

Current Activities of the Council of the Baltic Sea States Task Force against Trafficking in Human Beings

The Council of the Baltic Sea States (CBSS)¹ appreciates this opportunity to present an account of its role in the development of one of the most dynamic regions in Europe.

The CBSS was founded in 1992 as a response to the geopolitical changes that were taking place in the Baltic Sea region following the end of the Cold War. The scope of our co-operation has much in common with the Helsinki process.

The CBSS has achieved concrete results in a number of fields, including combating trafficking in human beings (adults and children); enhancing energy dialogue between EU and non-EU countries in the region; alleviating regional barriers to trade and investment; improving nuclear and radiation safety; building confidence through cross-border co-operation; and transforming curricula and teaching methods through the EuroFaculty Programme in Kaliningrad and now also in the Russian city of Pskov.

This article will highlight one topic where CBSS activities complement the efforts of the OSCE, namely in the fight against trafficking in human beings, which is one of the most pressing global issues today and requires a concerted and comprehensive response.

At the 15th Ministerial Session of the Council of the Baltic Sea States in Denmark, in June 2009, the importance of concrete co-operation in the fight against trafficking in human beings was specifically stressed by eight CBSS Member States: Denmark, Estonia, Germany, Iceland, Latvia, Lithuania, Norway, and Sweden, and two CBSS Observer States: France and Spain. There is still much to be done in the field of counter-trafficking and, as Norway noted in its intervention, raising the issue at the political level, ratifying conventions, and linking counter-trafficking work with existing instruments on transnational crime are all important activities worth focusing on. In this context, the declaration made by the ministers underlined the importance of continued, forceful efforts to prevent and combat all forms of trafficking in human beings, thereby showing the ongoing commitment of the CBSS in this area.

Note: The views contained in this contribution are the author's own and do not necessarily reflect the positions of the Council of the Baltic Sea States or its Task Force against Trafficking in Human Beings.

1 The CBSS is a forum for multilateral intergovernmental co-operation in the Baltic Sea region. The members are Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, Norway, Poland, Russia, Sweden, and the European Commission. The organization also has ten observer states: Belarus, France, Italy, the Netherlands, Romania, Slovakia, Spain, Ukraine, the UK, and the US. The CBSS website is at: <http://www.cbss.org>.

What is Trafficking in Human Beings?

The lack of an international consensus on a comprehensive definition of trafficking in human beings was a major challenge until the year 2000, when the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime came into force. According to Article 3 (a) of the UN Protocol, 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 the 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, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.²

Why Does Trafficking in Human Beings Exist?

The causes and contributing factors responsible for the existence of trafficking in human beings are manifold and complex. Although trafficking in human beings and internal and external migration are two separate subjects, they are nevertheless highly interconnected. Trafficking in human beings is very often linked to the individual experiences of trafficked victims, who are on the search for better living conditions in their own or a foreign country. This pressure to migrate and other contributing factors explain the growing risk of migrating persons getting into vulnerable situations. In this context, it is very important to look at both the reasons why people are migrating and the objectives of the traffickers, who take advantage of the vulnerable situations of migrating persons. In the key literature on trafficking in human beings, all these different reasons are described as contributory (but not sufficient) pull and push factors. Pull factors include the demand for (cheap) labour and services and the availability of better opportunities. Examples of push factors are poverty, unemployment, a lack of education, the lack of opportunities, gender-based discrimination, economic imbalance between wealthy and poor countries, war, political instability, and corruption. In addition to push and pull factors, there are other contributing factors such as the availability of high profits at low risk for the traffickers; corruption, organized

2 United Nations Office on Drugs and Crime, *United Nations Convention Against Transnational Organized Crime and the Protocols thereto*, Annex II, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime Article 3. Use of Terms (a), available at: <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>.

crime and a lack of legal instruments; and restrictive migration and immigration policies.

Who Is Being Trafficked?

