. From experience gained by NGOs working with children, it is a lot easier to cooperate with the Border Guard and Police than with courts.

Besides that – organizations provide victims with their postal addresses for correspondence, to hide the place they are staying at.

## **2.9. Voluntary assisted return and economic compensation**

Victims of THB need assistance with getting their compensation. In Poland it is an area that requires undertaking intensive activities. Currently activities to support victims in this field are limited to giving advice to press adhesive complaint.

### **Victims work and social integration**

In the years 2005 and 2006, vocational training was developed, as well as specific support for education and employment, within the “IRIS- Social and Vocational Reintegration of Women- Victims of Trafficking in Persons” (funded by The EQUAL Initiative/ European Social Fund). Victims took part in “Workshops on active job seeking” organized by the Centre of Empowerment of Women. Moreover, some persons received support from coach-job consultants, others received help in finding new schools, and others (only in the year 2006) started internships. This program is implemented by La Strada Foundation in cooperation with other NGOs, social welfare providers and local government institutions (labor offices).

With respect to social integration, the adaptation of foreign victims in Poland is sometimes difficult because there are differences in mentalities and a person should be professional

enough not to weaken them. Sometimes it is more of a problem for a social worker that a victim is a prostitute than the fact that she is a foreigner.

Experience gained by at least one of the organizations shows that the least amount of prejudice towards prostitutes is shown by those who have had professional contact with this phenomenon.

A new problem that occurred in Poland was the financial debts (in banks or stores) that victims are forced to take on. It has not been decided who and how one should be responsible for dealing with that.

NGO experts emphasize that in order for a victim of THB to recover from trauma and get back to a normal life, it is necessary to work with the victim's family to ensure that the family members are aware of the problem and to ultimately get help for the victim.

## **2.10. Data collection about victims**

According to an expert from the Ministry of Interior and Administration, there is relatively good and reliable criminal statistical data available in Poland.

In another expert's opinion it is actually not known in what way information was collected by certain authorities and in what way it was used and distributed. In Poland there is no integrated system of information about victims of THB. There are also no databases available containing this information. There is information indicating that Europol does have a data base on Bulgarian victims.

Main problems encountered:

- One of the weakest aspects of the system is the identification of victims
- There is trouble with sharing information between police and NGOs, especially because information may be confidential
- There is a lack of financial resources to provide assistance and protection for victims
- The polish system does not provide working permits to victims of THB. Resources are needed to provide training to victims to know their rights.
- Nowadays polish authorities have a problem with the financial debt victims are forced to take on with bank and stores. There is no person who pays and a question of who will have to pay for that.
- There is a lack of a centralized database about THB.

## **Part III**

### **Cooperation between police, NGOs and Judiciary to improve prevention and assistance of victims of THBSE: Best practices.**

#### **International and national cooperation**

Cooperation in Poland works well – not because the system of cooperation is good but because of the fact that people who are in charge of this phenomenon know one another very

well. Mutual trust is a very important element of cooperation. The participants emphasized that this trust needs to be limited for a victims' well-being. However in Poland people have trust in others, but there is no system guarantees of trust between institutions (for example a data base).

Polish institutions have better cooperation with new European Union member states and candidate states than with old membership countries.

### **Strategy**

In Poland there are only two elements of such a strategy. Complex strategy is to be elaborated. Good strategy is based on knowledge but there is still not enough of it. In the participants' opinion developing authorities' awareness is also an element of a strategy.

In Police organizations such strategy would have its effect in, for example, a necessity for all information to be thoroughly checked in a central body so that a local administrator would not be left alone with the problem.

## **ANNEXE A. METHODOLOGY OF FOCUS GROUPS**

### **1. Background**

The Warsaw University together with the La STRADA Foundation take part in the realization of the AGIS Project in cooperation between different institutions in the field of trafficking in human beings for sexual exploitation. The main part of the project was to conduct research based on two focus groups. The subject of the first was cooperation in the field of trafficking in human beings, with the other referring to protection and assistance of victims of trafficking in human beings. The aim of the research was to describe mechanisms of cooperation between institutions dealing with the problem of trafficking in human beings in Poland as well as developing a strategy leading to the most effective means of counteracting the phenomenon.

### **2. Selection of the focus groups**

#### **a. Criteria for selection of the groups**

The selection of the focus groups was based on two equal criteria. The institution represented by a certain person had a key meaning. We searched for representatives of institutions that deal (or should deal) with the problem of counteracting trafficking in human beings. In Poland among them we can list units and organizations responsible for: preventing trafficking in human beings, pursuing this kind of crime and providing assistance of victims as well as institutions that explore and research different aspects of this phenomenon. Therefore it was important for the research to gain over representatives of the following institutions: law enforcement agencies (Police and Border Guard), government administration authorities (among others: Ministry of Interior and Administration, Ministry of Justice, Ministry of National Education, Ministry of Labour and Social Policy), non-governmental organizations and academics. Another criteria was what functions that certain participants held in their institutions. We paid attention to [adequacy](#) in the field of trafficking in human beings and that's why we selected persons who were in charge of the problem of counteracting trafficking in human beings within their institutions.

#### **b. Stages of selection of the sample**

Preparation for the focus began with creating a Basic list of experts who could participate in the study. The next stage was telephoning the persons listed to inform them about the study and its aims as well as to check whether they would be available (and willing) to participate. Because of the fact that some of the persons listed refused to participate, we searched for different representatives within the same institutions.

That is how another list was created – a list of experts who preliminarily agreed to take part in the event. After completing the list we sent invitations by email or by fax and also by traditional mail (around 2 weeks in advance). It is worth mentioning that organizers of the study in Poland decided to change the name “focus groups” into “experts’ discussion”. There was also information about date, time and location of the meeting given in the invitation.

The last stage was telephoning persons who had previously agreed to participate in the study and were sent an official invitation. We wanted to be sure that our letters were delivered to the recipients as well as to get final confirmation on the experts’ participation. A few experts resigned. A part of them delegated their subordinates. The experts that decided not to participate and did not delegate anyone to represent their institution were replaced by other competent persons who we informed by telephoning them and sending an email (because of a short period of time that was left – 1-2 days – we decided not to send invitations using traditional mail). A day before the study the list of experts in each group was as follows:

**Focus I: Protection and assistance of victims of trafficking in human beings for the purpose of sexual exploitation**

	<b>Name</b>	<b>Institution</b>
1.	Paweł Masłowski	Police Headquarters Criminal Bureau
2.	Przemysław Molenda	Police Headquarters Criminal Bureau
3.	Krzysztof Karsznicki	State Prosecutors' Office Department for combating organized crime
4.	Piotr Mierecki	Head of the Department of Migration Policy Ministry of Interior and Administration
5.	Katarzyna Fenik	Nobody's Children Foundation
6.	Irena Dawid-Olczyk	La Strada Foundation
7.	Dorota Krzysztoń	Commissioner for Civil Rights Protection Bureau
8.	Anna Bałchan	Association of Maria Immaculate for protection of girls and women
9.	Aleksander Tynelski	Department of Youth and Education Ministry of National Education
10.	Marek Krawczak	Vistulan Section of the Border Guard Pursuit-Operational Department

**Focus II: Prevention of trafficking in human beings for the purpose of sexual exploitation**

	<b>Name</b>	<b>Institution</b>
1.	Joanna Garnier	La Strada Foundation
2.	Grażyna Słomska	Police Headquarters Criminal Prevention Bureau
3.	Maria Kahlau	Department of Women, Family and Counteracting Discrimination Ministry of Labour and Social Policy
4.	Piotr Wojciechowski	Department of Legislation National Labour Inspectorate
5.	Andrzej Krempleski	Associate of the Helsinki Foundation for Human Rights
6.	Anna Rostocka	International Organization for Migration
7.	Agnieszka Wlazła-Janik	Office for Repatriation and Aliens
8.	Karolina Więckiewicz	Associate of the Warsaw University, assistant at the Project 'Trafficking in human beings – training for law enforcement officers in Poland'

The following table presents the list of participants who actually took part in the study.

**Focus I: Protection and assistance of victims of trafficking in human beings for the purpose of sexual exploitation**

**List of participants**

	<b>Name, surname</b>	<b>Institution</b>
1	Paweł Masłowski	Police Headquarters

		Criminal Bureau
2	Przemysław Molenda	Police Headquarters Criminal Bureau
3	Piotr Mierecki	Head of the Department of Migration Policy Ministry of Interior and Administration
4	Katarzyna Fenik	Nobody's Children Foundation
5	Irena Dawid-Olczyk	La Strada Foundation
6	Anna Bałchan	Association of Maria Immaculate for protection of girls and women
7	Aleksander Tynelski	Department of Youth and Education Ministry of National Education
8	Marek Krawczak	Vistulan Section of the Border Guard Pursuit-Operational Department

## **Focus II: Prevention of trafficking in human beings for the purpose of sexual exploitation**

### List of participants

	<b>Name, surname</b>	<b>Institution</b>
1.	Joanna Garnier	La Strada Foundation
2.	Maria Kahlau	Department of Women, Family and Counteracting Discrimination Ministry of Labour and Social Policy
3.	Piotr Wojciechowski	Department of Legislation National Labour Inspectorate
4.	Andrzej Krempleski	Helsinki Foundation for Human Rights
5.	Karolina Więckiewicz	Warsaw University

As it can be easily seen by comparing the above lists – the frame of the group is slightly different from what was originally planned. This was due to the fact that a few of the persons invited resigned (and only a part of them decided to inform the organizers about it in advance) as well as to the fact that co-workers or subordinates were delegated to take part in the focus group.

### **3. Information on the centre the focus group took place**

The focus group took place on the 5th of January 2007 in the research institute TNS OBOP. We decided to use the TNS OBOP's services because of its long-term experience, professional technical equipment as well as its highly qualified staff. It is necessary to emphasize that the moderator (Mrs. Mariola Łącka) who lead both focus groups has vast experience in leading this form of study. A few days before the actual date of study we met with Mrs. Łącka to describe the idea of our research to her, to explain the aims and to present some materials on the problem of trafficking in human beings. This let to her gaining some knowledge about this phenomenon.

The institute's staff provided us with basic information on the profile of this institution. We present it below:

*TNS OBOP is the oldest research agency in Poland. Since 1998 we have been a member of the TNS Group, one of the world's leading marketing information groups.*

*Our priority is caring about the highest level service for TNS OBOP Clients. We systematically organise training to improve the knowledge of our employees. We also intensively join training and research workshops organised by TNS.*

*Close co-operation between TNS sectors guarantee that realization of your project will be supported by the experience and help of our colleagues from different parts of the world.*

The room where the discussion was held was specifically designed for the requirements of a focus group as a method of study. It actually consisted of two rooms separated by a two-way mirror. In one room there was a discussion going on while the other was designed for the organizers to observe the meeting. The room where the discussion was held included equipment to record the view and the sound. As well the moderator had access to a notebook where the organizer's notes (propositions for additional questions) were displayed.

#### **4. Processing of the focus groups**

Both groups took place on the same day (the 5th of January 2007). It was important to us that the participants from one group would not have had contact with participants from the other one. To achieve this objective we planned two sessions – in the morning and in the afternoon. The first group started the discussion at 11 A.M. After it was finished (1:15 P.M.) the participants moved on to another room to have a lunch. The second group started at 2 P.M. and after the discussion was finished (4:15 P.M.), they also had lunch. The time of the two focus groups in total was 2 hours and 15 minutes. All of the participants arrived on time (except for Anna Bałchan who was around 10 minutes late). The manner in which both meetings were processed can be described as calm and in accordance with our expectations.

At the beginning of each focus group the moderator told the participants that the meeting was being recorded and that the results of the study would be used for scientific purposes. The moderator also informed the participants that the study they were taking part in was a part of the EU project, financed by AGIS: “Law enforcement agencies and NGOs co-operation in the prevention and victim assistance of trafficking in human beings for the purpose of sexual exploitation”, in which such countries such as Spain, Portugal, Italy and Poland are involved. The participants also knew that they were being observed through a two-way mirror by the persons who were in charge of organizing the study in Poland

The persons who observed the focus groups through a two-way mirror (Stana Buchowska, Beata Gruszczyńska, PhD, Zbigniew Lasocik, LLD and Maryla Koss, MA) presented themselves to the participants during lunch, after the session was completed. This short meeting was an opportunity to have a conversation, to share opinions on the study as well as to complete some information by the organizers.

After the study was finished the TNS OBOP gave the organizers DVDs with the record as well as the transcription of the discussions.

#### **5. Difficulties**

The most serious and actually the only difficulty in organizing the focus groups was the selection of the participants. The persons who were asked to take part in the discussion were not very willing to agree to a discussion or they simply refused to be a part of the study. A few persons declared their presence during the conversation over the phone but when the organizers called them to confirm that declaration, they resigned. A few of the persons initially invited delegated their subordinates (Robert Gawryś from the Border Guard delegated Marek Krawczak, Anna Tomczyk from the National Labour Inspectorate delegated

Piotr Wojciechowski and Joanna Kluzik-Rostkowska from the Ministry of Labour and Social Policy delegated Maria Kahlau).

The organizers sent an official paper to the Commissioner for Civil Rights Protection asking him to delegate one of the persons working at his office to take part in the discussion. The response given by the Commissioner said that Dorota Krzysztoń was supposed to participate. In fact without any information neither Dorota Krzysztoń nor anyone else representing the office did come. The same situation took place with the State Prosecutors' Office's representative – Krzysztof Karsznicki who declared his intended participation several times and yet did not come. Other persons invited who informed us of their inability to come arrived too late for the organizers to be able to find other experts.

The process of selection of the participants was the only real difficulty. Other issues – such as cooperation with the TNS OBOP or other organizational aspects worked very well.

Also the process of the focus groups was in accordance with the previously established procedures.





*PORTUGUESE REPORT*

*Cristina Soeiro*

## ***TABLE OF CONTENTS***

### Part I. General information about THBSE in Portugal

- 1 Introduction
- 2 The situation of THBSE in Portugal
  - 1 Recruitment
  - 2 Transportation
  - 3 Entrance
  - 4 Exploitation
  - 5 Suspects engaged in trafficking
  - 6 The victims
- 3 The current situation of Prostitution in Portugal and its legal framework
- 4 THBSE legal framework
- 5 Action plan against THBSE
- 6 Databases about THBSE
  - 6.1 Data about victims
  - 6.2 Data about offenders
  - 6.3 Data from the last five years
- 7 Policies undertaken between countries of origin and destination

### Part II. Specific information about assistance and prevention on victims of THBSE

#### A. THBSE PREVENTION

1. Prevention strategies to improve the fight against THBSE in Portugal
2. Measures improving prevention of THBSE in the trafficking phase
  - 2.1 Recruitment in countries in origin
  - 2.2. Victims at risk
  - 2.3 Legal actors collaborating with organized crime
3. Measures improving prevention of THBSE at the exploitation phase
  - 3.1. Border control
  - 3.2. Hot spots entries
  - 3.3. Administrative controls over private sector (vulnerable sector) and Economic control (money laundering, money transfer...)
  - 3.4. Administrative controls over prostitution market
  - 3.5 Promotion of clients' responsibility and awareness

#### B. ASSISTANCE AND PROTECTION

1. Assistance and protection for THBSE victims in Portugal: problems encountered
  - 1.1 Victims detection
  - 1.2 Information given to the victims
  - 1.3 Shelter
  - 1.4. Provision of legal documents and of residence and work permit
  - 1.5. Witness protection and assistance in court
  - 1.6. Provision of short time assistance, assisted return and compensation
  - 1.7 Long term assistance
  - 1.8. Monitoring phenomena of THBSE

### Part III- Best practices in Law enforcement agencies, judiciary and NGOs cooperation.

## **PART I.**

### **General information about THBSE in Portugal**

#### **1. Introduction**

In Portugal, Trafficking on Human Beings (THB) is only legally specified as a crime when it has the purpose of sexual exploitation, i.e. when related to prostitution activities, though the Portuguese law has special provisions in cases of THB against children. Luckily, Portuguese Penal Code provides for other crimes that judges can use to enforce the fight against THB such as pandering and abduction and servitude.

This kind of crime is traditionally investigated by the Portuguese Criminal Investigation Police, under the supervision of the Public Prosecutor. Since October 2006 Portuguese Borders Control Police ("Serviço de Estrangeiros e Fronteira"- SEF), have began to have formal criminal investigation competencies on THB and also special responsibilities on the prevention of this criminal phenomenon and other related crimes.

As it will be shown, Portugal's Criminal Police can receive and analyze all information related to crimes of trafficking, but stores the resulting data in a database that is not yet ready to differentiate between these types of crimes, mainly due to the way the actual law works. THB related activities are mostly forced to be classified as abduction and pandering, and therefore mixed with other abductions and pandering unrelated to THB.

THB is an international phenomenon. The success of the investigations on these kinds of crimes depends greatly on the common strategies applied by the different countries involved in the problem, and being able to articulate these common efforts, will also help to gain knowledge on the subject and thus develop prevention policies and judicial intervention in the area.

#### **2. The situation of THBSE in Portugal.**

The THBSE is a complex phenomenon in Portugal. It is possible to identify three main routes of trafficking of women each one related with countries with low social and economic conditions. The most important routes are from Brazil, and the Eastern European countries. The aspects that characterize trafficking cases from Africa are less known.

In these selected countries, the criminal organized groups related with THBSE fetch some support (complaisant individuals) in order to make transportation easy. Organized groups contact their victims directly, offering them jobs in Portugal. In some cases women know that both contact and job are linked with sexual activities (like night-clubs and dancing), but ignore links with prostitution. The transfer is made with the agreement of the victim.

##### **1. Recruitment**

###### *Brazil*

The complaisant individual from the victim's country of origin receives of money from organized groups in order to provide all the means necessary to get to Portugal, such as

travelling tickets and legal documents, and as a payment for his or her services. Furthermore, victims are also given money, but just enough to make a telephone call or to arrange some transportation upon their arrival in Portugal. The complaisant person provides material support to the victim until the day of the departure to Portugal. Some of these recruiters are ex – prostitutes or individuals with some connection with the victims (e.g. acquaintances, colleagues).

The victims arrived from cities of the interior of Brazil like Goiás or Minas Gerais.

### *Eastern European Countries*

The recruitment is made by Eastern organized groups (eastern “mafias”). These kind of groups have connections with others types of crimes (e.g. violent criminality, drugs trafficking). These groups use journal advertisements and have access to job agencies to arrange the victims recruitment. The advertisements are related to jobs as housekeepers, hotel receptionists, eldercare or dancing shows.

The majority of the victims arrive from countries like Russia or Ukraine. But it is also possible to find victims form countries like Romania, Bulgaria or Moldavia in Portugal as well.

### *Africa*

The prostitution recruitment in these kinds of countries can be promoted by the woman’s family as a way to maintain their survival, since these kinds of families’ live in a high level of poverty.

The recruiters usually have the same nationality as the victims and have an informal organization.

The majority of the victims arrive from countries like Congo, Senegal, Angola, or Nigeria.

## **2. Transportation**

### *Brazil*

In the majority of cases victim’s transportation from Brazil to Portugal is made by air. Traffickers use several European cities in order to avoid contact with Portugal's authorities, especially seizures at the airport. Paris and Madrid are the cities chosen by the recruiters to transport the victims to Europe. Once in Europe, victims are transported to Portugal in taxis or personal cars. Organized groups are helped by complaisant persons who in most cases are hotel owners and taxi drivers. There's no official information on police corruption in Portugal.

These groups use legal procedures to register women as tourists. This way they avoid using counterfeited documents. The transportation process lasts from two to four days. During this period, women are usually not victimized.

### *Eastern European Countries*

The victims' transportation to Portugal is made by car or bus. The victims arrive from cities like Moscow or Kiev and are sent directly to Amsterdam or Rome. The transportation process to Portugal can last several months. During this period, women are usually forced to work as prostitutes in each arrival country.

#### *Africa*

The victims' transportation to Portugal is made by boat crossing the Mediterranean. The transportation process includes stopping in cities such as Las Palmas, Ceuta, and Melilla. Gibraltar is used to attempt to cross the Spanish border and then try to arrive in Portugal through Spain. The victims are subject to abuse during the whole transportation process.

### **3. Entrance**

Victims reach Portugal by mostly crossing the Portuguese/ Spanish border. They can arrive by plane or by car.

#### *Brazil*

If the victims arrive directly to Portugal by plane they usually go to airports such as Lisbon or Oporto. If they arrive from other airports the Portuguese destination cities are usually Braga and Oporto.

#### *Eastern European Countries*

The victims arrive to Portugal and are forced to work as prostitutes in Portuguese cities like Lisbon or Oporto.

#### *Africa*

The victims' transportation to Portugal is made by car through the Spanish border and the most significant destination is Lisbon.

### **4. Exploitation**

Once in Portugal, victims of trafficking commonly suffer from sexual exploitation. Information on the exploitation phase is based more from knowledge gained on Brazilian victims. It is very difficult to have access to victims of Eastern European Countries since the organized groups have a high amount of control over them. In the case of African victims, these women come from cultural perspectives which are very obedient, even to the exploiters, which have the same nationality as them.