It is important to note that human trafficking can affect anyone, regardless of gender, age, nationality, ethnicity, or other affiliation. Women, men, boys, and girls can all become victims of human trafficking. With that said, trafficking in human beings is not gender-neutral. In most countries of the world, women

- tend to be overrepresented in the informal employment sector and in self-employment where jobs are lower-paid and less secure;
- are likely to be covered less effectively by social security schemes;
- are prevented from entering traditional male occupations;
- are prevented from reaching higher positions;
- face high gender wage gaps;
- are more affected by unemployment and thus poverty;
- face more gender-based discrimination than men; and
- are more likely than men to be affected by gender-based violence;
- due to inadequate income, rising living costs, and the absence of fathers, women are also increasingly becoming families' sole bread-winners.

For all these reasons, women are more at risk of and vulnerable to trafficking in human beings. Furthermore, they are also affected differently when it comes to the economic sectors they are trafficked into, the forms of exploitation they are exposed to, and the consequences they face after their exploitation ends.

Nevertheless, trafficking in men has recently tended to increase. Whereas women are mostly subject to trafficking for sexual and domestic services, men are mainly exposed to trafficking for labour exploitation in areas such as construction, mining, and dockyard labour, i.e. manual work associated with a high degree of informal labour relations and long subcontracting chains. This type of trafficking is on the increase across all of the categories above.

Men and women are more or less equally affected by trafficking for the removal of human organs. It is also important to bear in mind that children and adolescents are especially vulnerable to human trafficking but that the forms of exploitation may differ in their cases.

What is the Difference Between Trafficking in Human Beings and People Smuggling?

The distinction between trafficking in human beings and people smuggling is the subject of constant confusion, although there is a significant difference between these two phenomena. Whereas the smuggling of migrants involves people who have consented to be transported irregularly, trafficking victims have either never consented or, if they initially did, the consent has been rendered meaningless by the coercive, deceptive, or abusive actions of the traffickers. Furthermore, in general, smuggling ends with the migrants' arrival at their destination, whereas trafficking involves the ongoing exploitation of the victims to generate profits. Of course, smuggled persons often also become victims of human rights violations and may subsequently become trafficked. Last but not least, smuggling in persons is always transnational, whereas trafficking in human beings may also occur within the same country.³

The CBSS Task Force against Trafficking in Human Beings

To counteract trafficking in human beings, the Council of the Baltic Sea States is taking action to produce a regional response to the problem. The CBSS Task Force against Trafficking in Human Beings (CBSS TF-THB) provides a platform for enhanced co-operation in combating human trafficking between countries of origin, transit, and destination in the region. The overall objective of the TF-THB is to counteract trafficking in human beings in the Baltic Sea region through preventive and protective activities. The Task Force is composed of national experts on human trafficking from relevant ministries throughout the region. The mandate is to fight trafficking in human beings, focusing on adults, for all forms of exploitation by fostering action and enhanced co-operation in the region and its near vicinity. The TF-THB follows the UN Protocol definition of human trafficking and bases its work on the Council of Europe Convention on Action against Trafficking in Human Beings.

Background

The CBSS Task Force against Trafficking in Human Beings is the only regional intergovernmental forum in Europe of its kind dealing with trafficking in human beings. The TF-THB brings together EU and non-EU member states, which are all differently affected by trafficking in human beings and

3 Cf. United Nations Office on Drugs and Crime (UNODC), *Trafficking in Persons. Global Patterns*, April 2006, p. 52.

constantly exchange experiences with international and nongovernmental organizations.

The TF-THB builds on the work of the previous Nordic Baltic Task Force against Trafficking in Human Beings. The Task Force initiated the Nordic Baltic Pilot Project, with the European Women's Lobby as the head implementer, which was intended as a capacity-building instrument focusing on the development and implementation of measures for the protection and safe return of victims.

In 2006, the heads of government welcomed the initiative to integrate the work of the previous Task Force in the CBSS framework, and by doing so to include Germany, Poland, and Russia in the co-operation.