In most of the cases the criminals take away their documentation; hold them in isolated places and hire guardians in order to control them as well as for surveillance purposes.

Traffickers tell the victims that they owe them money for everything related to the trip, such as tickets, clothes, food, etc. but the amount of the debt is abnormally high. For instance: if the travel cost is €600, victims are told that they owe €2.500. But criminals also make money by establishing punishment systems, e.g. if a victim spends more than 20 minutes with a client she has to pay €50 to the trafficker. Under these conditions,

victims find it hard to settle their debts, and so they are bound to work hard for many months.

Victims suffer from social isolation, depression and anger. They usually attempt to escape in order to get back to their countries. Sometimes, they ask for help from the clients but rarely get a satisfactory response, and it's not uncommon that these same clients inform the traffickers about the victims plea for help. In these cases women suffer physical penalties.

Exploitation takes place mainly at nightclubs and private apartments, in cities like Lisbon Oporto and also in cities within the interior of the country, some of them near the border. In the main cities it is also possible to find some victims working on the streets under higher control from their exploiters.

The leaders of the Brazilian trafficking network are usually legal entrepreneurs. The leaders of the Eastern European networks are more associated with organized crime.

The period in which each one is legally allowed to stay in Portugal as a tourist is three months; this is generally also the duration period of the exploitation process. During this period victims use their earnings exclusively for settling their debts. When the exploitation period ends, these women usually return to their country, but they never have any money left, so in order to pay for the trip, they have to go back to prostitution.

It has been estimated that each exploited woman generates between €150 to €400 per night, depending on the kind of business and the social status of the clients.

## **5. Suspects engaged in trafficking**

Organized groups engaged in Trafficking in Human Beings in Portugal are small and have several recruiters in Brazil, Eastern Europe, or Africa and some other individuals working in Portugal. The latter usually work as taxi drivers who pick up women at some European airport and take them to Portugal, but they can also be in charge of gathering information, mainly through lawyers, on the arrangements necessary to make the whole process legal.

Different groups or individuals, as described above, manage each phase of the Trafficking process. The recruitment and transportation activities are executed by international contacts usually from the victim's country of origin (Brazil, Eastern Europe and Africa). The exploitation phase is in the hands of Portuguese citizens in case of Brazilian victims or criminal organized groups of the origin countries in the others cases. These criminal groups have connections with the prostitution market in each country of destination. White males of Portuguese or Brazilian nationality, who legally own businesses such as nightclubs, discos, bars, etc, usually control the activities of these criminal groups. Those businesses are used for money laundering, particularly from the income derived from the sexual exploitation.

After an investigation that took place during 2003/2004, the Portuguese Criminal Investigation Police estimated a profit related to the exploitation phase of €20.000/ 25.000 per month (30 days/ per six women).

## **6. The victims**

Typically, the recruited victims are 18-30 years old, unemployed, without any other economic support (family), have 2-3 children and live in rural areas or cities in the interior of their countries. In Brazil, most commonly they have a low educational level, but exceptions have been found such as teachers, nurses or bank clerks. It is possible to identify the same characteristic in the African victims. The Eastern European victims have, in general, a high level of education and they are attracted to the “occidental glamour”.

The majority of the victims are not prostitutes in their countries of origin.

The vulnerability factors associated to victims of this kind of crime are: They have little expectations of finding better life conditions in their own countries and lack strong relationships (husband), though they are usually responsible for maintaining their own children and/or other members of their families.

### **3. The current situation of prostitution in Portugal and its legal framework.**

Portugal’s policy on prostitution can be classified under the abolitionist model, since outdoor and indoor prostitution are neither prohibited nor regulated by the State. Prostitution is not prohibited or considered illegal, but it is not regulated as are regular jobs.

Nevertheless, in practice social norms generate restrictions *de facto* as to where prostitutes may work in the streets or as to whether or when they may work in brothel/club/window prostitution. Therefore, legally speaking prostitutes can work anywhere, though the police are socially entitled to force them to leave certain areas. There is also a law that forbids renting an apartment with prostitution purposes.

Related to trafficking, Article 170 of the Portuguese Penal Code establishes from 6 months to 5 years of imprisonment as a penalty for pimping. If victims are subjected to prostitution activities by being hoaxed, threatened or by means of violence, those found guilty of facilitating or promoting this kind of activities can be sentenced to from 1 to 8 years of imprisonment.

### **4. TBHSE legal framework**

The cases related to the crime of Trafficking of Human Beings for the purpose of sexual exploitation can be investigated by the Portuguese Criminal Investigation Police or by the Portuguese Borders Control Police (“Serviço de Estrangeiros e Fronteira”- SEF) and prosecuted by the Public Prosecutor. No special unit exists dedicated to investigating these kinds of crimes exclusively.

The Criminal Investigation Police have divided these cases into two subgroups: Trafficking of Human Beings, investigated by the Department against Organized Crime (Direcção Central de Combate ao Banditismo); and pandering and trafficking of children, investigated by a specific department created specially for children sexual abuse cases. The Portuguese Borders Control Police have the departments of criminal investigation to work in this kind of criminal cases.

Furthermore, police forces organize strategically raids on nightclubs and bars. These raids are made at a national level with the participation of the different Portuguese law enforcement groups (Public Order, Criminal Investigation and Borders Control).

Concerning legal provisions, in Portugal no criminal law refers to Trafficking of Human Beings alone specifically, or at least in those terms, but it is possible to identify in the Portuguese Penal Code two articles directly related to Trafficking of Human Beings for the purpose of sexual exploitation:

- Article 169: Trafficking of human beings related solely to prostitution activities:
  - Any person whom by means of violence, threat, hoax, fraud or authority abuse, seduces, transports, or accommodates other persons for the purpose of prostitution or other sexual acts can be sentenced to from 2 to 8 years of imprisonment. The relationship between the suspect and the victim can be based on authority abuse from hierarchical, economic or work dependence. This law also considers the vulnerability factor of the victim.
  
- Article 176: Pandering and Trafficking of Children. This crimes have several penalties:
  - If the victims of prostitution are between the ages of 14 and 16 years old, the person who facilitates or promotes this kind of activity can be sentenced from 6 months to 5 years.
  - If the prostitution activities occur with children under 16 years of age and if the victims are either from a foreign country or are nationals taken to a foreign country the exploiter can be sentenced from 1 to 8 years.
  - If the victims are under 14 years of age and are submitted to professional or lucrative activities by being hoaxed/rusted, threatened or by means of violence, the person who facilitates or promotes these kinds of activities can be sentenced from 2 to 10 years. The relationship between the suspect and the potential victim can be based on hierarchic, economic or work dependence authority abuse. This law also considers the vulnerable conditions of the potential victim.

These two articles resulted from the revision of the Portuguese Penal Code made in 1995, and from some other updates implemented in 1998.

Penalties established in articles 169 and 176 can be augmented in application of article 177 of the Portuguese Penal Code, whenever the victim is related to the aggressor by family bonds, and/or is economically or hierarchically dependent on the offender.

Furthermore, other provisions exist in the Portuguese Penal Code, related to the phenomena of Trafficking of Human Beings: pandering (Article 170), abduction (Article 158), servitude (Article 159), and criminal association (Article 299).

Finally, Portugal has a Victim's Protection Law.

## **5. Action plan against THBSE**



The Portuguese State has started to develop since 2004 a combination of measures to create an action plan against THBSE. There main goals are:

1. To improve the scientific studies about the phenomenon of THBSE specially about the Portuguese reality;
2. To define a victim protection program related to THBSE. This programme must integrate different aspects related to the needs of this kind of victim such as legal and financial support, health and psychological services and shelters.
3. To analyze and develop new legal measures to punish these kinds of crimes.

To try to achieve these goals the Portuguese State created the Multidisciplinary Platform called CAIM (Cooperation- Action-Investigation- global perspective) supported by the European Community (Program Equal II). This work platform joins together several governmental and non-governmental entities like the Ministry of Justice and the Ministry of the Interior, the Migrations International Organization, and the High Commissariat for the Minorities Integration and the Association for Family Planning.

As a result of the CAIM project in March 2007 the Portuguese Government has passed new official measures related to the crime of Trafficking of Human Beings:

1. A National Plan against the Trafficking of Human Beings: this plan includes different types of trafficking (illegal immigration; traffic of human organs and sexual exploitation) and tries to define a system of knowledge, prevention, and intervention on the phenomenon. The definition of objective measures of combat against the traffic situations and the victim's support are a priority of this plan. A creation of an evaluation and identification system of victims during the emergency phase is also under consideration in this National Plan. This plan must be implement between 2007 and 2010.
2. Plan for the Integration of Immigrants in Portugal: This plan has as a main goal to define all the duties of the Portuguese State related to policies of reception and integration of immigrants and tries to promote the participation of all civil society through a partnership with the State to intervene in this kind of situation. Concerning the subject of THB this plan tries to define stronger support in legal aspects for these victims (e.g. definition of a status of "victim of traffic") and new strategies of combat against the crime (criminal investigation strategies, a new program of victims protection that include the support of the victims family in the origin country). The creation of special shelters for these types of victims and the definition of best practices in Law enforcement agencies, judiciary and NGOs cooperation are also the priorities of this plan. Finally the plan also defines the importance of having a monitoring of the THB crimes with special attention to sexual exploitation situations.

## **6. Databases about THBSE.**

### **6.1. Data about Victims**

In Portugal there are official and non-official statistical data systems about victims of trafficking and sexual exploitation, but they are not interconnected.

### **6.2. Data about offenders**

Three years ago, the Portuguese Criminal Investigation Police created an official and confidential database in electronic format known as the Integrated System of Criminal Investigation (SIIC). Though it is still undergoing adjustments, it has become the main source of data for investigators.

The Criminal Investigation Police depend on the Public Prosecutor's Office, so during the investigation phase, Public Prosecutor's activities and the work done by criminal investigators are closely linked. Therefore, the data stored on SIIC comes mainly from, and is collected by, both public agencies, but the responsibility for processing the information relies solely on the Criminal Investigation Police Information Department.

SIIC variables, filled with information collected by the Criminal Investigation Police and the Judicial Offices, are:

- Judicial identification case number.
- Date of the investigation case.
- Date of the criminal incidents.
- Criminal investigation unit in charge.
- Related offences.
- Description of the incidents.
- Witnesses (name, gender and age)
- Victims (name, gender, age and profession)
- Offenders (name, gender and age, criminal and social history, nationality, related offences, profession, bank accounts, vehicles, phones, weapons, physical characteristics, aliases, identification documents)
- Places related to the criminal activities.
- Telephones.
- Identification of all the judicial procedures.
- Related to the case: vehicles, bank accounts, weapons, explosives, and organized groups.
- Documentation (related to the criminal activities)
- Criminal investigation case procedures.

The initial purpose was to use SIIC to help identify the diverse components of crimes related to the Trafficking of Human Beings, but these components can only be introduced into the database as abduction crimes. Therefore, in order to enhance performance, it would be necessary to differentiate between regular abductions and those related to women exploitation.

But one of the most important limitations of the SIIC database, without a doubt, is that it only reflects the most serious offences related with each case. Minor offences are simply not shown.

### **6.3. Data from the last five years (Data from Portuguese Criminal Investigation Police –DCIPT/UNI, Polícia Judiciária- 2004 to 2006).**

Table 1- Number of criminal investigations related with the crime of THBSE since 1<sup>st</sup> January 2004.

		Year			Total
		2004	2005	2006	
Phase	Investigation	21	34	44	99
	Sent to the Public Prosecutor Department	1	1	4	6
	Concluded	15	9	2	26
	Without enough information - Closed	26	24	8	58
	<b>Total</b>	<b>63</b>	<b>68</b>	<b>58</b>	<b>189</b>

Table 2 – Sources of information that instigate the accusation process

		Year			Total
		2004	2005	2006	
Source of information	Acquaintances / neighbours	2	3	2	7
	Victims	5	11	5	21
	Anonymous	25	14	11	50
	Family	0	1	1	2
	Others Police Forces	12	18	18	48
	Without reference	19	21	21	61
	<b>Total</b>	<b>63</b>	<b>68</b>	<b>58</b>	<b>189</b>

Table 3- Number of cases of THBSE worked by Portuguese Criminal Investigation police and others police forces

		Police Forces					Total
		GNR	INTERPOL	PSP	Brazilian Police	SEF	
Year	2004	12		12	1	1	26
	2005	17	1	11		3	32
	2006	8		14		1	23
	<b>Total</b>	<b>37</b>	<b>1</b>	<b>37</b>	<b>1</b>	<b>5</b>	<b>81</b>

Note: GNR- National Republican Guard; PSP- Public Security Police; SEF- Portuguese Borders Control Police

Table 4- Other type of crimes related to THBSE

		Year			Total
		2004	2005	2006	
Most important offence committed	Threats		1		1
	Criminal association	2	1	2	5
	Help to illegal immigration	2	4		6
	Fraud	1			1
	Extortion			1	1
	<b>Pandering</b>	<b>30</b>	<b>34</b>	<b>38</b>	<b>102</b>
	Pandering and trafficking of children	1	1		2
	Physical Offences		1		1
	Kidnapping	2			2
	Robbery	1			1
	Hostage Taking	2	6	7	15
	Drugs Trafficking	1	1	2	4
	<b>Trafficking of Human Beings</b>	<b>18</b>	<b>16</b>	<b>8</b>	<b>42</b>
	<b>Others</b>	<b>3</b>	<b>3</b>		<b>6</b>
	<b>Total</b>	<b>63</b>	<b>68</b>	<b>58</b>	<b>189</b>

Table 5 – Offenders/ suspects/ victims Nationality data

		Type of Intervention on the process			Total
		Offenders	Suspects	Victims	
Nationality	South Africa		1		1
	Germany		1		1
	Angola	1			1
	Brazil	36	19	41	96
	Cabo Verde	1			1
	Colombia		2		2
	France		1		1
	Moldavia		5		5
	Nigeria		2	1	3
	Poland	1		1	2
	Portugal	78	91	20	189
	Romania	9	7	19	35
	Russia			1	1
	Ukraine		2		2
	Venezuela		2		2
	Without reference	2	68	6	76
<b>Total</b>	<b>128</b>	<b>201</b>	<b>89</b>	<b>418</b>	

Table 6 – Offenders/ suspects/ victims sex

		SEX			Total
		F	M	Without reference	
Type of Intervention	Offenders	53	75		128
	Suspects	53	146	2	201
	Victims	86	2		89
	<b>Total</b>	<b>192</b>	<b>223</b>	<b>2</b>	<b>418</b>

Table 7 – Offenders/ suspects/ victims age

		Type of Intervention on the process			Total
		Offenders	Suspects	Victims	
Age Range	0-10			2*	2
	11-20	7	2	16	25
	21-30	37	30	41	108
	31-40	39	50	16	105
	41-50	30	22	4	56
	51-60	8	20		28
	61-70	2	4		6
	71-100	1			1
	S/Ref <sup>n</sup>	4	73	10	87
	<b>Total</b>	<b>128</b>	<b>201</b>	<b>89</b>	<b>418</b>

\* These cases are related with pandering and child sexual abuse criminal cases.

## **7 Policies undertaken between countries of origin and destination**

Since Brazil is the origin country of the majority of the THBSE victims in Portugal, the Portuguese Borders Control Police ("Serviço de Estrangeiros e Fronteiras"- SEF) has organized during 2006 with the Brazilian Government several working meetings about the subject of THB and Illegal Immigration. The most important goals of these meetings are to establish a cooperation system between the Republic of Portugal and Republic Federative of Brazil for the prevention and combating of THB crimes. From these working sessions Portugal and Brazil established some guidelines on THB cooperation defined in the "Declaration of Cascais". This cooperation includes sharing data about THB phenomenon and analysing legal measures in order to facilitate the criminal investigation of this kind of international crime between the two countries.

Portugal has started to work since 2004 on the problem of THBSE, but needs to develop more legal and practical instruments to really improve the prevention and intervention competencies in this kind of phenomenon. The first step will be to integrate in the Portuguese law the recommendations of the European Community about THB.

## **Part II.**

### **Specific information about assistance and prevention on victims of THBSE**

The description of the Portuguese reality on the subject of THBSE, which was presented in the first part of this report, defines four main important issues about the Portuguese state of art in this matter:

- Portugal has ratified the Council of Europe recommendations on THB and the UN convention (Palermo, 1999) but needs to implement these kinds of recommendations into the Portuguese legal and social systems.
- In practical terms assistance and prevention systems specifically oriented to the THBSE situations do not exist in Portugal.
- The legal tools are also not adequate to give an effective answer to terms of criminalization of this kind of phenomenon.
- It is necessary to develop cooperation rules in terms of police and judicial institutions on two different levels: national and international.

In this part of the report all the measures considered as important to build in Portugal a useful combat system against the THB will be presented, giving special attention to the sexual exploitation context.

#### **A. THBSE PREVENTION**

##### **1. Prevention strategies to improve the fight against THBSE in Portugal**

In Portugal, until now, it is not possible to identify a specific prevention program on THBSE made either by governmental or non-governmental institutions. However it is possible to find some NGOs specialized in the intervention for victims of prostitution with some activities for the prevention of THBSE. Since these NGOs are not specific to the context of THBSE their prevention activities in this matter are made only in special situations in relation to special contexts.

The media has dedicated some attention to the THBSE problem through several news items on television, newspapers and special reviews about the prostitution market in Portugal and the different Portuguese's routes for the traffic of Human Beings. The media has also played an important role in the social and political discussion about the THBSE problem, because from the public opinion perspective this is not a major problem in Portuguese society. The

media had an important role in making the Portuguese society understand all the dangers related to the THB and prostitution context.

## **2. Measures improving prevention of THBSE in the trafficking phase**

### **2.1 Recruitment in countries in origin**

In Portugal the information concerning the problem of the recruitment of victims is mostly related to crimes like illegal immigration and illegal work.

The contacts and the information shared between the Portuguese and Brazilian police related to the identification of the strategies of recruitment of Brazilian women is the most important work developed on prevention strategies.

Portugal needs to improve the prevention strategies about the crimes of THB, especially with the other origin countries. As can be seen in the first part of this report the Eastern European Countries and Africa are other important traffic routes to Portugal. It is important to have more specific information about women recruitment in these countries.

### **2.2. Victims at risk**

Since Portugal can be identify as a destiny country for the victims of THBSE it is important to establish preventive strategies in the origin countries addressed to the target risk groups. To develop these kinds of strategies Portugal and each origin country need to cooperate in terms of establishing data collection methodology about the victims profile in each reality and define the rules for sharing this information. The actions like informative campaigns should be addressed to each group in the origin and destiny countries. Also the special training of the professionals that work in the context related to THB could be an important approach to help to identify and intervene with these kinds of victims.

It is important to identify the Brazilian experience related to this subject:

- The University of Minas Gerais has developed a survey on the airports trying to identify the victims of THBSE. In this survey the sociologists and psychologists try to interview the women who came from European countries and show some of the risk characteristics. It is easier to interview these women than when they came from Brazil after the trafficking experience, since it is more difficult to make their identification when they go to the destiny country. This information is very important in order to have knowledge about the victims profile and about the way the routes of trafficking act.
- The information obtained in the surveys is used to define the prevention strategies. In the Brazilian context the different professionals that work in airports have training about THB based on the survey information and give special attention to women that have risk characteristics.

### **2.3 Legal actors collaborating with organized crime**

In Portugal it is possible to identify several legal actors collaborating with the crimes of THB especially in cases of sexual exploitation. It is possible to identify some Portuguese nightclubs, private clubs and escort agencies owners related to women trafficking especially from Brazil.

It is important to have better control of this kind of entertainment place since in most cases the owners work with legal advice and know how to stay out of the police and judiciary

intervention. It is necessary to have more legal tools to intervene with these kinds of criminal target groups and to organize a better control system in the field for the different institutions related to the intervention in the THB problem.

The legal registration of the specific places related to the practice of prostitution can be one of the strategies to help with THB intervention.

The adjustment of the penalties related to these crimes could also be another way of intervening and control the collaboration of these legal actors. The police actions with the support of undercover operations could be another way of intervention in these cases.

### **3. Measures improving prevention of THBSE at the exploitation phase**

#### **3.1. Border control**

The characteristics of the Portuguese terrestrial borders make the entrance into Portugal of victims of THB easy since all the borders are internal borders shared with Spain. Since these internal borders are open, to prevent the situations of THB it is very important to have closer cooperation between border and law enforcement authorities. The implementation of the recommendations of the Council of Europe and the sharing of best practice in these kinds of cooperation measures should be considered for the Portuguese programme against the THB.

#### **3.2. Hot spots entries**

In the first place it is necessary to have clear identification of the hot spots entries of victims of THB to Portugal in relation to the origin country. The Portuguese monitoring will be important to achieve this goal. These hot spot places are mainly the Portuguese airports but also the airports in Madrid, Paris, and Amsterdam. The Portuguese consulates are also other places where it is possible to find potential victims.

The clear identification of these hot spot places is very important for implementing preventive programs giving information about the THB problem to these potential victims in these places. This kind of action depends on the cooperation of the origin and destiny countries, and also from the specific training of the professionals who work in these places on the subject of THB. The cooperation on these cases could be at governmental level but also through the NPOs specialized in THB.

#### **1.3. Administrative controls over private sector (vulnerable sector) and Economic control (money laundering, money transfer...)**

It is possible to identify in Portugal greater administrative and economic control specifically in the entertainment sector oriented to nightclubs or bars, but the Portuguese law gives some chances to the owners to have some legal tools so as not to be caught by the legal system for problems related to administrative or economic illegal actions that may be committed by them. To change this scenario it is necessary to have a broader reformulation of the legal system.

#### **1.4. Administrative controls over prostitution market**

Since in Portugal prostitution is neither prohibited nor regulated by the State a new intervention in THB has opened a social discussion about the prostitution market and its formal control. One of the most important discussed measures is the legalization of the prostitution market. The legalization of this phenomenon gives the possibility of formal registration of the women who works in the prostitution market and to have the chance to give



formal health support to this risk group. With these conditions it is easier to identify potential victims of THB and to define assistance and protection programs.

### **3.5 Promotion of clients' responsibility and awareness**

In Portugal no legal punishment exists related to prostitution clients that have awareness of women who are victims of THB. The I National Plan against the Trafficking of Human Beings presents a measure to combat the THB by punishing the clients that have awareness of this kind of situation with penalties of 1 to 5 years of prison.

## **B. ASSISTANCE AND PROTECTION**

### **1. Assistance and protection for THBSE victims in Portugal: problems encountered**

From the point of view of the protection and assistance of victims of THBSE, Portugal does not have any governmental or non-governmental ONG specialized in this kind of victim. In Portugal the system of protection and assistance for victims are made by non-governmental organizations. These organizations have some financial support from the Portuguese government and the support of the European Community programs. It is important to inform that on the most part Portuguese NGOs are oriented to domestic violence against women.

Portugal has a main non-governmental Victims Support Organization - APAV- (Portuguese Association of Victims Support). This organization has a general level of intervention but in reality they have more programs of prevention and assistance related to victims of domestic violence, and some intervention in illegal immigration and illegal work. The APAV does not have any special program for victims of THBSE. When this organization has any cases in the THBSE context it intervenes in the same way they do in the other types of victims.

The NGOs specialized in prostitution victims have some contact with the THB problem. These organizations try to help the THB victims with the same programs they have for the others victims. From the point of view of these NGOs it is very difficult to identify prostitute victims of TBH because they have afraid to look for help. When they contact these organizations they look for legal advices related to documentations (e.g. legal permission to stay in Portugal) but they do not admit to be victims of trafficking.

The Congregation "Sisters Adoradoras" is the only ONG in Portugal with some experience of prevention and assistance for victims of trafficking related to the prostitution market. This congregation has several shelters in Spain, receives, and helps victims of trafficking for sexual exploitation. The information related to the work of this congregation is limited because the Portuguese coordinator refuses to participate in this project despite their partnership task in the present research.

The Portuguese police also have a role in dealing with protection and assistance of THBSE victims. The Portuguese police intervention is related to specific cases that are in the investigation phase. It is necessary to improve the cooperation between the Portuguese NPOs and the police forces in cases of human trafficking. The main problem is related to the sharing of information, which from the police point of view is defined as confidential.

#### **1.1 Victim's detection**

The victim's identification is mostly made by the NPOs related to victim support in general or to prostitutes specifically. On the implementation of the NPOs information programs about legal and social support based on a direct contact made between the NPOs volunteer to prostitutes, mainly working in the streets, some times it is possible to identify some women who are victims of trafficking.

Other sources of victim identification are based on police operations made on nightclubs, clubs, and bars. Some of these operations are an organization between the Criminal Investigation Police and the Borders Control Police and their goal is to identify persons who live illegally in Portugal and are potentially victims of sexual exploitation or illegal work. These police operations are also a way of identifying criminal organization groups.

The Portuguese Borders Control Police have also done some work on victim detection in Portuguese's airports through the screening of women who come from countries like Brazil. This work is done in collaboration with the Brazilian Police.

To facilitate the victim's identification the I National Plan against the Trafficking of Human Beings presents as a priority an itinerant team to give support to these victims. This is an important tool for collecting information on trafficking and on victims of this kind of crime.

The Ministries of Labour and Interior can take another important action through a more serious control of the legality of employment and stay documentation in Portugal.

## **1.2 Information given to the victims**

It is important to have specific NPOs in cases of THB, since these kinds of situations need special knowledge and answers from the point of view of the legal, health and psychological needs of these victims.

## **1.3 Shelter**

The first shelter especially organized for victims of THB is officially working since March 2007 and is a result of the work developed in the CAIM project. This shelter has conditions to receive women signalized as victims of trafficking and to assist their social integration process or to help with their return to the origin country in a safe way. The shelter also gives psychological, legal, and social assistance to these victims.

## **1.5.Provision of legal documents and of residence and work permit**

The I National Plan against the Trafficking of Human Beings includes the provision for legal documents and residence and work permit to victims of THB, even if the victims does not agree to collaborate with the legal institutions. The new changes in the Portuguese legislation have also special penalties for situations like the occultation of the victims' identification documents (3 years of prison maximum).

## **1.6.Witness protection and assistance in court**

Concerning the THB problem the Portuguese Plan for the Integration of Immigrants has as a main goal the development of a new program of victim protection that includes the support of the victims' family in the origin country. In this Plan the women have access to a "reflection period" (six months) in terms of their participation in the judiciary system as witnesses of THB crime in Portuguese courts. The implementation of these measures also depends on changes discussed in the new Portuguese Penal Code.

## **1.7. Provision of short time assistance, assisted return and compensation**

Portugal does not have any short time assistance for victims of Trafficking. The I National Plan against the Trafficking of Human Beings gives more attention to needs like an evaluation and identification of a system for victims during the emergency phase.

In Portugal the victims of THB can have financial support to return to their origin countries. The financial support is the same as that given to other types of victims (e.g. illegal workers). The Migrations International Organization and the High Commissariat sustain this financial support for the Minorities Integration in association with the Ministry of the Interior.

In Portugal it is possible to find some legal support for victim compensation but just in cases of victims of violent crimes. THB is not including in this kind of victim definition. Even at a European level the inclusion of the THB victims in the recommendations about prevention and assistance to victims of crime is something very recent (2006). In these recommendations it is possible to find a compensation scheme that can be applied to all kind of victims not just to victims of violent crimes. In this subject it is also important to take into consideration the special recommendations about THB ratified by the ministers of the Council of Europe. The new Portuguese Plan for THB has taken into consideration all these European recommendations. The definition of a status of “victim of traffic” can be a very important strategy to intervene in subjects like compensation of victims. In the cases of victims of trafficking the compensation scheme could be defined as an “integration income” to support the victims in their social inclusion.

Considering that the compensation can be something important for the THB victims this scheme of support cannot be based on State financial resources. It is important to analyse the good practices in this kind of subject presented by other countries who have compensation schemes based on social and community resources even if these schemes are related to other types of victims.

### **1.7 Long-term assistance**

In Portugal it is not possible to identify a long-term assistance to victims of any type of crime. Since the I National Plan against the Trafficking of Human Beings gives more attention to needs like an evaluation and identification of a system of victims during the emergency phase the aspects related to the long-term assistance are not the first priority of this plan.

### **1.8. Monitoring phenomena of THBSE**

The I National Plan against the Trafficking of Human Beings presents as an important goal an attempt to develop a database with information concerning the accusations of trafficking situations. This data base should be used by the police forces with criminal investigation competences in THB and can make an important contribution to the victims identification since this may be a way to receive and organize the information related to the identification of victims. The development of a monitoring program in Portugal will start in July 2007. This monitoring will be very important for all the actors that collaborate in the prevention of THB and protection/assistance of their victims.

## **Part III- Best practices in Law enforcement agencies, judiciary and NGOs cooperation.**

Portugal has started since 2004 to define some specific guidelines on the prevention and protection/assistance to victims of THBSE. The first governmental Plan against the Trafficking of Human Beings passed in March 2007 is the first standard to develop a program to intervene in prevention, and protection/assistance of victims of THBSE. This plan tries to define strategies of cooperation between all the actors in this process. It is important for Portugal to share all the experience of other European countries with best practice on prevention and protection/assistance to victims of THBSE and also about their internal (national) and external (International) cooperation strategies.

The best practice in THB cooperation must identify several aspects: victim identification strategies; offender identification; prevention system; coordination of resources between all the governmental and non governmental participants; qualification of the working staff in each organization.

The Plan for the Integration of Immigrants in Portugal passed in March 2007 also has an important role in the intervention of THB situations since it is a goal of this plan to try to define policies of reception and integration of immigrants and to promote the participation of all civil society to intervene in general trafficking contexts. The characterization of stronger victim support in legal aspects and new strategies for combating THB crime through the definition of best practices in Law enforcement agencies, judiciary and NGOs cooperation are also priorities of this plan. The international cooperation between the judiciary and police systems and others entities like Eurojust, Europol or Interpol is also another priority of this plan.

In order to make this cooperation more effective it is important to discuss best practice on a National and International level. These activities could be implemented through several levels of cooperation between governmental and non-governmental experts, researchers, media, and law enforcement workers. The best practices could be discussed in conferences, seminars and training sessions. Some cooperation in research and assessment of the prevention and intervention programs could also be made in order to obtain high standards for combating THB and in the protection of victims of THB.

**Final notes:** The information presented in this report was obtained from several sources: 1. NPOs: APAV and Irmãs Oblatas; CESIS; 2. Police Forces: Policia Judiciária (DCCB and DCIPT/UNI) ; SEF; 3. CAIM Project.



**CENTRO DE INVESTIGACIÓN  
EN CRIMINOLOGÍA**  
UNIVERSIDAD DE CASTILLA-LA MANCHA

## ***SPANISH REPORT***

*Cristina Rechea Alberola*  
*Andrea Gimenez-Salinas Framis*  
*Marta González*  
*Carlos Botrán*  
*José Luis González Alvarez*



proyecto  
ESPERANZA

## ***TABLE OF CONTENTS***

### **Part I. General information about THBSE in Spain**

- 1 Introduction
- 2 The situation of THBSE in Spain
- 3 The current situation of Prostitution in Spain and its legal framework
- 4 THBSE legal framework
- 5 Action plan against THBSE
- 6 Databases about THBSE
  - 6.1 Data about victims
  - 6.2 Data about offenders
- 7 Policies undertaken between countries of origin and destination
  - 7.1 Return programs
  - 7.2 Evaluation of return risk
  - 7.3 Judicial cooperation between countries of origin and destination
  - 7.4 Police cooperation between countries of origin and destination

### **Part II. Strengthening cooperation between police, NGOs and Judiciary to improve prevention and support for THBSE victims.**

#### **A. THBSE PREVENTION**

1. Prevention strategies to improve the fight against THBSE in Spain
  - 1.1. Social prevention
  - 1.2. Prevention conducted by police agencies
  - 1.3. Prevention by the judiciary
2. New prevention strategies strengthening cooperation between police, NGOs and Judiciary to improve prevention of THBSE
  - 2.1. Measures improving prevention of THBSE strengthening cooperation between NGOs, police and judiciary at the trafficking phase
    - 2.1.1 Recruitment in countries in origin and focused on victims at risk
    - 2.1.2. Prevention measures focused on criminal organizations and individuals collaborating with organized crime
  - 2.2. Measures improving prevention of THBSE strengthening cooperation between NGOs, police and judiciary at the exploitation phase
    - 2.2.1. Control measures
    - 2.2.2. Measures improving report and victim identification
    - 2.2.3. Promotion of client responsibility and awareness

#### **B. ASSISTANCE AND PROTECTION**

1. Assistance and protection for THBSE victims in Spain: problems encountered
  - 1.1 Legal framework
  - 1.2 Information given to the victims
  - 1.3 Reflection period
  - 1.4 Short time programs
  - 1.5 Data on victims assisted and protected
  - 1.6 Main obstacles encountered by institutions providing protection and assistance
2. New protection and assistance strategies strengthening cooperation between police, NGOs and Judiciary to improve prevention
  - 2.1. Detection and identification of victims
  - 2.2. Information provided to THBSE victims

- 2.3. Emergency fostering and accommodation
- 2.4 Provision of legal documents
- 2.5 Provision of short time assistance
- 2.6 Provision of residence and work permit
- 2.7 Victim/Witness protection
- 2.8 Trial assistance
- 2.9 Voluntary assisted return and economic compensation
- 2.10 Victims work and social integration
- 2.11 Data collection about victims

Part III- Cooperation between police, NGOs and Judiciary to improve prevention and assistance of victims of THBSE: Best practices.

## PART I

### GENERAL INFORMATION ABOUT THBSE IN SPAIN

#### 1. Introduction

Spanish report has been the consequence of a work done by the three main partners of this project in Spain: Carlos Botrán, from the *Comisaría General de Extranjería y Documentación* of *Cuerpo Nacional de Policía*, Marta González from *Proyecto Esperanza*, NGO in charge of victims of trafficking on human beings for the purpose of sexual exploitation and José Luis González Alvarez, from the Unit of Judicial Police of Guardia Civil, in charge of monitoring THB. The University of Castilla La Mancha represented by the *Centro de Investigación en Criminología* has been the coordinator of the project.

The first part of the report is a general overview of the phenomena of THBSE in Spain, the existing legislation, the victims' situation, existing databases about THBSE and policies undertaken between countries of origin and destination. The second part of the report first describes existing strategies and measures to prevent THBSE and the assistance and protection service in Spain and, second, it describes the results of two focus groups developed by the coordinators, trying to promote debate about improving present strategies and procedures to prevent the phenomena of THB and to improve victim protection and assistance strengthening coordination between judiciary, police and NGOs.

#### 2. The situation of TBSH in Spain.

Spain is a country of destination and victims who are trafficked into our country come from three main geographical origins: South American countries (Colombia and Brazil as main countries of origin), Eastern European countries (Romania and Poland as main origin countries) and Sub-Saharan Africa (Nigeria and Morocco as main origin countries).

Organized groups dedicated to the THBSE are both, strong networks and well organized groups who develop their activity at transnational level and are characterized by deep penetration in different countries and also being small groups (two, three or four people) without strong infrastructure and organization but capable of working to bringing an end to this kind of crime. Even though, the illegal activity of THBSE is recently changing their modus operandi of a single person who collaborates with bigger organizations while being in charge of recruiting women in many countries. Regarding the location of the activity, THBSE is widely developed in all the national territory, specifically in places where prostitution is taking place, in the sense that prostitution in Spain is mainly located in small clubs where the activity conducted is called "alterne". This means that the girls talk and make the clients drink and, eventually, they have sex with them. Prostitution in Spain is mainly an indoor activity. Prostitution in the street is also possible, but it represents around 10-20% of the activity. During recent years and due to reinforcement of control against THBSE, there has been a displacement from clubs or public locations to more *underground* and hidden locations (apartments, clubs, etc).

#### 3. The current situation of prostitution in Spain and its legal framework.

Spain is an abolitionist country where prostitution is not illegal or criminalized but it is not legal or regulated. So, anyone can do this activity without being punished. Moreover, the



activity is not recognized as a labour activity and this means that foreigners coming to Spain as prostitutes do not have the possibility of asking for a stay permit or a work permit in order to legalize their situation. As a consequence these persons can be punished by an administrative law, according to the foreign legal framework.

However, forced prostitution in adults is punished, as well as making revenue from the prostitution of another and introducing minors to prostitution. There is a social and political split discussion between two practically antagonistic positions. On one hand, one of them says that prostitution is an indisputable way of violence and, obviously, it could never be recognized as a labour activity because it would legalize a Human Rights violation. On the other hand, the other position says that if prostitution is recognized as a labour activity every kind of violence could be exterminated.

On one hand, different parliamentary commissions have taken place. At present, conclusions of the last parliamentary commissions were against regulations or legalization of prostitution. On the other hand, in the area of the local administration there have been different town halls that have dictated municipal ordinances regulating aspects related to prostitution, such as the conditions in the places where prostitution happens, the prohibition of soliciting or picking up clients in the street, etc.

#### **4. TBHSE legal framework**

The 1999 the reform of the Spanish Criminal Code introduced the specific offence of sexual exploitation, namely “coercion into prostitution” (article 188 of the Criminal Code). After this, the current Spanish legislation about TBHSE relies on Article 318 bis of the new Immigration Law 4/2000 enacted on 11th January 2000, and which came into force in February of that year, introduced a new chapter into the Criminal Code entitled “Offences Against the Rights of Foreign Citizens”. The problem of this article is that there is no distinction between the illicit trafficking of immigrants and the trafficking of persons with the purposes of exploitation and it mixes both conducts. In addition, it does not include definitions of each one of the terms. The UN Protocol definition of trafficking of human beings has not been incorporated into our Penal Code, even though it has been signed and ratified by Spain. However, these are the reformed articles:

- Article 318 bis-1 stated that «Those who promote, favour or facilitate the illegal trafficking of persons from, in transit through, or to Spain shall be punished with penalties of imprisonment from six months to three years and fines ranking from six to twelve months». Moreover, this article foresees an increase of sentence if the trafficking in human beings happens with the purpose of sexual exploitation. The first case is punished with an exclusive sentence of freedom from four years to eight of prison. The second case – sexual exploitation – is punished with a sentence from five to ten years of prison.
- Article 318 bis-2 stated that «If the purpose of the illegal trafficking or clandestine immigration is the sexual exploitation of people, they will be punished with penalties of imprisonment ranging from 5 to 10 years».
- Article 318 bis-3 stated that «High penalties shall be imposed to those whose behaviour falls into any of the paragraphs above with animus lucrative or by means of violence, intimidation, deception or abuse of a situation of superiority or special vulnerability of the victim, jeopardy of their health or personal integrity».

- Article 318 bis-4 stated that «Penalties established in the section above, plus total disqualification from office for 6 to 12 years, shall be imposed to those who abuse their authority as law enforcement agents or public servants».
- Article 318 bis-5 stated that «The next highest level of penalties to those established in the foregoing paragraphs, plus special professional disqualification during the sentence period, shall be imposed to offenders who belong to an organization or association , even though it might be temporary, devoted to such activities».

High penalties, or eventually the next highest level of penalties, shall be imposed to a manager or staff in charge of such organizations or associations. The judge may further decree one or several measures as foreseen in article 129 hereof for the offences described in the paragraphs above.

- Article 318 bis-6 stated that «Courts and Judges, considering the seriousness of the offence, its circumstances, as well as the offender's condition and purpose, may impose penalties in the the next highest level of penalties to those foreseen for the offence committed».

Besides the previous crime, in practice - in many cases of trafficking in women with the purpose of sexual exploitation – the district attorneys qualify the crime as a crime from the article 188 of the Penal Code. This article sanctions several crimes: first, it sanctions those who use violence for the purpose of intimidation or deception; second, it sanctions those who abuse their power or the vulnerability of an adult victim in order to force him/her into prostitution; third, this article sanctions people who receive money through foreign prostitution. In the latter case, the sanction is two to four years of imprisonment; but, really, if an offender has no penal precedents, he/she could be spared the prison sentence. So, these sanctions do not fulfil the purpose of dissuasion that they should. The aforementioned article consists of:

- Article 188-2 of the Criminal Code punishes with imprisonment for between 2 and 4 years and fines ranging from 12 to 24 months «those who directly or indirectly favour the entry, stay or exit of persons from Spain in order to exploit such persons sexually, by using violence, intimidation or deception, or by abusing a situation of superiority, or by exploiting the victim's need or vulnerability».
- Article 188-3 foresees penalties corresponding to the higher half of those penalties in the previous paragraphs as imposed on those who commit the offences mentioned in the foregoing paragraphs by abusing their authority, be they law enforcement agents or public officials.
- Article 188-4 refers to «persons under age». (i.e. minors) and establishes that penalties of the immediate superior level to those seen in foregoing paragraphs shall be imposed should the offence be committed against minors or persons of unsound mind for the purpose of introducing such persons to prostitution or to maintain them in that situation.

*L.O. 4/2000 de los derechos y libertades de los extranjeros en España y su integración social*, forenses an administrative sanction in case of promotion of illegal immigration with an

economic gain. Penalties can be 6,001 to 60,000 euros and confiscation of instrumentalities and proceeds from crime (art. 55.1 y 55.5).

## 5. Action plan against THBSE

Spain does not have an Action Plan against THBSE. The current government is now discussing an national action plan: *Plan integral de lucha contra la trata de mujeres, niñas y niños*. This Action plan has been discussed and developed as the consequence of a request from Parliament to the government. This plan follows some recommendations included in a report of THB elaborated by a Parliamentary commission in 2003.

## 6. Databases about THBSE.

At the same time, the methods used by the Spanish police to collect data on these offences have changed greatly in recent years, and they are bound to change further in the near future. However, at present, the official data are those collected at police stations when victims lodge complaints.