Current Trends in Human Trafficking in the Baltic Sea Region

Trafficking in human beings is a global problem. Nevertheless, variations can be found with respect to (sub)regions and countries of origin, transit, destination, and the degree of internal trafficking. The states of the Baltic Sea region are all affected by trafficking in human beings. Every year women, men, and children are trafficked to, through, or from the CBSS region for the purpose of exploitation. Furthermore, the region is subject to constant changes in the patterns of human trafficking and the forms of victimization. This is particularly due to global economic changes and the inventiveness of organized crime structures.

One observed trend is that countries which used to be predominantly countries of origin in this region are increasingly also becoming countries of transit and destination for human trafficking, as they are facing a higher influx of trafficked persons from neighbouring countries. A significant number of CBSS countries are now also reporting the growth of internal trafficking in their countries, typically from rural to urban areas, for various forms of exploitation.

Although trafficking for sexual exploitation is still the major problem, a majority of CBSS countries are reporting a substantial increase of trafficking for labour exploitation, and here we need to improve our collective knowledge.

We also need more information about trafficking in men. Trafficking in men, especially for labour exploitation in areas such as construction and mining or the restaurant industry is increasing. The authorities and organizations involved in combating this need more information and tools to be able to reach out and provide assistance to this group.

Countries are also reporting an increase in trafficking for multiple exploitation, where the victims are subject to more than one form of exploitation. An example of this could be that people are forced to perform labour as hotel cleaners during the day time and then provide sexual services at night.

One general trend is that trafficking for forced begging is increasing, often involving the abuse of disabled people and other vulnerable groups. It has also been observed that the profits which the organizers of the crimes receive from forced begging are sometimes used to support or finance trafficking in human beings for other forms of exploitation.

It has furthermore been observed over the last few years that the treatment of the victims has changed. The organizers today tend to use less direct violence and force over the victims but are instead applying other forms of indirect coercion. Women who have been trafficked for sexual purposes are, for example, reporting that they are allowed more freedom to move and also to keep some of their earnings. This in no way means that these people are not victims of trafficking or that their rights are being respected more by the traffickers. It is rather a more sophisticated means of manipulation that makes it easier for the traffickers to build a relationship and keep control over the victims.

What is not new but has been highlighted lately is the fact the former victims of trafficking, especially for sexual purposes, are becoming organizers of the same crimes that they once fell victims to. To a large extent these organizers are women.

The Mandate of the CBSS Task Force against Trafficking in Human Beings

The mandate of the TF-THB is to combat trafficking in human beings and all the associated forms of exploitation. Its activities aim at strengthening assistance to victims, promoting co-operation, abolishing gaps in existing approaches, and improving legislation. The Task Force is mandated to fight trafficking for all forms of exploitation. The focus is on people over the age of 18, and it can therefore be seen to complement the work of the Expert Group for Cooperation on Children at Risk (EGCC).⁴ The Task Force is composed of experts from relevant Government ministries in all the CBSS capitals. The Chair of the TF-THB rotates among the Member States on an annual basis following the CBSS Presidency (from July 1 to June 30) and three to four meetings are held per year. The current mandate of the Task Force runs until 30 June 2011.

Despite the fact that human trafficking today is acknowledged as a severe crime that seriously violates the human rights of its many victims, a lot of work still needs to be done in the areas of prevention, protection, and prosecution. The establishment of partnerships and the enhancement of policy development are additionally and equally important to effectively curb

4 The Expert Group for Cooperation on Children at Risk, EGCC, is a group of senior officials from the ministries responsible for children's issues in the member countries of the CBSS and the European Commission. Member countries are: Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, Norway, Poland, Russia, and Sweden, see: <http://www.childcentre.info>.

this criminal trade. Since human trafficking cuts through all sectors, a multi-faceted approach is needed when planning and implementing anti-trafficking activities. The TF-THB therefore enables the Member States to jointly assess the regional trafficking situation, identify the existing gaps in regional counter-trafficking activities, and implement activities adapted to the observed common needs.