In 1998 Europol drew up and introduced a data collection proposal to gather national information on human trafficking and thereby enable comparative analysis of the phenomenon. Spain agreed to join the project and has substantially improved its data collection system. *Guardia Civil* and *Cuerpo Nacional de Policía* drafts annual reports on human trafficking for the purpose of sexual exploitation on the basis of Europol but those databases are confidential and unpublished.

Spain has one official database which includes data on the specific offence of trafficking in human beings or the purpose of sexual exploitation (i.e., coercion into prostitution - article 188 of the Criminal Code). This database is maintained by the *Ministerio del Interior* and stores investigative information relating to each chapter of the Criminal Code. The information contained in this database originates from the data collection forms compiled by the police forces (the *Cuerpo Nacional de Policía* and the *Guardia Civil*) when they become aware of a case of human trafficking, either because a report has been made or through their own actions. The data concerns cases known to the police and the persons arrested prior to their committal to trial. The variables collected in relation to the offence are: date, time, place, kind, classification of the offence (misdemeanour, felony, etc.), execution (attempted or committed), the means used to commit the offence (firearm, physical violence, psychological violence, intimidation, etc.), and *modus operandi*.

Other data are collected by the two Police units with competence on human trafficking for the purpose of sexual exploitation. These data are processed separately by each department with information arising from concluded investigations. The result is two different databases, with no co-ordination between them and no common basis. It was therefore not possible to compare the data obtained by these means and to conduct combined analysis. However, the following brief description of the activities of the two Police units is possible.

As regards judicial activity, the Ministry of Justice has a database, but it is of no use for analysis because it does not indicate offences separately.

## 6.1 Data about Victims

The *Ministerio del Interior* database – This provides detailed information on victims when it is compulsory for police forces to compile complaint sheets, as in the case of sexual offences against, coercion into prostitution (article 188), trafficking and exploitation of minors, illegal detention and kidnapping. The data collected on victims concerns:

- a) Category.
- b) Gender.
- c) Age.
- d) Nationality.
- e) Relationship to the perpetrator of the offence (father or mother, child, spouse/partner, other relative, work/school friend, causal acquaintance, other, none).
- f) Injuries caused by the crime (no harm, non-serious harm, death).

The *Guardia Civil* database – As previously mentioned, since the introduction of the Directorate General of the Police Service Guidelines 3/2000 on action against rings engaged in the trafficking of women and the prostitution of minors, systematic inspections are carried out in clubs without accusations being necessary or suspicion that a criminal offence has been committed. These inspections yield data on victims: in particular, on the number of nationalities, genders and ages of people working as prostitutes who report traffickers/exploiters to the police. The reports on trafficking produced by the *Guardia Civil* also contain data on the situations of victims in Spain, e.g. how rings have exploited them, the means of coercion used, etc.

Likewise, NGO's like *Proyecto Esperanza* gather information about trafficked women. This information concerns nationality, age, marital status, number of children, duration, type and place of exploitation, legal status, etc.

## 6.2 Data about offenders

The *Ministerio del Interior* databases – The sheet on arrested people collects information on the following variables: a) origin of the action, b) current or future proceedings, c) collaboration with other police forces, d) date of birth, e) address, f) nationality, g) participation, h) injuries, j) gender, k) marital status, l) employment status, m) education, n) residence, q) drug consumption (type, frequency, time of consumption), r) alcohol consumption, s) police record, t) record of convictions (penitentiary, care centre, bail hostel, etc.), u) proposal for expulsion or rejection (only for foreigners), w) situation before and after the arrest.

However, it is impossible to determine whether an arrested person has simultaneously committed two or more crimes related to human trafficking because the database does not comprise this kind of information. The only information available is the number of previous police arrests (recidivism), and even in this case records are not kept on the kind of crimes that led to the previous arrests.

The *Cuerpo Nacional de Policía - Foreigners and Documentation Division* database - The *Cuerpo Nacional de Policía*, especially its Foreigners and Documentation Division, has gathered much more information on the trafficking of human beings for the purpose of sexual exploitation. Its data covers criminal offences such as coercion into prostitution, offences

against workers' rights and offences against the rights of foreign citizens, false documentation, and the falsification of residence permits. Information on traffickers concerns the number of rings identified and the number of persons arrested.

*Guardia Civil* database - Complete quantitative and/or qualitative analysis of the data available from the *Guardia Civil*, is forthcoming from studies and solved cases. Data on perpetrators refer to sex, age and nationality, and also available is qualitative information on rings, their *modus operandi* and contacts in Spain.

## **7. Policies undertaken between countries of origin and destination**

Trafficking of human beings is becoming an increasingly serious problem, and the Spanish police are paying close attention to the criminal networks that bring illegal immigrants into the country. Most of these organisations operate in the labour market, but others introduce immigrant women for the purpose of their sexual exploitation. Public opinion has been alerted by the media, and various NGOs (new and old ones) are working to help the victims of trafficking, giving them provisions and shelter and helping them with the paperwork required to legalise their positions. In the case of sexually exploited women, these organisations seek to convince them to report their traffickers/ exploiters to the police.

### **7.1. Return programs**

There is an agreement between IOM Spain and The Ministry of labour and social affairs that give funds to a general return program for immigrants in danger or at risk. There is no specific program for victims of THB but in practice the direction of this program gives priority to victims of THB in the return procedures.

Other return programs in general are also conducted by ACCEM and the RED CROSS and also funded by the Ministry of work and social affairs.

### **7.2. Evaluation of return risk**

There are no indications about evaluation of return risk. Some NGOs take into account this risk such as *Proyecto Esperanza* , but it is not a standardized practice.

The return is not assisted in the country of origin. In some cases, when the country of origin offers an infrastructure to assist the victim's return, i.e. Romania, the assistance is provided. Nevertheless, there is no special agreement with other countries to make sure that the victim is assisted when returned to his/her country of origin.

No compensation is provided to victims that return to their own countries.

### **7.3. Judicial cooperation between countries of origin and destination**

Regarding criminal investigations, EUROJUST and Iber RED are platforms of coordination between EU countries and from American countries that can be used to promote criminal investigation, interchange information and create joint units.

Nevertheless there is no standard and permanent cooperation between judicial institutions, it depends on the case and specific problem.

## **7.4 Police cooperation between countries of origin and destination**

There is certain coordination by means of the interior attaché of countries of origin in Eastern Europe or in African countries such as Nigeria, Morocco, etc. There is some exchange of information and joint investigations.

Nevertheless, this relationship has no permanent basis, there are no agreements or protocols.

## **PART II**

### **Strengthening cooperation between police, NGOs and Judiciary to improve prevention and assistance of THBSE victims.**

#### **A. THBSE PREVENTION**

##### **1. Prevention strategies to fight against THBSE existing in Spain**

###### **1.1. Social prevention**

Some occasional awareness-raising campaigns have been conducted by NGOs and funded by the Government, but nothing permanent. Those campaigns were oriented, first to prevent and inform victims in countries of origin and second, to provide information to Spanish society about THBSE. Nevertheless, no prevention programmes are in place which focus high risk population in countries of origin. *Proyecto Esperanza* participated in a prevention program in Ecuador some years ago. This program was funded by the City Hall of Madrid (international cooperation department).

Prevention is not a priority in Trafficking on human beings for the purpose of sexual exploitation. There is still much to do to find strategies to improve victim's identification, to prevent victims from being kept by criminal organizations and to reduce demand on these phenomena.

###### **1.2 Prevention conducted by the police agencies**

From the point of view of *Cuerpo Nacional de Policía* (one of the national police forces in Spain), some activities in order to prevent the phenomena have been carried out:

- Training courses for policemen in charge of criminal investigation of THB cases.
- Interviews at borders to victims having a high risk profile.
- Immigration controls in places where prostitution is located.
- Labour inspections in cooperation with labour inspectors.
- Exchange of information between authorities from origin and destination countries.

From the *Guardia civil* (second national police force in Spain) other strategies have been undertaken:

- Since 2000, they are regularly conducting preventive administrative inspections and they use them to inform potential victims about their rights and protection programs in our county.

- Training courses to special units in charge of THB investigation

### **1.2.1 Organized crime means**

In 2001 *Cuerpo Nacional de Policía* has created 15 UCRI (Units against illegal immigration and false document networks). These units have special resources and tools for organized crime investigations.

*Guardia Civil* also has specialized units in organized crime that include criminal investigation against THB.

### **1.2.2. Reducing opportunities at borders**

Some initiatives from *the Cuerpo Nacional de Policía*<sup>33</sup> have been conducted at borders to improve control over THB activities:

- Interchange of information between police forces in charge of monitoring borders at Schengen borders.
- Monitoring mobile phones at borders from Spain, France and Portugal.
- Technical means to verify passports and identity documents in order to reduce falsifications.
- Joint units of investigation with police from other countries.
- Informants in place in origin and destination countries

### **1.2.3. Coordination between immigration units and organized crime units against THB**

There is no national coordination between immigration units and organized crime units from the two national police forces. Every national police force makes efforts in order to coordinate their units but national coordination is still missing.

Regarding *Cuerpo Nacional de Policía*, protocols have been created between *Comisariías Generales de Extranjería y Documentación* (immigration units), *Policía judicial* (judicial police) e *información* (intelligence unit). In addition, the board of the *Comisaría general de Extranjería y documentación* is also composed of members who are also in charge of units monitoring borders and members who are in charge of illegal immigration to unify criteria and find common strategies.

Regarding *Guardia Civil*, coordination between departments has been promoted during recent years. There is an increasing exchange of information.

Between Police and NGOs, cooperation is possible because personal contacts have been developed; there are no protocols or standardized tools establishing collaboration means between police and NGOs all over Spanish territory. No permanent meetings or platforms are taking place in order to share expertise and practices between those institutions.

### **1.2.4. Strategies to reduce economic impact of THBSE**

Our Penal Code provides the possibility of closing clubs, companies and confiscating means of THB criminal organizations. Criminal investigations are conducted in parallel with

---

<sup>33</sup> This police force is in charge of border control and passports and identity documents.

economic investigation of the authors to report to the judges about the criminal organization means, their origin, to confiscate them and use it to try to compensate the victims.

### **1.3. Prevention by the judiciary**

#### **1.3.1 Witness protection of THBSE victims**

The Law on witness protection (*Ley Orgánica de Protección de Peritos y Testigos en Causas Criminales*, 19/1999, de 23 de Diciembre) provides witness protection to THB victims who decide to bring charges against THB criminals in our country. This law gives protection to any person in danger for its participation in a penal process as expert or witness. This Law contains some measures that can be implemented regarding witnesses or experts and depending on the danger they are facing. Regarding the implementation of this law, victims might ask for the application of the law. Police always give information to victims about the protective measures that can be applied in the particular case, and sometimes they implement these measures as preventive tools when the victim is in danger and reports her case to the police.

In practice, measures more commonly applied are the following:

- Anonymity of the victim. This measure is to hide the identity of the victim's address, work etc. during judicial process.
- To provide a waiting place in tribunals in order to wait for the judicial process, without being watched by the authors of the crime.
- Police protection in court.
- Declaration separated by a panel when authors are in the same room.

#### **1.3.2. Training the judiciary on THBSE**

There are some training courses given to the police but not to the judiciary. Judicial personnel are still not aware of the problem, the victim's specific traumas and the specifics of THB cases. This is the main problem NGOs and police encounter with judges and prosecutors.

To conclude, the following tables summarise first, the main problems encountered with police by NGOs in order to work on the field of THBSE, and second, the main problems encountered by NGOs with judiciary:

#### **MAIN PROBLEMS ENCOUNTERED WITH POLICE**

- |   |
|---|
| <ul style="list-style-type: none"><li>▪ No support for THB victims is provided in police stations when victims have to report their situation to the police.</li><li>▪ Police do not inform THB victims about social assistance available to them.</li><li>▪ Policemen who first help victims and write the police report do not know specific situation of victims of THBSE. They are not aware of their situation, their needs, risks or danger of being caught by the criminal organization that brought them to our country.</li><li>▪ No language assistance is provided to help victims to understand.</li><li>▪ There is no special obligation to call any NGO when a victim is reporting to the police.</li></ul> |
|---|



## MAIN PROBLEMS ENCOUNTERED WITH JUDICIARY

- Lack of knowledge and training about the phenomena of THBSE.
- Lack of sensitivity and knowledge about victims' situation and problems.
- Lack of material and personal resources in order to avoid victimization in court and psychological consequences.
- Lack of information of victims' rights. Even if there is written information from the court about their right to make private charges against authors and their right to have a lawyer if they cannot pay for a private one, this is not enough because it is just ordinary information and many times victims do not understand what the information means.
- Many times compensation is not guaranteed in every case. No special deposit has been created to guarantee compensations in cases of THBSE.
- Witness protection is not guaranteed in many cases and sometimes judicial institutions do not use formal procedure to provide protection and the protection is given de facto but it is not formally authorized by the judge.
- Expenses incurred by judicial procedure are not reimbursed to the victims.

After knowing the prevention strategies existing in Spain against THBSE we will present the results of focus group conducted to improve and promote better coordination strategies in order to improve prevention of THBSE. We have divided the discussion group on prevention of trafficking in human beings for the purpose of sexual exploitation in two temporarily differentiated stages in order to approach new prevention strategies: the **trafficking** phase and the **exploitation** phase. The first contains the period of time since the victim's recruitment in the country of origin until arriving at the country of destination. The exploitation phase is the period of time since the victim's arrival into the country of destination to her exploitation by the same organization or by some others.

### **3. New prevention strategies strengthening cooperation between police, NGOs and Judiciary**

The following measures are intended to be some new prevention strategies for the trafficking of human beings for sexual exploitation by improving the coordination between justice, police and private institutions, and NGOs. These measures are the result of the meeting held by many professionals from police, judiciary, NGOs and experts on this subject, where new ways for improving THBSE prevention were discussed.

We want to thank to the participants in focus groups because they were open to discussion and come up with interesting recommendations.

Cristina Rechea Alberola

Andrea Giménez-Salinas Framis

Jose Luis González Alvarez

Marta González

Carlos Botrán

Criminology Research Centre- Universidad de Castilla-La Mancha

Criminology Research Centre- Universidad de Castilla-La Mancha

Unidad Policía Judicial-Guardia Civil

NGO: Proyecto Esperanza

Comisaría General de Extranjería y

Corneil Servan	documentación- Cuerpo Nacional de Policía
Beatriz González	Interior attaché of Romania
	INGECON, Knowledge Engineering
Gentiana Susaj	S.A., employed by the Instituto de la Mujer
Ramón Esteso Mesas	Human trafficking network coordinator
María Otilia Martínez Palacios	Médicos del Mundo
	Juez de primera instancia e Instrucción

## **2.1. Measures to improve prevention of THBSE strengthening cooperation between NGOs, police and Judiciary at the Trafficking phase**

### **2.1.1 Recruitment in countries in origin and victims at risk**

1. To involve the **media from the country of origin** in the advancement of a social debate to promote the fight against trafficking for sexual exploitation. Mass media should take action to inform and warn potential victims of trafficking for sexual exploitation about the risks of non-informed immigration.

*Aim:* To inform the general society of the country of origin, and the vulnerable population in particular about the reality of the phenomena of THB, about the situation in destination countries, and the risk they take accepting job vacancies and opportunities in destination countries.

*Actions:*

- To invite media from the country of origin to Spain to find out the living situation of victims of THB and to inform their countries about the exploitation: through press articles, adverts on TV, etc.
- Identify topics of information for developing informational documentaries and stories, with real testimonies about the exploitation these victims are suffering. These documentaries would be shot in our country, but media from the origin countries should be implicated as well, for the message to gain credibility.
- Funding campaigns in countries of origin (television, radio, etc) to inform about the risks of emigration under certain conditions and ways used to recruit potential victims. Police authorities and NGOs should be implicated in these campaigns showing the risks of being recruited by a criminal organization.
- To compromise media and diplomatic delegations to fight against trafficking from the media.

2. **Awareness-rising campaigns** in the countries of origin.

*Aim:* To inform vulnerable population and personnel in borders in the country of origin with the aim of dissuading potential trafficking victims to get into trafficking networks from the beginning.

*Actions:*

- Training of professionals in charge of preventing this phenomena, especially orientated to police bodies and professionals that deal with this problem at borders and posts with the aim of preventing THBSE.
- Awareness-raising campaigns to the general population, offering real data about the phenomenon, counteracting fears of the ones that get involved in a trafficking and exploitation situation, showing the modus operandi of these criminal organizations in these cases, explaining the existence of support and emergency resources in the destination countries.
- Advertisement located at strategic points: airports, bus stations, prostitution clubs, etc that offer emergency numbers, assistance and emergency resources, etc.
- In these campaigns the effort should be made to implicate and integrate the police from destination countries with the aim to counteract the image that the police authority has got in the country of origin of being oppressive and close to the political power. To offer an supporting image of the police as opposed to the oppressive one that rules in the majority of the countries of origin.

### 3. **Free support telephone lines** specialized in THBSE

*Aim:* To have an emergency and informative resource for potential victims who wish to find out whether they are being recruited for a group or organization dedicated to trafficking for sexual exploitation, for the protection of victim's families who are in other countries, for victims who return and need specialized attention, etc. The objective of these telephone lines would not be to stop these women for emigrating, but in the case of deciding to leave the country, they have to know what to do and the resources they have if they are THB victims. These free telephone lines could also include, the collection of information about offers, victim's recruitment methods, to find out how the victims are being recruited in the countries of origin.

*Actions:*

- To inform and orientate people who want to emigrate to another country about the risks they might be taking, about the THB organization's modus operandi, about what can happen to them in exchange for the information, about ways of recruitment, etc.
- In the case of the victim deciding to travel, it would be useful to inform about the journey to another country, about the needed documentation, about the precautions she must take, about the indicators that can make her suspicious of being a victim of trafficking, about helping services in another countries, and about the possibility to call the police once in the country of destination.
- This service should protect or be a mediator between the police and the victims for protecting the families of the victims who are under threat in the countries of destination by their organizations.
- This telephone line should have direct contact with the police authorities in the origin and destination countries, informing the latest about the new improvements in criminal strategies, new modus operandi in trafficking organizations, etc.

### 4. Dissemination of **informational and preventive leaflets** in strategic places.

*Aim:* To bring preventive and assisting information closer to the places with the biggest concentration of potential victims (hot places): Airports, consulates, etc.

*Actions:*

- Disseminate informational leaflets with emergency and information numbers about resources, in origin countries consulates with passports or visas. However this distribution must not be indiscriminate or massive, but take into account the vulnerability of the traveller: location of origin, age, sex, family, etc.
- To disseminate leaflets in vulnerable places like hostess places, pubs, meeting centres, etc.
- To place advertisements in newspapers, in the employment section for alerting about the risks of recruitment by some criminal organizations dedicated to the trafficking for sexual exploitation, inserting an emergency phone number.
- The NGOs need to actively collaborate in the designing of the leaflets, in the included information, in the localisation of potential victim's strategic meeting points, ways of approaching, etc.

**5. An information exchange forum between origin and destination countries.** A meeting point between origin and transit countries with the aim of holding permanent meetings of information exchange with the NGOs and police institutions participation.

*Objective:* This forum of exchange and cooperation between countries of origin and destination would be useful for knowing the situation of THBSE in every country, the legal and operative existing measures, for sharing relevant information for fighting this phenomenon and as well, to improve the preventive and repressive existing measures.

*Actions:*

- To create a permanent forum where NGO representatives, police and relevant institutions of origin and destination countries would be implicated.
- To incorporate diplomatic bodies and embassies in the fight against trafficking to be implicated, especially from the states that do not do it.
- To give the tools and financial help to the diplomatic representations that can't participate due to lack of means.
- To prevent the possibility that one of the functions of this forum would be the exchange of good practices in prevention and support for victims
- To make police bodies aware about the need to stop the phenomena in origin and to work towards prevention.

**2.1.2 Prevention measures focusing THB criminal organizations or individuals collaborating with organized crime**

**1. Information campaigns targeting criminal actors** about the seriousness of their acts and its legal consequences.

*Objective:* To make the authors of these crimes aware that the activity they perform constitutes an offence in the countries of origin and that it is punished like every other serious

illegal act. By authors we understand not only those who directly participate but collaborators who promote are needed to develop the phenomena<sup>34</sup>.

*Actions:*

- To advertise in the media about the seriousness of THB phenomena, the consequences of the offence and the reality of arrest for this reason.
- To promote the sensitisation about the seriousness of this problem and to raise consciousness about the seriousness of the offence, the consequences in the victim's life and give the actors the image that countries of destination are determined to prosecute this crime.
- To transmit to the potential author's data about penal sanctions that can be applied in these cases, about the people arrested for this reason, the consequences of involvement in the activity, and to destroy the impunity feeling the offenders of these crimes can perceive.