For 2008-2010 the TF-THB has agreed on the following Strategy:

- Training seminars on human trafficking for diplomatic and consular personnel in the CBSS region in co-operation with the International Organization for Migration (IOM).
- Running a joint project with the United Nations Office on Drugs and Crime (UNODC) to foster co-operation between NGOs and law enforcement agencies in preventing and combating human trafficking in, from, and to the Baltic Sea region.
- A regional information campaign against trafficking in human beings.
- Improved data collection and support for research on human trafficking in the region.
- A comparative regional legal analysis on human trafficking.

Why Training for Diplomatic and Consular Staff?

Inadequate and deficient identification of (potential) victims of trafficking still remains one of the biggest obstacles to fighting human trafficking effectively. Law enforcement agencies and government offices often lack the expertise, experienced personnel, or sensitivity to ensure that victims can be identified as such. As a result, potential victims and victims of human trafficking can neither expect to receive urgently needed support to prevent or put an end to an exploitative situation, nor can a successful prosecution with maximum enforcement of the law act to prevent and deter human trafficking in general. Therefore, broadening of the relevant actors' knowledge of human trafficking will directly assist in the identification and protection of its victims.

Since consular staff at embassies are often the first contact point between the victims and the authorities of their home country, the Task Force places a strong focus on training diplomatic and consular personnel. If provided with the right tools, the consular sections at the embassies can act as a first filter against human trafficking by screening visa applications. They of course also fulfil an important role when assisting with the return of identified victims.

The overall aim of the training programme is to increase the knowledge of the staff responsible for consular matters in the capitals and at the embassies of CBSS and relevant non-CBSS countries in the Baltic Sea region

about trafficking in human beings. The programme aims to deliver tools to these staff members that will help them to react properly if they become suspicious of or discover any cases of trafficking. The seminars strive in particular to provide participants with instruments to assist victims through collaborating with the police, social services, support organizations, immigration authorities, customs, labour inspectors, and others relevant actors.

The training seminars are carried out in all of the countries of the Baltic Sea region and share a common curriculum. Every CBSS Member or Observer State may send individuals from relevant embassies or government ministries in the region to participate. Furthermore, depending on the trafficking situation in each country, representatives from other relevant embassies, such as relevant countries of origin, transit, or destination, are also invited. The seminars usually last one full day or two half days. Each course is conducted by a team of consultants from the intergovernmental IOM, hired by the CBSS, together with national teams of experts on human trafficking – both governmental and nongovernmental. In addition, a representative from the EGCC provides the children's perspective at these trainings.

One outcome of the seminars will be the development of a joint regional methodological handbook to be distributed to the CBSS embassies in the region. The handbook will be designed as an easy-to-use manual for handling trafficking cases in the consular sections.

The training seminars provide the participants with:

1. basic information regarding flows of human traffic to, from, and within the CBSS region,
2. understanding of the nature of human trafficking as well as knowledge of international and national law,
3. specific information on victims of trafficking that aims to increase comprehension of their vulnerable situation and enhance the support provided to them,
4. knowledge on how to handle suspected and proven cases of human trafficking within the embassies and with co-operating authorities in line with international human rights standards,
5. an opportunity to exchange experiences and best practices with other professionals and to establish relevant contact points,
6. a clear understanding of the role of diplomatic and consular staff in identifying, assisting, and safely repatriating victims of human trafficking.

Joint Project between the TF-THB and UNODC on Fostering NGO-Law Enforcement Co-operation in Preventing and Combating Human Trafficking in, from, and to the Baltic Sea Region

Global problems such as trafficking in human beings can only be successfully combated by means of broad collaboration between various relevant actors, including members of civil society, state actors, and international organizations. Since different actors in the international arena generally focus on different aspects of human trafficking and therefore initiate different measures to fight it, co-operation and the establishment of a broad network is of great importance for combating it effectively.

Hence in 2009, the TF-THB and the UNODC have implemented a joint preparatory regional project on fostering co-operation between NGOs and law enforcement agencies in preventing and combating human trafficking in, from, and to the Baltic Sea region. The project focused on both formalized and non-formalized co-operation mechanisms and analysed existing memoranda of understanding (MoUs) in the Baltic Sea region.

This project aimed at strengthening co-operation between various governmental institutions and non-governmental actors within and among the CBSS Member States. Only with improved co-operation can victims be adequately assisted and protected. By collecting and analysing data through country assessment missions, the project developed assessment reports for each CBSS Member State on the existing co-operation mechanisms between state actors – especially law enforcement – and NGOs. The project concluded with a regional conference in Stockholm in December 2009. The conference brought together around 60 relevant actors from civil society, state actors (especially from criminal justice response institutions but also from social welfare institutions), and international organizations operating in the region, such as the OSCE Office for Democratic Institutions and Human Rights (ODIHR). The conclusions of the country assessments and recommendations on how to improve co-operation models were presented at this conference.

By exploring our current national referral mechanisms and how they can be improved, we hope ultimately to reduce the number of victims of trafficking in the Baltic Sea region. The possibility of further joint regional co-operation models in this field are currently being looked into as a potential second phase of this project.

Regional Information Campaign against Trafficking in Human Beings

During this period, a regional information campaign focused on prevention and awareness raising will be conducted throughout the region. Throughout the campaign, information materials will be developed and distributed. To initiate this programme and ensure its sustainability, the TF-THB is currently

developing a joint pilot campaign targeting human trafficking into Sweden from the Baltic Sea region. The information campaign will be associated with a hotline set up to combat gender-based violence in Sweden – *Kvinnofridslinjen* – which is managed by the Swedish National Centre for Knowledge on Men’s Violence Against Women (*Nationellt Centrum för Kvinnofrid*). *Kvinnofridslinjen* is a national telephone support line for women who have been subjected to threats and violence. The hotline was not designed to assist victims of trafficking, but thanks to this project, it now has the knowledge and mandate to do so. The project is being implemented jointly with the Swedish National Co-ordinator against Prostitution and Trafficking, based in Stockholm County, and the National Centre for Knowledge on Men’s Violence Against Women. The information campaign, which will be launched in early 2010, will be called “Safe Trip” and will target travel spots in Sweden, providing a hotline number that foreign women in Sweden who are victims or potential victims of trafficking can call for assistance. Stickers, leaflets, and contact cards in various relevant languages will be provided at selected points at airports, ferries, bus stops, and so on around Sweden to target trafficking within, from, and to the Baltic Sea region with a transit in Sweden or Sweden as a destination.

If this pilot is successful, the TF-THB will look into the possibility of launching a similar campaign, adapted to national needs, throughout the whole CBSS region during 2010.

Improved Data Collection and Support of Research into Human Trafficking in the Region

Since trafficking in human beings is a problem that is constantly changing, it is vital that we regularly update our understanding of this subject. One of the major challenges to enhancing the knowledge base of the stakeholders in this field is the current lack of comparable and comprehensive data on the various aspects of human trafficking. The Task Force has therefore made improving data collection one of its five strategic priorities. By improving the knowledge available to relevant actors, this activity helps them to better combat trafficking in human beings in the eleven CBSS Member States. Furthermore this activity strives to support research on all forms of human trafficking and encourage the establishment of stronger networks between researchers from different disciplines working with human trafficking in the CBSS region.

The aim of this activity is to look into common features of how data is collected and analysed qualitatively. There is currently a lack of reliable and up-to-date data and statistical analysis in this field due to failures in the collection of the data, the definition of trafficked persons, and a lack of coherence among the authorities that deal with victims of trafficking. The project would first assess where the missing links are, how data collection could be

improved, and determine where each data strand is held. Various research disciplines approach their analyses from contrasting perspectives and will need different kinds of access to different data. A cross-disciplinary analysis of collection procedures would also be helpful to inform legislation and make action more effective.