## **2. Specific measures in diplomatic services and bilateral agreements with Spain.**

*Aim:* To get fluent communication between police authorities in origin and destination countries. The home office attaché and the diplomatic services are essential for obtaining real and current information on the trafficking situation in the country of destination, but it is also of great relevance in relation to the country of origin.

*Actions:*

- To provide the home office attaché with means to carry out this preventive role from origin in our country.
- Supporting services to THB victims must be integrated in consulates. Consulates should provide a supporting service for trafficking victims in their language, having been trained in specific psychological support and informed about the existing resources for protecting victims.
- To promote the signature of bilateral agreements to make more flexible the repatriation procedures and to promote the information exchange on THB.

4. The creation of a **national reporter about trafficking**: To create an independent centre or observatory on THB. This figure exists in some other countries, like The Netherlands, and apart from being the agency for data collection about trafficking on a national level, it would be the only speaker at European level, able to offer comparable data with other state members as well.

*Aim:* The reporter would have two duties: a) to collect updated data about THB, its characteristics, tendencies in the problem, its development, etc. This information is essential for designing programmes and prevention campaigns orientated to places and specific geographical points, most vulnerable victims, to avoid re-victimisation, new exploitation places, etc. Also, it would be the only speaker at European level about trafficking with the advantage of offering comparable data between member states. Nowadays, data on THB is

---

<sup>34</sup> The problem with THB is that perception in countries of origin is confused. This activity is perceived in those countries as a humanitarian activity because they provide opportunities in countries of destination.

collected by different institutions, applying different methodology, with the impossibility of obtaining global quantitative and qualitative data. B) Also it would have the duty of supervising and monitoring THB prevention in our country as well as victim's assistance.

*Actions:*

- To create a database on THB with a solely academic aim and dedicated to scientific research on this subject.
- To create a common data collection sheet to collect data.
- To establish the obligation of informing the reporter every three months by the police and the NGOs about the cases they receive and their characteristics based on a common data collection sheet.
- To treat databases for elaborating proposals about needy measures to fight against trafficking in Spain and prevent its development.
- To provide the reporter with supervision and monitoring duties on imposed measures by government on THB.
- To award with the national and international speaker status on the subject, with an independent character of recognised experience in the subject.

**5. Funding programmes for strengthening networks** between Spanish and countries of origin NGOs dedicated to the protection and support of trafficking victims.

*Objective:* The promotion of existing networks and links between support and protection programmes in our country and in the countries of origin.

*Actions:*

- To create funding programmes promoting the coordination between origin and destination countries NGOs, with the aim of assisting the return and avoiding the re-victimisation of victims.
- To promote bilateral agreements with countries of origin to favour the assisted return of victims.
- To create funding programmes for Spanish NGOs promoting network work to be able to embrace the whole country.

**2.2 Measures to improve prevention of THBSE strengthening cooperation between NGOs, police and Judiciary at the Exploitation phase**

**2.2.1 Control measures**

**1. To improve identification and support of victims in strategic places.**

*Aim:* To offer a specialized attention service at the most important police stations (borders included), to identify THB situations and divert the victims to specialized services for their help and protection.

*Actions:*

- To sign a protocol to give the status of victim of THB to people identified as victims. If this is not possible, a residence permit for social reasons could be an alternative (see point 4). Application of this protocol would grant the victim with the victim of THB status and she would have the right to have specialized support, protection, repatriation, etc.

- This service should be in permanent communication with NGOs dedicated to THB.
- Victims detected at airports should have the right to have aided return to their countries. NGOs must be in charge of contacts with the country of origin so as to give assistance to return to their own countries.

### **2.2.2. Measures improving report and victim identification**

#### **1. To promote proactive police strategies** to improve reporting from the victims

*Aim:* The Civil Guard has been implementing regular inspections in their territorial clubs since 1999. These inspections were the consequence of the application of an internal directive from the General direction of the Civil Guard (3/2000). These practices have also been performed since 1986 by the provincial immigration brigades of the national police in urban areas. It would be desirable if these practices could promote reports from victims. As a result of these practices, the reports increased in the following years. But, in recent months, inspections have been less consistent and the immediate effect has been a decrease in the number of reports by victims.

*Actions:*

- To promote periodical inspections in clubs and verify administrative regulations to take advantage and inform the women about existing resources if they are victims of THB.
- To use compulsory registration in hotels with the aim of preventing and identifying irregular situations.
- To promote civil society implication in these preventive strategies to increase reported cases.

#### **2. Training professionals** who are directly involved in this subject

*Objective:* To train professionals in specific problem of THB to give a more suitable service according to the reality of the phenomena and the victims needs.

*Actions:*

- To train judges and attorneys. In many cases and because of the psychological characteristics of a trafficking victim, professionals misinterpret victim's behaviour without considering that these attitudes are typical in the situation these victims are living. Psychological consequences are sometimes understood as a lack of motivation from the victim at the time of reporting, lack of consistence in the declaration, etc.
- Specific training to police is needed to better recognise situations of trafficking and to know how to re conduct those situations.
- Specific training for public defenders or those specialised in immigration and refuge.
- Training for first line institutions, this means, institutions that are looked for in the first place for help (social services, hospitals, etc)
- Support and information for victims of trafficking in courts, in the case of not being accompanied or attended by an NGO.

- 3. To grant the victim status** independent of whether the victim reports or not. Victim's protection should not be tied to the report. There should be an accredited authority that recognises the victim as such without needing a compulsory report from her, as it has happened in other surrounding countries (e.g. Italy), where the protection of the victim is accepted for humanitarian reasons.

The Italian case can be cited as good practice for the protection of victims. Article 18 of RD 2896/1998 establishes two ways of obtaining the residence permit. The first one is the judicial one, similar to our article 59 of immigration law, and the second one a social procedure, in which by Questura, a residence permit is issued for social reasons (probing the existence of a situation of serious violence and exploitation and a specific risk for physical integration). In this case, Questura is the one that awards this type of residence permit or social work for a period of one year. Questura has also signed protocols with NGOs like On the road for applying article 18, with the aim of speeding up the issuance of permits and the justification of requirements for this aim.

### **2.2.3. Promotion of client responsibility and awareness**

- 1. Campaigns decreasing the prestige attached to prostitution** and promoting consumers' responsibility.

*Aim:* To avoid the identification of prostitution with a leisure and entertainment activity without any responsibility over its consumption.

*Actions:*

- Press, internet, clubs, mailing, etc campaigns about the problem of promoting the responsibility of clients in reporting the exploitation, if they are aware of any cases.

## **B. ASSISTANCE AND PROTECTION**

### **1 Support and protection for THBSE victims in Spain: problems encountered.**

#### **1.1. Legal framework**

Article 59 of Law 8/2000 offers the possibility to victims of THBSE of having a residence permit if they collaborate with police and the judiciary, giving essential information for criminal investigation. From 2000 to 2005, 598 residence permits have been given to victims of THB. This is general protection provided by the law but in practice, the implementation of this article is very difficult and the authorisation of these permits is subject to many conditions that makes implementation extremely difficult.

The main obstacles in terms of implementation are the following:

- |  |
|--|
| <ul style="list-style-type: none"><li>- Protection is subject to victims filing a report to the police. Sometimes, a report is not evident; they are threatened by the criminal organization in our country and in the country of origin.</li><li>- Authors of the committed crime must be members of a criminal group. As we have seen during previous years, authors are less permanent members of a group and they go individually and contact the criminal network. It is not so easy to find evidence of a criminal organization.</li></ul> |
|--|



- The information given by the victim must be useful for judicial investigation and for the identification of authors.
- Police oblige victims to quit prostitution and change their main activity. This is not simple if we do not provide alternatives to victims
- The residence permit is authorized by the State Secretary of Security and there is no limit of time or date, it sometimes takes a very long time to acquire the permit and the victims are not protected during this period<sup>35</sup>.

Protection given by Spanish law is thought of as an exchange for their collaboration with judicial authorities but not as protection itself.

Regarding social protection, during recent years some social services have integrated victims of THBSE into their responsibilities. Nevertheless there is no National plan against THB with a clear strategy in this case and no minimal standards required all over the national territory. Protection depends on where the victim is located and the existing resources and means oriented to this specific problem.

### **1.2. Information given to the victims**

There are no specific programs to inform the victims. Police forces have the duty during the investigation to inform the victims about their rights as victims or witness and the protection given by art. 59 previously mentioned.

Some NGOs give this information in cases where the situation of a victim is known but sometimes victims are not diverted to specialized services who know about legislation and rights according to this problem.

### **1.3. Reflection period**

There is no reflection period provided to the victim by law. Now, if a victim of THB does not report the case to the police, an expulsion procedure begins to return the victim to their country of origin.

### **1.4. Short term programs**

The government offers medical and legal assistance to victims in court. Nevertheless, this is not enough and NGOs have to be in charge of giving social assistance, shelter and social insertion to victims whose situation has been reported. Those NGOs receive funds from the Ministry of work and social affairs and Women's Institute but they are privately managed. Different NGOs are working with victims, some of them are focused on this problem and some of them are focused on prostitution. Nevertheless, it is difficult to know how many institutions work with victims of THBSE all over the national territory. Now, there is a

---

<sup>35</sup> In addition, residence permits are provided for one year and the victim is obliged to find a job in this period in order to obtain a work permit. Victims are obliged to pay social security for 6 months to be able to renew residence and work permits. This is not so easy without assistance and protection, victims cannot quit prostitution and find an job offer themselves without some assistance and help.

network of THB that has been created that tries to collect information about all institutions and organization working in the field and analysing all services offered by them.

### **1.5 Data on victims assisted and protected by institutions**

It is impossible to know how many victims of THBSE are assisted and protected in Spain. There are many NGOs working in this field who neither share databases nor centralise information coming from them.

### **1.6 Main obstacles encountered by the institutions providing protection and assistance to victims of THBSE**

Summarising, these are the main problems regarding protection and assistance:

- Protection and assistance in Spain is provided under many conditions mainly: the report to the police. Victims that do not report their situation to the police are not protected and need to work under illegal conditions or in the prostitution market.
- The identification of victims is very difficult when they do not recognize themselves as victims.
- Institutions which victims could use or have contact with are not aware of THBSE problem or characteristics
- Language is a big obstacle for the victims in any institution.
- No coordination is created between public and private institutions.

Now that we are familiar with the assistance and protection programs existing in Spain for THBSE we will present the results of the focus group conducted to improve and promote better coordination strategies in order to improve assistance and protection of victims of THBSE.

The following measures proposed are intended to be some new strategies of assistance and protection of the victims of trafficking for sexual exploitation, improving the coordination between judicial, police and private institutions, and NGOs. These measures are the result of the meeting held between different professionals that belong to police and judicial institutions and NGOs and experts in this subject, where new ways of improving the current protection and assistance programs for THBS were discussed.

We want to thank to all participants in the meeting for helping us to arrive at useful conclusions regarding recommendations about future strategies to improve protection and assistance:

Cristina Rechea Alberola

Criminology Research Centre- Universidad Castilla-la Mancha

Andrea Giménez-Salinas Framis

Criminology Research Centre- Universidad Castilla-La Mancha

Jose Luis González Alvarez

Unidad Técnica de Policía Judicial- Guardia Civil

Marta González

Proyecto Esperanza

Carlos Botrán

Comisaría General de Extranjería y Documentación-Cuerpo Nacional de Policía

Carmen Peñalba  
Amalia Fernández Doyagüe  
Gentina Susaj

Itziar Ruiz Jiménez  
Julia González Pernía

IOM Spain  
Mujeres juristas Themis  
Coordinator of network against trafficking on  
human beings  
Amnesty International  
Public prosecutor of Castilla-La Mancha

## **2. New protection and assistance strategies strengthening protection and assistance**

### **2.1. Detection and identification of victims**

#### **1. Monitoring the prostitution market to prove identification of THBSE cases.**

*Aim: To improve monitoring strategies related to the prostitution market.*

*Actions:*

- To improve the monitoring of places where prostitution is taking place. Preventive actions from police and NGOs must be stressed in order to improve control over this market.

#### **2. To improve the identification of victims in strategic places.**

*Aim: To improve the identification of victims as a way of beating the lack of voluntary reports by the trafficking victims, subjected to continuous threats and coercion by the organizations that bring them to countries of destination. Improving detection between professionals that are not aware of the problem is also very important.*

*Actions:*

- To perform tasks of sensitisation and specialized trainings on trafficking and the problems of victims to be able to better identify potential cases of THB victims. This training and sensitisation must be especially directed to assistance staff in the following places:
- Consulates and Embassies. In this sense, the social aspect aggregated in Consulates is a key piece for being able to detect vulnerable situations and derive them to specialized centres.
- Medical centres, especially emergency ones, for helping to detect trafficking and exploitation situations.
- Police stations in national police bodies and Civil Guard official dependencies where THB victims go. These police dependencies and their staff must attend specialized training sessions on attention to these victims and be informed about the existing resources for this type of victim. A good practice: EDATIs of the Civil Guard (immigrants attention teams): personnel that gets close the vulnerable collectives (in this case immigration stocks) not with a repressive aim (not for checking the illegal situation), but to facilitate information and show interest in people and community problems. Of course, a review of the law about immigration is needed so as not to go against the detected people in an irregular situation.

- Interior attachés in the countries of origin. They are also a key piece for detecting at risk victims or potential situations of THB victims.
- Prostitution consumers. The sensitisation and information of this collective is important for detecting victims under exploitation. Indicators for knowing the victims exploitation must be publicized in places frequented by possible clients: clubs, pubs, lavatories, etc., by direct publicity. Nowadays, consumers who actively collaborate to free the victims of their exploitation are the ones who establish a close or permanent relationship with the victims.
- Refugee offices, where many victims go and apply for asylum as a way of legalizing their situation in Spain.
- Immigrant's communities. We must implicate the immigrant's community in the early detection of trafficking cases, from the use of support networks from the immigrant's collectives. The diffusion of the information among the collective would mean an important advance for early detection.
- Neighbours Societies. The existence of flats in which prostitution is exercised is usually a centre of conflict in neighbour communities.
- To work with women collectives in voluntary prostitution situations. They can identify and inform about colleagues who are exploited.

### 3. To elaborate **proceeding protocols with NGOs or specialized services.**

*Aim:* To standardize coordination strategies and practices for different agencies involved (police, NGOs, emergency systems, etc) to improve the detection of cases of trafficking , and divert them to the appropriate resources that would be in charge of the assistance and protection of the victims.

*Actions:*

- To elaborate protocols for early attention services, police and NGOs that must include instructions about:
  - Indicators for detection of cases
  - What actions should be taken and what to do depending on the situations
  - Resources to divert victims with specific problems
  - Emergency resources

### 4. To promote **protection measures in countries of origin** to provide protection to families in danger and to improve detection of new THB cases

*Aim:* Protection of victims must include family protection in the country of origin. This protection and contact with families in countries of origin will also improve the detection of exploitation cases.

*Actions:*

- To promote coordination and relationship with NGOs from countries of origin in charge of assistance and prevention in those countries. Many victims expose their exploitation situation to the relatives who are in the countries of origin, sometimes because of confidence and sometimes because of fear of suffering reprisals by organizations. Those

NGOs are a key piece for being able to detect situations and offer support and protection to the victim and her relatives.

- To create networks in countries of origin between NGOs and police for detecting and reacting in front of cases of exploitation in countries of destination.

5. To **improve monitoring of prostitution clubs** to move consumers to places free of exploitation

*Aim:* To transfer prostitution from exploitation places to clubs or places where prostitution is freely exercised.

*Actions:*

- To elaborate a list of indicators to detect clubs where exploitation is taking place.
- To advertise this type of indicator to impede potential consumers to go those places where there might be any kind of exploitation.

## **2.2. Information to be provided to THBSE victims**

*Aim:* To distribute information about the victim's situation and about the protection and assistance that victims may have in our country. The majority of THB victims do not recognize themselves as a victim of THB and do not know protection is awarded to them by our legislation.

*Actions:*

- To elaborate information and publicity for prostitution communities (societies, etc). Information to be distributed must include: indicators of THB victims, applicable legislation to these cases, emergency resources and protection systems existing in different provinces.
- To create an emergency telephone line connected with help and emergency protection services. Or alternatively to train and sensitise the existing information telephone operators.
- To advertise the telephone line and the information in places where there might be THB victims, including newspaper adverts, internet, etc..
- Specific training for personnel who attend the telephone lines for detecting trafficking situations and for knowing how to help in dangerous situations

## **2.3. Emergency fostering and accommodation**

*Aim:* To provide protection and emergency assistance in the whole national territory. All victims of trafficking suffer threats and coercion by the organizations that have trafficked them and need extreme protection especially when the authors are reported.

*Actions:*

- To provide financial stability to NGOs providing these services in order to reach the whole of Spain in the same conditions. Public funding allowance.
- To promote the creation of networks between NGOs that offer protection and assistance to victims for the emergency fostering to be offered far from the province where the detection has been made or where the victim has reported. Fostering in the same province means an extreme risk for the victims.

- To carry out an information diffusion task about the existing fostering centres and the protection resources at the points where trafficking victims can go: police, social services, hospitals, etc.
- To provide training to the police, social services, and hospital staff, etc.
- To sign protocols for these victims to be diverted to specialized services where the fostering and protection of these victims can be provided.

#### **2.4. Provision of legal documents**

Italian legislation offers a good practice that we recommend to be replicated in our country. Now we describe the Italian legislation on the subject.

Article 18 of the 286/1998 decree (immigration law) establishes the possibility of granting a temporary residential visa for humanitarian reasons to foreigners who need protection and assistance. This visa applies to all foreign citizens that suffer from a serious abuse and exploitation situation, where their security is under serious risk because of the attempts to escape from a criminal organization as a result of a judicial process against traffickers. Those victims have access to social services and training resources and to inclusion in the state employment department, giving them the possibility of a job.

This visa is not granted under any conditions and collaboration by the victim with judicial authorities is not asked for. There are two foreseeable ways for obtaining the legal documentation:

- A judicial pathway which implies that the victim has to cooperate with police and the public prosecutor's office exercising the judicial action against the authors.
- A social pathway in which the victim is not obliged to exercise any judicial action against the trafficker but it is expected to offer information to the police through social services or NGOs.

This temporary permission can be turned into a student or work visa giving the foreign victim the possibility of living in Italy according to the applicable legislation on non European foreigners.

People that are embraced by article 18 must also participate in a social and integration programme called ARTICLE 18 PROGRAMME.

#### **2.5. Short term assistance**

*Aim:* To provide specialized, homogeneous and basic assistance in the whole national territory. Victim's assistance is currently very heterogeneous, not specialized for THB problem, and it does not cover the whole national territory.

*Actions:*

- To give economical help to NGOs that are assisting victims of trafficking, with the aim of being able to offer specialized, homogenous and minimum services.
- Specialized Services concerned with THBSE problem are needed

- Short term services, needed for an early assistance, must include the following activities: training in the Spanish language, and health, legal and psychological assistance adapted to their problem.
- Creation of a national network under the control of an observatory, national reporter or equivalent that assures a minimum, homogeneous and quality assistance.
- Coordination between different institutions that offer services to the victims of trafficking is needed. It is necessary to create periodical coordination boards between NGOs, judiciary and police authorities to improve victim support.
- Special help for underage THB victims, nowadays they are treated in centres for minors without knowing the problem behind and treating them as deviant minors working in prostitution.

## **2.11. Provision of work and resident permits**

**Article 59 must be reformed to adapt it to the Italian system previously described.**

Currently, to award the foreseeable protection to trafficking victims in article 59 of the immigration law demands the following conditions:

- The trafficking victims have to report, to provide with essential data about the authors and their characteristics and to collaborate with judges and police all over the investigation and judicial process.
- To have been trafficked by an organized network or by illegal immigration organized groups.
- To leave prostitution.

These criteria must be modified and adapted to the Italian practice, without requiring any police report. Protection should be provided in the case of danger and risk conditioned only to the compromise of being assisted by an NGO.

## **2.12. Victim/Witness protection**

*Aim:* To ensure effective protection to victims of THBSE when they report their situation to police authorities.

*Actions:*

- To develop the Organic law 19/1994 on witness and expert protection in criminal actions through the regulation development.
- More resources are needed in courts for applying the victim's protection measures in a systematic way.
- Sensitisation and training for judges, lawyers, public prosecutors, etc. in front of this problem as, currently, the adoption of specific measures for protecting victims depends just on the sensitivity of the professionals towards these problems.
- To provide victims with systematic information in a simple and understandable way: the offering of actions, the right to declare, the right to witness protection, etc., this information is very much needed by the victim and which judicial personnel should offer in a regular way, making sure the victim has understood the information.

- Provision of translators and interpreters is essential in this type of process. Victims who do not speak the language should have assistance in their own language, from the moment of the declaration to the police and during the judicial process.
- Protected witness status should be granted from the very beginning, with the measures established by the law being gradually applied, when “serious danger” occurs, even though the judge could ratify it.

## **2.8 Trial assistance**

*Objective:* To decrease the secondary victimization that victims suffer with their trajectory through the justice system.

*Actions:*

- To include THBSE victims in the General system of crime victim assistance services (oficinas de asistencia a las victimas de delito).
- To ensure translation for victims who do not speak our language.
- To train judges and public prosecutors in the specific problem of THB victims.

## **2.9 Voluntary assisted return and economic compensation**

*Objective:* The return of the victim to their country must include assistance when arriving to the country of origin to avoid and decrease re-victimisation.

*Actions:*

- Specific financial provision for returning trafficking victims.
- To fund reception programmes in places where they do not exist. Romania has reception programmes funded by European countries, but the majority of countries of origin lack them.
- Diffusion and publicity of the voluntary return orientated to possible trafficked victims to avoid that such victims use other ways that do not guarantee the assistance and protection needed.
- Coordination with reception countries must be strengthened to improve reintegration in their countries and their family’s safety.
- Provision of compensation and restoration programmes for the damage suffered in the destination country. Such compensation or restoration should be guaranteed from the goods confiscated from the authors and members of the organized crime organizations.
- Public prosecutors must request in a systematic way compensation for moral as well as physical damages.
- Application of law 35/1995 of help and assistance of victims of violent crimes and against sexual freedom must include THB victims.

## **2.10 Victims work and social integration**

*Aim:* To facilitate the conditions for the victims to find a different job other than prostitution as part of their recovery and social integration into the country of destination.

*Actions:*



- The residence permit that is granted by exceptional circumstances does not allow them to work, a job offer is needed and it is difficult to obtain. Work integration should be favoured giving them immediate work permits in order to find legal jobs
- These women's work opportunities should come with the residence permit.
- Support and work reintegration services should be created in order to promote social integration. Article 59 establishes that "there will be facilities given for work integration" but the reality is that there are few programmes or services that promote work reintegration of THB victims.
- Informational programmes about the job markets, language courses, to learn where to look for a job, knowledge acquisition and basic skills, etc. are needed for work reintegration.

## **2.11 Data collection about victims**

*Objective:* To have a better overview of the victim's situation in our country, their characteristics and needs.

*Actions:*

- To carry out data collection tasks about victims on a national level in a way that a national reporter or observer could monitor the victim's situation in our country and their development.

## **Part III**

### **Cooperation between police, NGOs and Judiciary to improve prevention and assistance of victims of THBSE: Best practices.**

#### **Existing best practices on prevention**

- |  |
|--|
| <ul style="list-style-type: none"> <li>• Labour inspections conducted in collaboration with labour unions</li> <li>• Exchange of information between law enforcement units between origin and destination countries</li> <li>• Preventive inspections conducted by the Guardia Civil since 2000 where they inform victims of rights and protection could be applied</li> <li>• Joint investigation units between origin and destination countries</li> </ul> |
|--|

#### **Recommendation of best practices on prevention**

- |  |
|--|
| <ul style="list-style-type: none"> <li>• Awareness raising campaigns in countries of origin</li> <li>• Free telephone help lines to inform potential victims</li> <li>• Dissemination of preventive leaflets in strategic places</li> <li>• Exchange of information between countries of origin and destination</li> </ul> |
|--|

- Information campaigns targeting criminals or individuals collaborating with criminal organizations.
- Bilateral agreements with countries of origin
- Specific measures in diplomatic services and bilateral agreements with Spain.
- The creation of a national reporter about trafficking on human beings.
- Funding programmes strengthening networks between NGOs from countries of origin
- To improve identification and assistance of victims in strategic places.
- To promote proactive police strategies for improving reports and information to the victims about the rights they have in the Spanish territory.
- Training of professionals who are directly involved in this subject, in all the provinces.
- To grant the victim status without any reference to the police report.
- Campaigns to increase consumers' responsibility.

### **Existing best practices on assistance and protection of THB victims**

- Art. 59 of Immigration Law could be a good practice because it gives protection and support to victims of trafficking but its enforcement and application in practice poses a lot of problems. No coordination between law enforcement and assistance services poses a lot of obstacles for implementation and good protection performance.
- Witness protection lacks effective applications and standardised practices to assure the same protection and assistance to all victims.

### **Recommendation of best practices on assistance and protection of THB victims**

- Improve Victims detection and identification by monitoring the prostitution market and victim identification in hot places such as: embassies, police stations, hospitals, consumers or clients, refugee offices, immigrant community, neighbourhoods, etc.
- Develop proceeding protocols between NGOs and referral services to provide protection and assistance to a wide range of potential victim.
- To promote protection measures in countries of origin
- Improve and develop new strategies to give Information to THB victims such as a free telephone line.
- Provide Shelter and accommodation all over the territory with homogeneous services, networked communication and service and protocols with police and social service would be needed.
- Short term assistance should also be homogeneous all over the territory and monitoring and coordination between NGOs, judiciary and police must be guaranteed by a coordination body.
- Work and residence permits must be provided without conditions, Italian case could be a best practice to be followed.

- Witness protection is not completely guaranteed in those cases, resources, standardized measures and training should be provided to judicial institutions to assure more comprehensive and closer protection.
- To reduce secondary victimization by means of trial assistance to THBSE victims: translation services and general protection should be provided to all victims.
- Return of victims to their country of origin should be assisted by THB programs held in the country of origin and compensated by economic help.
- To improve conditions to promote social and work integration of THBSE victims. Rehabilitation should promote alternatives to prostitution.

## **7. BEST PRACTICES IN EACH COUNTRY**

## ITALY

Social prevention of trafficking in human beings:

### Numero Verde contro la tratta 800 290.290

The hotline is developed within the framework of the so-called “System actions” of the Programme of social assistance and integration foreseen by the Immigration law (D.Lgs. 286/98), managed by the Interministerial Committee for the Implementation of Article 18.

The main objectives of the hotline are to provide detailed information on legislation and services granted to trafficked persons in Italy and, upon request, refer them to the specialised anti-THB agencies.

The *Numero Verde* is composed of a single central headquarter, that functions as a filter for the calls, and 14 territorial branches located in 14 different regional or interregional areas throughout Italy. In most cases, the territorial branches of the *Numero Verde* are managed by the same NGOs and public institutions responsible for the implementation of projects funded within the Art. 18 Programme. Information is provided in the various languages spoken by the target group, including: English, Albanian, Russian, French, Spanish, Rumanian, Bulgarian.

All local branches:

- provide information in various languages on several issues (immigration law, social and health services, Programme of social assistance and integration, etc.)
- provide psychological support
- provide legal advice
- assess if the conditions for the application of the 18 Article procedures are in place
- provide information about the available accommodation solutions
- place or refer victims to the accredited Article 18 agency located in the geographical area where the victim resides.

The main beneficiaries of the services provided are:

- Trafficked persons, mainly for the purpose of sexual exploitation
- Law enforcements agencies (Police, *Carabinieri*, *Guardia di Finanza*)
- Service providers (local social services, health care services, etc.)
- NGOs
- Citizens
- Local community.

Table 6 – Co-operation strategy: A good practice

Based on a human rights-centred approach, the Teramo Protocol “Guidelines to approach potential victims of trafficking and exploitation and smuggled persons establishes the need to:

- adopt a victim-centred approach in order to establish positive contact with the (potential) trafficked persons and gain their trust;
- provide social support, assistance and protection to trafficked persons, regardless of their willingness to co-operate with the competent authorities;
- employ well-trained and equipped officers and prosecutors, that should also co-operate through the establishment of *ad hoc* multi-agency anti-trafficking units;
- employ a cultural mediator from the first interview onwards.

Finally, the Teramo Protocol regulates the distinct roles of all actors involved and defines the operational procedures of co-operation amongst the law enforcement agencies, the judiciary, other public actors, and the civil society organisations.

## Formazione Pratica in Impresa (FPI) (On-the-job-training)

### Rationale

The labour insertion of trafficked person is a crucial element of their process of social inclusion in Italy. In order to favour such process and provide qualified medium and long term job opportunities, the following on-the-job training scheme has been developed, tested and regularly provided the supported persons.

### Target group/s

(Trafficked) women mainly exploited in the sex sector.

### Objectives

- to support the labour inclusion of the assisted persons into the local job market;
- to favour the accomplishment or improvement of (new) job skills and professional know how
- to support the empowerment and the self-reliance of the assisted persons.

### Activities

*For final beneficiaries:*

- co-development of a personalised project
- psychological counselling
- vocational counselling
- vocational guidance
- job accompaniment
- on-the-job training
- tutoring
- mediation
- self-evaluation

*For intermediate beneficiaries (employers):*

- assistance
- co-tutoring
- evaluation

*For the NGO:*

- co-development of a personalised project
- delivery of the activities foreseen for the assisted persons
- creation of a network of companies
- networking with local entrepreneurial associations, trade unions, labour agencies
- monitoring and evaluation

### Methods & tools

The integrated network strategy aims at creating a strong connection between policies in the field of labour, vocational training and social inclusion through:

- local development and planning approach as areas where implicit or unmet needs and occupational basins may be better identified, in order to better efficiently organise the labour market in relation to the needs of the target group;
- adoption of methods of “work through objectives” and “workflow management”;
- development of partnership, that is the effective participation of all partners in the decision making process, the management of each activity and public resources, the joint accountability of the project management.

The *Formazione Pratica in Impresa* (FPI) is a job insertion model composed of different phases:

- **Identification, contact and involvement of different companies:** for the creation of a database of companies open to vocational training and direct job insertion through:
  - Meetings with the local entrepreneurial networks;
  - Contacts with companies;
  - Setting up of a companies database.
- **Individual and group guidance activities:** assessment of the beneficiaries’ skills, goals and potentials to match them with labour market opportunities. The aim is to have a match that fulfils the beneficiary’s skills and meets the company’s needs. Furthermore, the match, besides facilitating the acquisition of new skills, should lead to the attainment of a job contract.
- **Individualised schemes of on-the-job training:** to acquire, through practical internships (1-5 months), the basic vocational and behavioural tools that facilitate the job insertion. The participant must thus confront an ordinary working environment, routine and time management. The agency running the FPI scheme covers the beneficiary’s insurance and salary costs.
- **Support for direct and autonomous job insertion:** search for direct labour inclusion for women with adequate professional skills, without the need for vocational training or FPI.

### Results

*For the final beneficiaries:*

- real possibility to be inserted into the ordinary labour market;
- improvement of professional skills;
- increase the beneficiary’s self-esteem and economic self-sufficiency;
- social inclusion in the local community.

For context and local networks:

- promotion of a stable, strategic, operational, and integrated network of various actors to develop services and tools for professional qualification and social-occupational inclusion of the target group through tailor-made schemes;
- testing of forms of mix management of the different activities and activation of the available resources (economic, human, etc.);

For policies:

- promotion of a stable integrated network of various participants on a political-strategic and a technical-operational level;
- implementation of new procedures for the management of the services;
- experimentation of an innovative system of training, social and labour inclusion.

**Human resources involved**

- 1 project coordinator;
- 1 vocational counsellor;
- 1 tutors for job intermediation;
- 2 legal consultants;
- professionals and tutors appointed by the involved companies.

**Funding**

Funding provided by the Programme of Social Assistance and Integration foreseen by the Immigration law (D.Lgs. 286/98): 70%: Government – Italian Department for Rights and Equal Opportunities, 30%: Local authorities.

## **POLAND**

### **Action plan against THBSE**

Poland has a National Action Plan to Prevent and Combat Trafficking in People for the period 2005-2006. This Plan is a continuation of the activities undertaken within the framework of the National Program of Fighting and Prevention of Trafficking in People approved by the Council of Ministers on September 16, 2003. The program was implemented by the Team for Fighting and Prevention of Trafficking in People, established by Prime Minister's Order No.23, dated March 5, 2004. This plan is implemented by a multidisciplinary working group which consists of representatives of different Ministries, the Headquarters of the Police, Headquarters of the Border Guards, National Prosecutor Office and NGOs.

### **Victims' protection**

A person who decided to testify or to cooperate with the law enforcement can benefit from the social assistance, legal assistance, legal counselling, psychological support, a safe place to stay, data protection, NGOs assistance and a safe return to their country of destination. In addition, in the year 2006 the care program for victims of trafficking called: "Support and Protection Programme for Witnesses/ Victims of Trafficking" was developed for aliens. In January 2006 this program was financed by the Ministry of Interior.

### **Victims work and social integration**

In the years 2005 and 2006, vocational training was developed, as well as specific support for education and employment, within the "IRIS- Social and Vocational Reintegration of Women- Victims of Trafficking in Persons" (funded by The EQUAL Initiative/ European Social Fund). Victims took part in "Workshops on active job seeking" organized by the Centre of Empowerment of Women. Moreover, some persons received support from coach-job consultants, others received help in finding new schools, and others (only in the year 2006) started interships. This program is implemented by La Strada Foundation in

cooperation with other NGOs, social welfare providers and local government institutions (labor offices).

### **International and national cooperation**

Cooperation in Poland works well – not because the system of cooperation is good but because of the fact that people who are in charge of this phenomenon know one another very well. Mutual trust is a very important element of cooperation. The participants emphasized that this trust needs to be limited for a victims' well-being. Polish institutions have better cooperation with new European Union member states and candidate states than with old membership countries. A good example of international cooperation is publication of a manual on trafficking in human beings by the Chair of Criminology at the Warsaw University, financed by the U.S. government.

### **PORTUGAL**

Portugal has started since 2004 to define some specific guidelines on the prevention and protection/assistance to victims of THBSE. The first governmental Plan against the Trafficking of Human Beings passed in March 2007 is the first standard to develop a program to intervene in prevention, and protection/assistance of victims of THBSE. This plan tries to define strategies of cooperation between all the actors in this process. It is important for Portugal to share all the experience of other European countries with best practice on prevention and protection/assistance to victims of THBSE and also about their internal (national) and external (International) cooperation strategies.

The best practice in THB cooperation must identify several aspects: victim identification strategies; offender identification; prevention system; coordination of resources between all the governmental and non governmental participants; qualification of the working staff in each organization.

The Plan for the Integration of Immigrants in Portugal passed in March 2007 also has an important role in the intervention of THB situations since it is a goal of this plan to try to define policies of reception and integration of immigrants and to promote the participation of all civil society to intervene in general trafficking contexts. The characterization of stronger victim support in legal aspects and new strategies for combating THB crime through the definition of best practices in Law enforcement agencies, judiciary and NGOs cooperation are also priorities of this plan. The international cooperation between the judiciary and police systems and others entities like Eurojust, Europol or Interpol is also another priority of this plan.

In order to make this cooperation more effective it is important to discuss best practice on a National and International level. These activities could be implemented through several levels of cooperation between governmental and non-governmental experts, researchers, media, and law enforcement workers. The best practices could be discussed in conferences, seminars and training sessions. Some cooperation in research and assessment of the prevention and intervention programs could also be made in order to obtain high standards for combating THB and in the protection of victims of THB.



## **SPAIN**

### **Existing best practices on prevention**

- Labour inspections conducted in collaboration with labour unions
- Exchange of information between law enforcement units between origin and destination countries
- Preventive inspections conducted by the Guardia Civil since 2000 where they inform victims of rights and protection could be applied
- Joint investigation units between origin and destination countries

### **Recommendation of best practices on prevention**

- Awareness raising campaigns in countries of origin
- Free telephone help lines to inform potential victims
- Dissemination of preventive leaflets in strategic places
- Exchange of information between countries of origin and destination
- Information campaigns targeting criminals or individuals collaborating with criminal organizations.
- Bilateral agreements with countries of origin
- Specific measures in diplomatic services and bilateral agreements with Spain.
- The creation of a national reporter about trafficking on human beings.
- Funding programmes strengthening networks between NGOs from countries of origin
- To improve identification and assistance of victims in strategic places.
- To promote proactive police strategies for improving reports and information to the victims about the rights they have in the Spanish territory.
- Training of professionals who are directly involved in this subject, in all the provinces.
- To grant the victim status without any reference to the police report.
- Campaigns to increase consumers' responsibility.

### **Existing best practices on assistance and protection of THB victims**

- Art. 59 of Immigration Law could be a good practice because it gives protection and support to victims of trafficking but its enforcement and application in practice poses a lot of problems. No coordination between law enforcement and assistance services poses a lot of obstacles for implementation and good protection performance.
- Witness protection lacks effective applications and standardised practices to assure the same protection and assistance to all victims.

### **Recommendation of best practices on assistance and protection of THB victims**

- Improve Victims detection and identification by monitoring the prostitution market and victim identification in hot places such as: embassies, police stations, hospitals, consumers or clients, refugee offices, immigrant community, neighbourhoods, etc.
- Develop proceeding protocols between NGOs and referral services to provide protection and assistance to a wide range of potential victim.
- To promote protection measures in countries of origin
- Improve and develop new strategies to give Information to THB victims such as a free telephone line.
- Provide Shelter and accommodation all over the territory with homogeneous services, networked communication and service and protocols with police and social service would be needed.
- Short term assistance should also be homogeneous all over the territory and monitoring and coordination between NGOs, judiciary and police must be guaranteed by a coordination body.
- Work and residence permits must be provided without conditions, Italian case could be a best practice to be followed.
- Witness protection is not completely guaranteed in those cases, resources, standardized measures and training should be provided to judicial institutions to assure more comprehensive and closer protection.
- To reduce secondary victimization by means of trial assistance to THBSE victims: translation services and general protection should be provided to all victims.
- Return of victims to their country of origin should be assisted by THB programs held in the country of origin and compensated by economic help.
- To improve conditions to promote social and work integration of THBSE victims. Rehabilitation should promote alternatives to prostitution.

## ANNEXE A

### SPREADSHEETS FOR PARTNERS

#### ***Working Definition of trafficking in human beings for the purpose of sexual exploitation:***

Art. 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations *Convention against Transnational Organized Crime*:

“Trafficking in persons shall mean the recruitment, transportations, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of abuse of power, or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

#### ***SPREADSHEET***

The following spreadsheet aims to provide a general overview of the phenomena of THBSE, the existing legislation in your country, the general situation of the victims of THBSE, the existing actions to prevent the phenomena and to assist and protect the victims.

***Methodology to complete the spreadsheet:*** the requested information can be obtained by interviews with police officers, judges, public prosecutors, ngo’s, etc. In each case, please specify the source of information and how it has been obtained.