For this project, the CBSS TF-THB would like to use the recently developed “Guidelines for the collection of data on trafficking in human beings, including comparable indicators” as a starting point. These guidelines are the final publication of a project, initiated by the Federal Ministry of the Interior of Austria in co-operation with the IOM in Vienna and supported financially by the European Commission, Directorate-General Justice, Freedom and Security. A multidisciplinary Expert Team consisting of representatives from various countries, law enforcement agencies, research institutes, civil society, and international organizations was asked to contribute to the project and their suggestions have been incorporated into the guidelines.

The guidelines are a set of recommendations that lead states through the necessary steps for implementing a co-ordinated data collection and monitoring system at national level. As a first step towards potential closer harmonization in this field, the TF-THB has agreed to conduct a desk study to assess current data collection mechanisms and the indicators used in trafficking cases in the CBSS region. This assessment will be used as a base-line study for potential future activities in this field if a need for improvements is found.

Comparative Regional Legal Analysis on Human Trafficking

This activity, which will be implemented in 2010, involves hiring legal consultants to conduct an in-depth legal analysis, particularly to assess the existing legislation for the protection of victims of human trafficking, and exploring the needs and opportunities for legal harmonization in the field of human trafficking in the region. There are a number of legal areas that could be worth exploring in order to enhance the region’s response to human trafficking: victim/witness protection during court proceedings, the granting of reflection periods and temporary residence permits, levels of penalties for human trafficking and related crimes, the non-criminalization of victims’ acts on account that they were trafficked, and opportunities for victims to obtain compensation, to mention a few. The scope and modalities of research of this kind are currently being discussed by the TF-THB.

Interdependence is a word that cannot be stressed enough when talking about effective ways to combat human trafficking. Despite all the admirable efforts being made, there is a need for the key actors working in this field to join forces and avoid duplication of activities. A greater degree of self-reflexion on the efficiency of our own activities would allow us to take better stock of each other's experiences in seeking to achieve the common goal of combating trafficking in human beings. One of the main goals of the CBSS TF-THB is to increase co-operation and the co-ordination of activities with other actors in the field in the region, and the OSCE is of course one of them. Information on the activities of TF-THB is regularly shared with the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings. The delegates of the Task Force participate regularly in OSCE events in their capacity as national experts, and the OSCE has also been invited to events run by the TF-THB. At the OSCE Human Dimension Implementation Meeting in Warsaw in October 2008, the Senior Adviser of the TF-THB participated in a side event panel debate chaired by the OSCE Special Representative, Eva Biaudet, to discuss co-operation between countries of origin, transit, and destination in the fight against trafficking in human beings. The OSCE Special Representative also gave a much appreciated presentation at the CBSS TF-THB Training Seminar for Consular and Diplomatic Personnel in Helsinki in November 2009. The Senior Adviser previously wrote an article for an issue of the *OSCE Review – European Security*. The article discussed the work of the CBSS TF-THB in fighting human trafficking in the Baltic Sea region. The Task Force is furthermore participating in the OSCE Alliance Expert Co-ordination Team against Trafficking in Human Beings (OSCE AECT), where the TF-THB is represented by its Senior Adviser.

No matter how multidimensional and well-targeted the efforts to curtail human trafficking are, nor how hard we work to improve the assistance and protection provided to its victims, this brutal crime will never be stopped unless these measures are complemented by activities targeting the demand side. As in any other market, there would be no supply if there were no demand for services and cheap labour. The importance of curbing the demand that induces trafficking for various forms of exploitation has received increased attention over the last few years. However, little has been done so far, and here we need to pick up speed.

Enhanced information sharing, co-ordination of activities, support for improved research and awareness raising all represent just some of the important tasks that await the TF-THB in its efforts to advance counter-trafficking measures in this region.