#### INTRODUCTION

**I. Please, provide a general description of the phenomena of THB for the purpose of sexual exploitation in your country (it is a country of destination, origin? And what are the main features of the phenomena in your country)**

**II. Please, explain what is the situation regarding prostitution in your country (legislation, policies, public debate, etc.)**

**After that you can answer the following questionnaire giving an explanation to each question:**

<b>LEGISLATION ON THB FOR THE PURPOSE OF SEXUAL EXPLOITATION (THBSE)</b>
<b>Does a crime of trafficking on human beings for the purpose of sexual exploitation exist in your country? Is it included in the Criminal Code?</b>
<b>What penalties are foreseen?</b>

**Is there any other crime that can be used to punish THBSE? What penalties are foreseen?**

**Is there any National Plan about THBSE approved in your country? How is it being implemented? Please attach the National Plan**

**Please feel free to add any comments you think are relevant in relation to legislation about the phenomena**

**EXISTING DATABASES ON THB FOR THE PURPOSE OF SEXUAL EXPLOITATION**

**How many databases exist in your country about THBSE? Explain some details about them: are they confidential? What institution is responsible for it? How are data collected?, etc.**

**What kind of data are collected in those databases (police data, judicial data, data at the beginning of the investigation, at the end of the investigation, data coming from ngos', etc)**

**What are the variables collected?**

**Does any public or private agency centralize databases about THBSE? Do they provide annual reports? Does this agency have contact with European institutions in order to share national data?, etc.**

**Are data collected by NGO's transferred to a centralized database? Does your country make efforts to promote coordination between NGOs or agencies having data on THBSE to provide one single national database? Please explain.**

**If the answer to the previous question was yes, do they share the same methodology? Do they use the same collection sheet to produce common data? Which variables are collected? Who is the main coordinator? Please explain.**

**Please feel free to add any comments you think are relevant in relation to the existing databases about the phenomena**

**THBSE VICTIMS' SITUATION**

**Do the existing national databases include information about victims of THBSE?**

**What is the main source for collecting information about victims of THBSE?**

**What are the variables collected for victims of THBSE?**

**Is there any follow up of the data about victims of THBSE and their situation?**

**Please feel free to add any comments you think are relevant in relation to the situation of the victims of THBSE in your country**

**Could you please provide data on victims from 2000 crossed with the existing variables: gender, age, nationality, etc. i.e.**

**PREVENTION STRATEGIES ON TRAFFICKING IN HUMAN BEINGS FOR THE SEXUAL EXPLOITATION**

*Social prevention*

**Does your country participate in prevention campaigns to alert population in destination and origin countries?**

**Is there any prevention program focusing population at risk (potential victims of THBSE)? How many institutions participate in the program? Please explain**

**Is there any proactive strategy focusing victims of THB. How many institutions participate in the program? Please explain**

**Please feel free to add any other information concerning prevention programmes existing in your country**

*Law enforcement prevention*

**Is there any proactive initiative to develop an early warning system? e.g. permanent inspections using other regulations in order to detect situations, monitoring systems, labour inspections, etc.**

**Is there any legal or prevention strategy to fight against traffickers and organized crime? Is there any action in cooperation between police and ngos', social workers? Please explain.**

**Opportunities reduction. Is there any action in order to block opportunities for traffickers in the transportation and exploitation phase? i.e. administrative controls, visas, monitoring systems regarding vulnerable sectors (travel agencies, real state agencies, actors collaborating with the organized groups, etc). Please explain.**

**Is there any action regarding national cooperation between immigration units and organized crime or trafficking units in charge of the investigation in order to create common strategies, block entries, provide information to promote the detection of illegal immigrants? Do the NGOs participate?**

**Is there any action in order to block the economic impact of this crime and to reduce benefices for the organizations of THB? i.e. organizations' assets intervention, etc.**

***Judicial prevention***

**Is there any coordination strategy created to incorporate judicial institutions in the fight against this type of crime? If yes, please specify**

**It is possible to provide the victims with witness protection in your country? Please explain procedure.**

**Is there any training or specialized training provided to the judges and professionals (prosecutors, social services, law enforcement agencies, etc) in your country? Please explain.**

**Please explain the problems encountered by NGOs and other institutions while they have to work with judicial institutions and law enforcement units.**

**Please feel free to add any other information concerning prevention strategies existing in**

**your country**

**ASSISTANCE AND PROTECTION OF VICTIMS OF THBSE**

**What kind of support and protection is provided in your country for the victims in the law? i.e. short- term permits of stay, long-term permits of stay, work permits, etc. Which level of protection is reached by the law? What are the public institutions obliged to provide this protection? Who are the actors involved and how do they cooperate?**

**Is there any institution, personnel, NGO etc, in charge of providing information to the victims detected? Do the victims have access to information about the legal provisions for them and the rights provided by the law? Do you have data of victims assisted by those information programmes over the last years?**

**Is there any reflection period provided by law for the victims of THBSE in order to choose between staying in the destination country or to return to the origin country? How much time is provided for this reflection period? Is there any assistance/protection provided during this period?**

**What are the most important short-term (crisis intervention) programs giving medical, legal and psychological support for the victims? Are they provided by the state or by ngo's? Do private institutions receive any financial contribution from the State? Please explain.**

**Do you have data of victims assisted by short-term programs over the last years? Please provide them.**

**What are the most important long-term (reintegration intervention) programs giving protection to the victims: counselling, labour assistance, permits assistance, etc. Are they provided by the State or by ngo's? Do the private institutions receive financial contribution from the State? Please explain. Do you have data of victims assisted by those programmes over the last years?**

**Do you have data of victims assisted by long-term over the last years? Please provide them.**

**Is there any programme in your country provided for social and vocational inclusion?**

**Is there any programme assisting victims under witness protection?**

**Is there any economic compensation programme for the victims provided in your country? What institution is in charge of its financing? What institutions are financing it? Do you have data of victims assisted by those economic compensation programmes over the last years?**

**Please specify which are the main problems encountered by the institutions regarding assistance and protection of victims of THBSE**

### **POLICIES UNDERTAKEN ABOUT ORIGIN COUNTRIES**

**Is there any voluntary assisted return program provided in your country? Please explain.**

**Is there any risk assessment program before the voluntary assisted return of the victims? Is there any economic compensation provided? Which institution is in charge of these programs?**

**Is there any assistance or protection program coordinated with origin countries provided by your country? Which institution is in charge of it? Please explain.**

**Is there any cooperation between public prosecutors from destination and origin countries (specify which countries are involved)?**

**Is there any police cooperation between destination and origin countries (specify which countries are involved)?**

**Please feel free to add any other question related to policies undertaken in origin countries that could be interesting**



## ANNEXE B

The following guidelines were useful indications for the debate in order to have a homogeneous and comparable methodology used for all countries. This chronological division of topics will help to design best practices in the different phases after comparing all national strategies.

### *First focus group*

#### **I. Prevention of trafficking in persons for the purpose of sexual exploitation**

This first focus group was divided in two different phases:

**Trafficking phase:** period of time going from the moment the victim is recruited in her country of origin to the moment of her arrival to the country of destination.

Instructions given to the participants:

If there is an existing preventive action in your country regarding this phase you should have mentioned it in the general questionnaire. At this moment you should either a) discuss ways to improve the existing prevention strategies promoting better coordination between judicial institutions, law enforcement units and NGOs or b) explore new ways or strategies to promote prevention, how could be implemented and how many institutions should be involved.

1. Recruitment in country of origin
2. Methods of recruitment
3. Group of victims at risk: prostitutes, unemployed, etc.
4. Legal actors collaborating with criminal organizations: Travel agencies, travel companies, taxi drivers, etc.
5. Transportation: border control, control of documents, etc.
6. Economic control: Money transfer agencies
7. Techniques promoting report: hot lines, prevention campaigns conducted by the police, identification strategies etc.

**Exploitation Phase:** period of time where the victim arrives to the country of destination and is being victim of sexual exploitation for the same organization or third persons.

Instructions given to the participants:

If there is an existing preventive action in your country regarding this phase you should have mentioned it in the general spreadsheet. At this moment you should, either a) discuss ways to improve the existing prevention strategies promoting better coordination between judicial institutions, law enforcement units and NGOs or b) explore new ways or strategies to promote prevention, how could be implemented and how many institutions should be involved.

1. Border controls: immigration policies, visas, identification strategies, etc.
2. Hot entries spots.
3. Anticorruption strategies
4. Administrative controls over private institutions or vulnerable sectors: hotels, real state companies, travel agencies, marriage companies.
5. Administrative controls over prostitution sector or sex market: sanitary regulations, labour bodies, etc.
6. Economic control: money laundering, money transfer agencies, etc.
7. Promotion of clients responsibility and awareness

### *Second focus group*

## **II. Protection and Assistance of victims of trafficking in persons for the purpose of sexual exploitation**

Instructions given to the participants:

If there is an existing preventive action in your country regarding this phase you should have mentioned it in the general questionnaire. At this moment you should, either a) discuss ways to improve the existing prevention strategies promoting better coordination between judicial institutions, law enforcement units and NGOs or b) explore new ways or strategies to promote prevention, how could be implemented and how many institutions should be involved.

1. Victim detection
2. Information to the victim
3. Shelter
4. Provision of legal documents
5. Provision of short-term assistance: language, medical care, psychological care, legal advice.
6. Provision of residence permit or work permit
7. Victims/Witness protection
8. Assistance in court
9. Voluntary assisted return and economic compensation
10. Rehabilitation: long-term assistance
11. Social and vocational inclusion for victims
12. Data collection about victims

## **ANNEXE C. POLISH ACTION PLAN AGAINST TRAFFICKING ON HUMAN BE**

### **NATIONAL PROGRAM OF FIGHTING AND PREVENTION OF TRAFFICKING IN PEOPLE**

**FOR 2005-2006**

#### **Introduction**

**National Program of Fighting and Prevention of Trafficking in People** for 2005-2006 is the continuation of activities undertaken within the framework of the National Program of Fighting and Prevention of Trafficking in People assumed by the Council of Ministers on 16 September 2003. The program was worked out by the Team for Fighting and Prevention of Trafficking in People established by the Order No. 23 of the Prime Minister, dated 5 March 2004.

The need for such a program arises from the fact that some of the tasks listed in the previous Program require continuation while some of them were not implemented within the scheduled time framework. Besides, trafficking in people is a dynamic process undergoing constant changes. New tasks listed in the Program reflect the reaction to the changes. It is necessary to continue working on solutions that are necessary due to Poland's membership in the European Union and international obligations of Poland, particularly signing and ratification of *Protocol* (appendix to the UN Convention against international organized crime) *of preventing, fighting and penalizing trafficking in people, women and children in particular*.

The task of the Program is to create conditions necessary for efficient counteracting and fighting the trafficking in people.

**The Implementation of the Program** shall require participation and cooperation of numerous subjects of governmental administration and non-governmental organizations.

Designated subjects bear responsibility for the implementation of tasks assigned in the Program. The Team for Fighting and Prevention of Trafficking in People is responsible for monitoring its implementation.

The deadline for implementing the tasks assigned in the Program has been set for the end of 2006. Basing on the report prepared by the Team, the Council of Ministers shall evaluate the results thereof and make a decision on the way of organizing activities aimed at fighting and prevention of trafficking in people.

#### **Financing of the Program**

Tasks assigned to individual subjects shall be financed within the budgets at their disposal. It is necessary to single out the amounts required for implementing the goals and tasks assigned in their 2006 budgets.

Certain elements of the program, particularly those related to investigating the problem, data exchange, best practice and training might be financed by the EU programs, such as AGIS, Daphne II or EQUAL.

Financial means amounting to PLN 500,000 shall be planned in the national budget for 2006, within section 42. Internal Affairs, for implementing the tasks assigned in the Program for introducing procedures of support and protection for a victim/witness to trafficking in people.

#### **1. Legal status**

On 21.03.1950 the Convention of fighting trafficking in people and exploitation of prostitution was opened to signing in Lake Success.<sup>36</sup> The Convention unified regulations of agreements passed to date, and extended them onto a wider group of acts.

Crime of trafficking in people was firstly classified in article IX § 1 and 2 of regulations introducing the penal code of 1969.<sup>37</sup>

In § 1 the legislator described behaviour involving provision, enticement or abduction of another person in order to induce them to prostitute, even with their consent. Formulation of the regulation implied that the crime stated in article IX § 1 of the regulations introducing the penal code did not depend on whether the provision, enticement or abduction of a person in order to induce them to prostitute occurred against the will, without consent, or with the consent of the wronged person. The fact of agreement or the lack thereof might only be of importance at penalty assessment. In § 2 behaviour involving trafficking in women even with their consent, and trafficking in children, was described. In this case the reason for trafficking in children was not crucial to the existence of the crime.

Therefore, Polish legislation moved further than obliged by the Convention of 21.03.1950. The crime described in article IX § 2 of regulations introducing the penal code was not a directional crime and, as such, did not require the action of the perpetrator of the crime towards prostitution for the occurrence thereof. Trafficking in women or trafficking in children for any reason was already a crime.

Upon the basis of the penal code of 1969, criminal responsibility was also borne by anyone who has induced another person to prostitute, as well as anyone who has financially benefited from another person's prostitution or, in order to gain financial profits, has eased the conditions for the prostitution thereof. These crimes were described in article 174 § 1 and 2 of the penal code of 1969.

The legislator, in the new penal code of 06.06.1997, introduced substantial alternations to both instructions and sanctions of legal regulations concerning trafficking in people.<sup>38</sup>

The crime stated in article IX § 1 of the regulations introducing the penal code of 1969 was incorporated into article 204 § 4 of the new penal code. They are not regulations of identical contents whatsoever. The legislator had left out the phrase 'even with their consent' included in article IX § 1 of the regulations introducing the penal code of 1969. In this way, they must have wished to distance themselves from the wrong interpretation suggesting that abduction with the consent of the abducted person is possible.

In case of exploitation of prostitution with the consent of the wronged person perpetrator of the crime shall be subject to the penalty of imprisonment of up to 3 years. In case of enticement or abduction of a person in order to induce them to prostitute, the perpetrator shall be subject to the penalty of imprisonment from 1 to 10 years.

Beside the above-mentioned legal regulations, an important role is played by the regulation of article 253 of the new penal code, according to which a person trafficking in people, even with their consent, is subject to the penalty of imprisonment of no less than 3 years.

In this case neither the purpose of trafficking in people nor the fact of the wronged person's consent do matter. Formulation of charges most typically involves cumulative qualification of the deed. Indications of two regulations – article 204 §4 of the penal code, and article 253 of the penal code, simultaneously aspire to be considered as the same criminal behaviour.

On 12 December 2000 in Palermo, on behalf of the Republic of Poland, there was signed the UN Convention against international organized crime, assumed by General Assembly of the United Nations on 15 November 2000. On 04.10.2001, on behalf of the Republic of Poland, there was also signed the Protocol of prevention, fighting and penalizing trafficking in people, women and children in particular, as assumed by the General Assembly of the UN on 15 November 2002 (Act of ratification was announced in the Official Journal of Acts No. 17 of 17 4 February 2003, and became legally binding 14 days of announcement).

---

<sup>36</sup> Official Journal of Acts of 21 October 1952 (number 41 item 278)

<sup>37</sup> Act of 19 April 1969 – Regulations introducing the penal code (Official Journal of Acts, number 13 item 95)

<sup>38</sup> Official Journal of Acts of 2 August 1997 (Official Journal of Acts, number 88 item 553)

In the protocol mentioned the definition of trafficking in people was formulated. In accordance with article 3 letter (a) of the Protocol, *'trafficking in people means recruitment, transportation, transfer, hiding or hosting persons, with the use of threats or force, or other means of constraint, abduction, swindle, misleading, authority abuse or taking advantage of weakness, handing or accepting payment or other benefit in order to obtain consent of a person having control over another person in order to abuse them.*

*The abuse comprises, as minimum, taking advantage of prostitution of other persons or other forms of sexual abuse, work or service of compulsory nature, slavery or slavery-related practice, captivity, or removal of human organs.'* According to letter (b) of the aforementioned article, consent of a victim of trafficking in people to intended abuse provided for in letter (a) is of no importance if any of the methods provided for in letter (a) was used. And according to letter (c) of the article, recruitment, transportation, transfer, hiding or hosting a child in order to abuse them is considered as 'trafficking in people' even when it does not involve any of the methods provided for in letter (a). A child then means a person who has yet to become 18 years of age (letter (d) of article 3).

With respect to the legal status, one shall also remember obligations resulting from membership of Poland in the European Union. Among acts of the EU on fighting trafficking in people, one shall quote the Outline Decision of the Council of Europe on fighting trafficking in people (2002/629/JAI 19 July 2002), the Directive of the Council of Europe on short-term stay permits granted to citizens of third countries, harmed by trafficking in people or crimes of easing the conditions for illegal migration, and who cooperate with appropriate bodies (2004/81/EU 29 April 2004) and: the Outline Decision of the Council of Europe on fighting sexual abuse of children and child pornography (2003/68/JAI 22 December 2003).

## **2. Description of the Phenomenon**

### **INTRODUCTION**

Trafficking in women in Central and Eastern Europe grew bigger at the beginning of the 1990's. This coincided with the fall of the communist system in Europe. Economic liberalization contributed to the establishment of new, organized groups dealing with sex and pornography. Such industry, connected with organized crime, became so widely spread that trafficking in women and prostitution became serious commercial enterprises. Undoubtedly, unemployment being the side effect of economic transformation affected the phenomenon.

Before the year 1990 Polish centres of prostitution existed mainly at hotels and restaurants, whereas after the year 1990 the number of the so-called massage parlours and revival clubs, unofficial brothels in fact, significantly increased. These are controlled by organized crime groups. Moreover, Poland features the so-called off-road prostitution. Usually, such prostitutes are foreigners, who came to Poland with tourist visas and provide services to long-distance truck drivers and owners of private vehicles at places not distant from border control points.

As far as the phenomenon of trafficking in women is concerned, Poland initially functioned as a victim's country of origin (forced to prostitute mainly in Germany and the Netherlands). It soon became a transit country for women from the countries of the former Soviet Union and other countries in Eastern Europe.

In the years 1995-2003 304 preparatory proceedings on cases of trafficking in women had been completed, out of which 228 proceedings resulted in bringing the cases to the court (76 proceedings had been remitted). On the whole, 612 people had been accused, and 1511 women found to have been wronged. In the aforementioned period most cases had been conducted by prosecutor offices subordinated to prosecution of appeal offices in Poznań, Wrocław and Katowice.

Courts had pronounced 101 verdicts within that period. 181 persons had been sentenced, and 9 persons had been acquitted. Among the 181 sentenced, 62 persons had been imprisoned for 2 to 5 years.

There exists a justified assumption that our country is also becoming a country importing women from Eastern Europe, thus being a country of destination (mainly for gangs trafficking in women from

Bulgaria and former countries of the USSR). Immediate deportation of women precludes collection of possible evidence and discovery of the actual rate of the phenomenon.

**Poland as a country of destination (place for trafficking in foreign women)**

In the years 1995-2002 53 proceedings had been completed (20 investigations in progress in the year 2001), in which Poland was the country of destination, that is a country victims had been abducted to in order to prostitute. The aforementioned proceedings revealed 249 wronged women (incl. 73 citizens of Ukraine, 27 citizens of Bulgaria, 85 citizens of Belarus, 15 citizens of Romania, 16 citizens of Moldavia, 8 citizens of Latvia, 6 citizens of Vietnam, 5 citizens of Lithuania, 11 citizens of Russia, 3 citizens of Mongolia, 2 citizens of Costa Rica). What is characteristic is the fact that the citizens of Bulgaria were forced to prostitute off-road. On the other hand, all wronged women of Ukrainian origin had been sold to society clubs in order to force them to prostitute.

Almost each case featured a citizen of the country of victims cooperating with the perpetrators. Only 11 women were aware of what type of job they were to perform in Poland.

Most often, the victims were promised the job of a salesperson at bazaars, or of farm workers. Women happened to come to Poland of their own accord to find a seasonal job at farms or strawberry plantations. Once the season was over, there appeared someone who offered further employment and then deceitfully abducted them, and sold them to citizens of Bulgaria, engaged in such criminal activities in Poland to the greatest extent. One of the victims was abducted with a significant help from her friend, who assured her of having managed to get a job in Poland for both of them. Having crossed the border, the woman was immediately handed over to 2 men.

*Women deceitfully enticed to Poland are very often sold to further traffickers for a higher prices several times, thus changing their location, which substantially hinders investigation should they be reported missing.*

There is no research data concerning the economical aspect of trafficking in people. Findings of an investigation conducted by District Prosecution’s Office in Rzeszów may give certain idea thereof. It had been determined that a Ukrainian female managing a group sold about 60 women to persons managing society clubs for USD 200 each. At the same time, upon the basis of agreements with owners of the clubs, she collected USD 100 monthly on each sold woman due to providing sexual services. The trade had lasted for minimum 2 years.

The area of concentrated activity of criminals engaged in trafficking in woman and forcing them to prostitute in our country is the central part of Poland (the environs of Warsaw, Płock, Żyrardów, or Radom).

**Poland as a country of a victim’s origin**

Most serious cases in this category were conducted in the years 1997 / 1998 by the then Voivodship Prosecution’s Office in Szczecin (51 wronged women), and the then Voivodship Prosecution’s Office in Opole (89 wronged women.) In both cases women were recruited to work in Germany.

Greatest concentration of criminal groups recruiting victims (from Poland) to Western Europe (Germany, the Netherlands, Belgium) occurs along the German border (the environs of Szczecin, Poznań, and Gorzów Wielkopolski).

Precise data on the Polish victims of trafficking in people within the EU countries are not available as information on the nationality of victim is either not registered or registered in different ways.

In Austria in the year 2002 no victim of trafficking in people having Polish citizenship was revealed, while in the year 2003 there were 9 revealed out of 169 cases (5.3%).

In Germany in the year 2002 82 Polish women – victims of trafficking in people – were revealed (10.1% of the total number of victims), while in the year 2003 – 91 persons (7.4%). In the year 2003 the age structure of victimised Polish women was as follows:

	<b>Age brackets<sup>1</sup></b>
--	---------------------------------

	14 – 17		18 – 20		21 – 24		> 24		unknown		total
	N	%	N	%	N	%	N	%	N	%	N
<b>Poland</b>	5	5,5	21	23,1	33	36,3	31	34,1	1	1,1	91

(source: Bundeskriminalamt report - [www.bundeskriminalamt.de](http://www.bundeskriminalamt.de))

In the Netherlands in the years 1996-2002 Polish women accounted for 5% (21 persons) applying for a stay permit (B-9) for victims of trafficking in people. The data supplied by the Dutch police indicate that the role of Poland as the country for recruitment of victims is systematically decreasing (from 21% in 1998 to 2% in 2001).

In Italy 5 Polish women – victims of trafficking in people – joined the program for voluntary return in the years 2001-2002 out of the total of 80 persons covered thereby, while in the years 2003-2004 – only one woman.

#### **Poland as a transit country**

Poland functions as a transit country, mainly with regard to victims from Lithuania, Latvia and Moldavia. In this case, Germany is the country of destination. The women are smuggled across the border in the environs of Szczecin and Świnoujście. Eastern border of Poland is crossed legally, whereas the German border is crossed upon the basis of falsified documents (Polish passports).

#### **CHARACTERISTICS OF THE WRONGED PERSONS**

Majority of determined wronged persons were aware of the purpose of their going abroad and type of job (they were supposed) to perform. Suspects recruiting in Poland women willing to go abroad to prostitute took advantage of their hard economical status.

Women aged 16-20, of primary education and low economical status, were most commonly recruited. Suspects recruiting women generally received from the orderer USD 250-1000 for the provision of 1 woman. The orderer was always a foreigner (most commonly a German citizen) living in Germany or the Netherlands.

Wronged women decided to report on perpetration of a crime only after the return to Poland and only in situations in which they had been raped or drastically sexually exploited. In 12 cases, the wronged women altered their testimony, which hindered the course of legal proceedings at court.

#### **CHARACTERISTICS OF SUSPECTS ENGAGED IN TRAFFICKING**

Most cases that have been, or are presently investigated into in Poland imply that traffickers come mainly from Poland, Russia, Bulgaria, Turkey, and Germany.

According to the police, Turkish minority in Germany appears to be particularly engaged in trafficking in women. Males coming from the area of former Yugoslavia play almost the same role. In Poland, citizens of Bulgaria are most active in this field. In the year 2001, 21 accused foreigners included 16 citizens of Bulgaria (all of them after primary education and coming from the environs of Varna). Apart from Bulgarian citizens, 3 Turkish citizens, 1 citizen of Albania and 1 citizen of Spain were convicted.

Upon analysed cases it had been noticed that women who had previously been victims, were also engaged in this criminal trade. Those women are mostly recruiters and the first to establish contacts with future victims.

### **Figures on trafficking in people in Poland – encl. 1**

#### **3. Suggested actions**

##### **Strengthening of the system of cooperation, education and prevention**

###### **1.1**

##### **Continuation of activities of the Team for Fighting and Prevention of Trafficking in People.**

##### **Initiating annual national conferences on trafficking in people.**

###### ***State to date:***

The Team for Fighting and Prevention of Trafficking in People was established, based on the Order No. 23 of the Prime Minister of 5 March 2004. Its activities confirmed the necessity for the existence of a body monitoring the implementation of the Program, gathering data and suggestions from various administrative units and non-governmental organizations.

There is a need for discussion, exchange of information, experiences and proposals on fighting trafficking in people on a wider forum than the one offered by the Team, to be joined by all subjects engaged and interested in these problems.

###### **Objective:**

1. Organizing national conference on trafficking in people

**Responsible for implementation:** Ministry of Interior and Administration.

**Date of implementation:** 3rd quarter of 2005.

2. Establishing cooperation between the Team and similar institutions in the countries of origin of victims of trafficking in people in Poland, as well as countries of destination for the victims of trafficking in people coming from Poland.

**Responsible for implementation:** Ministry of Interior and Administration.

**Date of implementation:** 1st half of 2005.

###### **1.2**

##### **Preparation of report on trafficking in people in Poland.**

##### **Support of research into trafficking in people in Poland, with regard to its victims and methods of perpetrators in particular.**

State to date:

*Research carried out so far, of fragmentary nature due to the lack of a uniform database, features errors.*

Many a time has a body conducted research on the very same topic, which results in the waste of financial means provided for research out of the budget, or means out of non-governmental administration institutions.

###### **Objective:**

*1. Preparation of comprehensive report on trafficking in people in Poland. At its meeting held in the 2<sup>nd</sup> half of the year 2005, the Team for Fighting and Prevention of Trafficking in People shall define a schedule of activities aimed at preparing the report and share of responsibilities for the contents thereof.*

**Responsible for implementation:** *Department of Safety and Public Order of the Ministry of Interior and Administration, Ministry of Justice, Chief Headquarters of the Police, Chief Headquarters of the Border Guard, Commissioner for Equal Status of Men and Women, in cooperation with non-*



governmental organizations and research centres.

Date of implementation: 2<sup>nd</sup> half of 2006.

2. Working out methodology and scope of permanent collection of information on the phenomenon.

Responsible for implementation: Chief Headquarters of the Police, Chief Headquarters of the Border Guard, Ministry of Justice, National Prosecution's Office, in cooperation with non-governmental organizations and research centres.

Date of implementation: 1st half of 2005.

3. Collection of information and statistics data enabling comprehensive research into the problem and better coordination of research carried out by various centres and institutions.

Responsible for implementation: Chief Headquarters of the Police, Chief Headquarters of the Border Guard, Ministry of Justice, National Prosecution's Office, in cooperation with non-governmental organizations.

Date of implementation: permanent objective.

4. Support of research into trafficking in people on the merits, organization, and finances (depending on the available budget means). The use of means from the programs of the European Union to this aim.

Issues requiring immediate research include, among others:

- profile of a victim of trafficking in people,
- situation of foreign children left without care - the potential victims of trafficking in people – legal conditions, actual status,
- Polish judicature in cases concerning trafficking in people,
- public opinion versus trafficking in people and its victims

Responsible for implementation: Ministry of Interior and Administration, Ministry of Justice, Commissioner for Equal Status of Men and Women, in cooperation with research centres and non-governmental organizations.

Date of implementation: permanent objective.

### **1.3**

#### **Introduction of the problem of trafficking in people to programs of public media.**

State to date:

Media many a time wanting to provide the audience with interesting information, provide biased view of the situation, consolidate stereotypes harmful to perspectives for counteracting the phenomenon. It also happens that they spread information threatening the safety of the victims.

Objective:

1. Starting website of the Team in order to provide the most extensive and current information on the phenomenon of trafficking in people.

Responsible for implementation: Ministry of Interior and Administration.

Date of implementation: 1st quarter of 2005.

2.

Preparation of suggested media actions that would serve both effective prevention and successful fighting the phenomena. Informing on issues requiring special attention from the media.

Responsible for implementation: bodies on the working group, each within their scope of cooperation with public radio and television.

Date of implementation: permanent objective.

### **Changes in legislation aimed at effective fighting trafficking in people**

#### **2.1**

#### **Ordering Institute of Justice to analyse court verdicts in cases dealing with trafficking in people, to check their compliance with the definition of trafficking in people provided for by the Protocol to the UN Convention against organized crime.**

State to date:

Although Polish law (the penal code) comprises regulations concerning trafficking in people, it still does lack the definition of trafficking in people, which brings about different interpretation of article 253 of the penal code by courts throughout the country.

Objective:

Research into court verdicts in cases dealing with trafficking in people, to check their compliance with the definition provided for by the Protocol to the UN Convention.

Responsible for implementation: Ministry of Justice.

Date of implementation: 2<sup>nd</sup> half of 2005.

#### **2.2**

#### **Preparing regulations aimed at specifying the conditions for granting stay visas and short-term stay permits to victims of trafficking in people, who cooperate with appropriate bodies and methods for implementing state obligations towards the victims, citizens of third country.**

State to date:

On 30 September 2004 the Prime Minister forwarded to the Parliament the *Bill on Amending the Act on Foreigners and the Act on Granting Protection to Foreigners within the territory of the Republic of Poland* and some other acts. The bill worked out by the Office for Repatriation and Foreigners provides that art. 33 of the current Act on Foreigners, concerning granting stay visa, shall be supplemented with a clause enabling visa issuance to a foreigner in case of justified assumption of her/him being a victim of trafficking in people in the meaning of Outline Decision of the Council of Europe of 19 July 2002 on fighting trafficking in people, as confirmed by the body authorized to carry out the proceedings thereon. The stay visa shall be granted for a period of time required by a foreigner to decide on cooperation with the body authorized to carry out the proceedings in cases of trafficking in people, however not exceeding two months.

The above amendments aim at complying with art. 3 section 1 and 2 and art. 6 of the Directive of the Council of Europe 2004/81/EU of 29 April 2004 on granting stay permits to citizens of third countries, victims of trafficking in people or crimes of easing the conditions for illegal migration, who cooperate with appropriate bodies.

Besides, art. 53 of the act of 13 June 2003 on foreigners will be supplemented with point 13 providing the option of granting a residence permit for a definite period of time to a foreigner, staying in Poland, who fell victim to trafficking in people, who cooperates with appropriate bodies authorized

to carry out the proceedings in cases concerning trafficking in people and broke the contacts with persons suspected of committing the deeds connected with trafficking in people (according to art. 3 section. 1 and 2 and art. 8 section 1 and 2 of the Directive of the Council of Europe 2004/81/EU of 29 April 2004).

The date proposed for the bill to take effect is 1 October 2005. The Directive of the Council of Europe 2004/81/EU states that all solutions contained therein shall be implemented not later than 6 August 2006.

Objective:

Preparation of regulations aimed at defining conditions for granting stay visas and stay permits for a definite time to victims of trafficking in people, cooperating with appropriate bodies and for methods of implementing the obligations of the state towards such victims, citizens of a third country.

Responsible for implementation: Ministry of Interior and Administration, Chief Headquarters of the Police, Chief Headquarters of the Border Guard, Office for Repatriation and Foreigners, Ministry of Social Policy, in cooperation with non-governmental organizations.

Date of implementation: III quarter of 2005.

### **2.3**

#### **Recognition of the extent of compliance of Polish legislation to the recommendations of the Facultative Protocol to the UN Convention of Children's Rights concerning trafficking in children, prostitution and child pornography.**

**State to date:**

The procedure of ratification is coming to a close.

Objective:

Recognition of consequences arising from ratifying the Protocol. Defining potential requirements in the field of adjusting Polish penal law.

Responsible for implementation: Ministry of Justice.

Date of implementation: 2nd half of 2005.

#### **Improvement of effectiveness of actions.**

### **3.1**

#### **Preparation and implementation of a program of special training of police officers, Border Guard officers, prosecutors and judges on the procedures in cases of fighting trafficking in people.**

State to date:

Within the framework of implementing *The Program for Cooperation between the Governments of the Republic of Poland and the Czech Republic and the Bureau of Fighting Drugs and Preventing Crime/UN Centre of Preventing International Crime*, named "*Legal and penal reaction to trafficking in people in the Czech Republic and in Poland*", the *Model for Supporting/Protecting a Victim/Witness to Trafficking in People* has been prepared. It was experimentally implemented in the Lubuskie voivodship. On 11-13 October 2004 the seminar was held in Legionowo, participated by the officers of police, Border Guard, judges, and prosecutors throughout the country, dedicated to the *Model* and experience gained so far from its implementation.

Objective:

Training on applying procedures on ways of behaviour while meeting with a victim of trafficking in people (described in the *Model*), offered to the representatives of the Police, Border Guard, prosecution offices and courts in all voivodships (with particular attention drawn to the problem of children – victims of trafficking in people).

Responsible for implementation: Chief Headquarters of the Police, Chief Headquarters of the Border Guard, Ministry of Justice, in cooperation with non-governmental organizations.

Date of implementation: till October 2005.

### **3.2**

#### **Preparation of teaching materials on procedures in cases of trafficking in people, for police officers and Border Guard officers.**

State to date:

Officers barely possess information prepared by the La Strada Foundation.

Within the framework of implementing *The Program for Cooperation between the Governments of the Republic of Poland and the Czech Republic and the Bureau of Fighting Drugs and Preventing Crime/UN Centre of Preventing International Crime* named “*Legal and penal reaction to trafficking in people in the Czech Republic and in Poland*”, Chief Headquarters of Border Guard and Chief Headquarters of the Police have prepared the procedures on ways of behaviour while meeting with a victim of trafficking in people. The procedures are verified in the course of experimental project implemented in the Lubuskie voivodship.

Objective:

***Preparation and implementation of instructions / recommendations by the chief officers of police forces on ways of behaviour while meeting with victims of trafficking in people, based on the prepared procedures.***

Responsible for implementation: Ministry of Interior and Administration, Chief Headquarters of the Police, Chief Headquarters of the Border Guard.

Date of implementation: 2nd half of 2005.

### 3.3

#### **Training the teaching staff of police forces (police officer colleges, training centres) in the problems of fighting trafficking in people.**

**State to date:**

Knowledge featured by teaching staff very often does not address the current state of the phenomenon, ways of preventing it and fighting it. As a result, officers trained are provided with stereotypes and untrue ideas.

Objective:

Training the teaching staff through special courses attended by representatives of non-governmental organizations. Systematic update of knowledge possessed.

Responsible for implementation: Chief Headquarters of the Police, Chief Headquarters of the Border Guard, in cooperation with non-governmental organizations.

Date of implementation: permanent objective.

### 3.4

Improvement in a mechanism of coordinating actions of the Police concerning trafficking in people

**State to date:**

In all Voivodship Headquarters irregular teams dealing with social pathology issues, including trafficking in people, were established, each team of 2-6 persons, totalling 58 persons. In 6 voivodships: the pomorskie, śląskie, świętokrzyskie, małopolskie, podkarpackie, mazowieckie ones and at the Warsaw Police Headquarters – the teams total 260 persons. The similar team was established also at the Chief Headquarters of the Police.

There is no mechanism of coordinating and exchanging information on conducted actions between the aforementioned teams. The gathered data do not undergo the process of profound analysis.

Objective:

1. Establishing a permanent mechanism of exchanging information between the team at the Chief Headquarters of the Police and the teams at headquarters at lower level.
2. Implementing the system of gathering data enabling analysis of the problem of trafficking in people with the tools used for criminal analysis.

Responsible for implementation: Chief Headquarters of the Police.

Date of implementation: 1st half of 2005.

### 3.5

#### **Continuation of bilateral international cooperation with countries of origin and countries of destination of trafficking in people.**

##### **State to date:**

Intensive cooperation in training, exchange of experiences and information with partner organizations from the countries of origin of victims, is run by the La Strada Foundation. The Police and Border Guard have established bilateral contacts with police services in the countries of origin and destination.

##### Objective:

1. Organization of annual meeting of experts from the countries of origin, transit and destination – from the Polish point of view – in order to exchange information on changes in the phenomenon of trafficking in people.

Responsible for implementation: Ministry of Interior and Administration, Chief Headquarters of the Police, Chief Headquarters of the Border Guard, Ministry of Justice, in cooperation with non-governmental organizations.

Date of implementation: 1st half of 2005, 1st half of 2006.

### 3.6

#### **Preparation of manuals on trafficking in people for the representatives of institutions engaged in fighting and prevention of trafficking in people**

##### State to date:

*Lack of one, comprehensive national publication raising the issues of trafficking in people from the practical point of view and legal grounds on ways of behaviour towards victims/witnesses, carrying out the proceedings, supporting and protecting victims.*

##### Objective:

1. Preparation of manual on trafficking in people, including:

- A) General section – basic information on the phenomenon and legal acts thereon,
- B) Specialized Section I – for justice practitioners,
- C) Specialized Section II – for representatives of institutions supporting the victims of trafficking in people.

Responsible for implementation: Ministry of Interior and Administration, Chief Headquarters of the Police, Chief Headquarters of the Border Guard, Ministry of Justice, in cooperation with non-governmental organizations.

Responsible for implementation: 2nd half of 2006.

#### **Intensification of victim and witness protection**

### 4.1

#### **Victim and witness protection against repeated victimization during the investigation, through application of appropriate procedures and technical means.**

##### State to date:

Within the framework of implementing The *Program for Cooperation between the Governments of the Republic of Poland and the Czech Republic and the Bureau of Fighting Drugs and Preventing Crime/UN Centre of Preventing International Crime* named “*Legal and penal reaction to trafficking in people in the Czech Republic and in Poland*”, the *Model of Support/Protection of Victim/Witness to Trafficking in People* has been prepared.

##### Objective:

Endowing the procedures for support/protection of victim/witness to trafficking in people described in the *Model*, with the range of official guideline for state administration organs and their representatives, in their ways of behaviour when meeting with the victims of trafficking in people.

Responsible for implementation: Ministry of Interior and Administration, Chief Headquarters of the Police, Chief Headquarters of the Border Guard, Ministry of Justice

Date of implementation: 2nd half of 2005.

#### 4.2

**Protection of a child – victim of trafficking in people against repeated victimization during the investigation, through application of appropriate procedures and technical means.**

State to date:

Lack of precisely formulated standards of behaviour in cases of a child being a victim of trafficking.

Objective:

1. Preparation of a study with principles defined in accordance with penal procedure, to be applied in case of a victim of trafficking in people being a minor. Forwarding the study to courts and prosecution offices.

***Responsible for implementation: Ministry of Justice, National Prosecution Office.***

Date of implementation: 2nd half of 2005

2. Preparation of the model of support/protection of a child – victim of trafficking in people

***Responsible for implementation: Ministry of Interior and Administration, Chief Headquarters of the Police, Chief Headquarters of the Border Guard, Ministry of Justice, in cooperation with non-governmental organizations.***

Date of implementation: 1st half of 2006

3. Preparation and implementation of instructions/recommendations to the chiefs of police services on ways of behaviour when meeting with children – victims of trafficking in people.

Responsible for implementation: Chief Headquarters of the Police, Chief Headquarters of the Border Guard

Date of implementation: 1st half of 2006

#### 4.3

**Ensuring (through budgetary means for financial support of non-governmental organizations and self-government institutions ) the possibility of aiding the victim during the crisis situation and after cessation thereof.**

State to date:

It happens that victims of trafficking in people – particularly foreign females, are deprived of the possibility of meeting basic needs, such as food, drink, clothing, hygiene, or safety. The wronged women are for example persuaded to rent a hotel room at their own expense for the period of giving testimony, or to stay at, for instance, police stations. Not always is the health condition examined. Once the witnesses are not needed for proceedings with their participation, they are deported to their home country without prior examination of safety conditions both during the trip and at the arrival / in the country.

Objective:

Providing victims with thorough information on their status, decent and safe conditions, possibility to receive support and consultations at each stage of the proceedings, in accordance with the *Model of Support/Protection of Victim/Witness to Trafficking in People*.

Implementation of procedures for support/protection of victim/witness to trafficking in people, described in the *Model*, throughout the country, shall require allocating of financial means amounting to PLN 500,000 in the budget for 2006, in the section 4.2 Internal Affairs.

Responsible for implementation: Ministry of Interior and Administration in cooperation with non-governmental organizations.

Date of implementation: 2nd half of 2005.

#### 4.4

**Establishing standards to be met by non-governmental organizations and other institutions capable of and having the rights to provide aid to victims / witnesses to trafficking in people. Creation of a list of centres meeting the standards.**

State to date:

Expecting the growing number of victims of trafficking in people willing to make use of the program

of support/protection, it is necessary to prepare a network of shelters. In order to provide the victims with an aid rendered at a level adequate to their situation, it is necessary to establish the standards to be met by institutions providing such aid.

The La Strada Foundation has only one shelter for victims of trafficking in people at their disposal.

Caritas Polska, within the framework of the Program of Fighting the Forced Prostitution, established 5 contact centres in Poland. The centres are in a position to provide shelter to a victim of trafficking in people.

Ministry of Social Policy has gathered, through social policy departments, information on addresses and a range of activities of crisis centres, that shall be used to prepare an appropriate information leaflet, in cooperation with non-governmental organizations.

Objective:

1. Establishing standards to be met by institutions rendering aid to the victims of trafficking in people.

Responsible for implementation: working team in cooperation with non-governmental organizations, Ministry of Social Policy, Ministry of Interior and Administration, Ministry of Justice, and Ministry of Health, Commissioner for Equal Status of Men and Women.

Date of implementation: 1st half of 2006.

2. Establishing an integrated list pointing out not only to centres and institutions, but also to the range of their activities both in substance and by geography. It shall be helpful for checking the possibility of meeting the needs of a particular wronged person in particular aspects.

Responsible for implementation: working team in cooperation with non-governmental organizations, Commissioner for Equal Status of Men and Women.

Date of implementation: 2nd half of 2005

#### **4.5**

#### **Introduction of the problem of trafficking in people to the curriculum of social workers' education.**

State to date:

58 workers of the poviats social aid centres and crisis centres have been trained; they shall form a national network of assistance to victims of trafficking in people.

Objective:

1. Preparation of training kits for future social workers, to be used during vocational training at the Colleges for Social Services Workers.

2. REGular training of social workers.

Responsible for implementation: Ministry of Social Policy in cooperation with non-go

Date of implementation: 2nd half of 2006.

#### **4.6**

#### **Preparation and implementation of programs of reintegration of a victim of trafficking in people.**

State to date:

The La Strada Foundation has some experience in activities aimed at reintegration of victims. There is a need to work out the best practice in this field and establish a network of institutions supporting a victim in her/his reintegration process.

Objective:

1. Preparation of procedures and conditions of their implementation for the monitored person's return to normal life supported by professional social services and non-governmental organizations.

Responsible for implementation: working group of the Team in cooperation with non-governmental organizations.

Date of implementation: 2nd half of 2006

#### **4.7**

## **Preparation and implementation of the programs of voluntary return of a victim of trafficking in people**

### State to date:

Victims of trafficking in people after possible testimony are deported to the country of origin. There also occur cases of taking them over during the return trip already.

Activities of non-governmental organizations, such as the La Strada network, cover only some of them. In this case such organizations ensure monitoring their return home and aid at a safe place of dwelling, while seeking a job, or using medical aid.

### Objective:

Preparation of procedures and conditions of their implementation concerning individual consultation on each case, organization of a safe trip, possible negotiations with the family, provision of an alternative place of dwelling should there arise a need, the monitored person's return to normal life supported by professional social services - for example non-governmental organizations. In particularly difficult cases (threat to life) – consideration of the possibility of the victim staying in Poland until the threat ceases to exist.

Responsible for implementation: Ministry of Interior and Administration in cooperation with non-governmental organizations and international organizations.

Date of implementation: 2nd half of 2006

---