



EU-ASIA DIALOGUE

*Shaping a Common Future for Europe and Asia –
Sharing Policy Innovation and Best Practices in Addressing Common Challenges*

Conference Report

“Human Trafficking – Challenges to Europe and Asia”

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Report

International Workshop

“Human Trafficking – Challenges to Europe and Asia”

On 13 June, the first conceptualizing workshop of the cluster human trafficking took place at the Diplomatic Academy of Vienna in Austria.

The workshop “Human Trafficking – Challenges to Europe and Asia” aimed to share information on the current challenges with regard to human trafficking in Europe and Asia. By doing so, topics for future cooperation and necessary exchange were identified. The aspects of law enforcement and legal issues were of particular concern. In addition, the role of civil society in combating human trafficking was discussed.

Altogether 30 people participated in this event. Among others, representatives came from IOM, UNICEF, OSCE, EEAS, UNIAP, Interpol, and UNODC. Additional participants came from Austria, Cambodia, Czech Republic, Germany, Indonesia, Italy, Norway, Poland, Serbia, Singapore, Taiwan, Thailand, and the Philippines.

At the beginning of the event, Ambassador Hans Winkler delivered a welcome speech on behalf of the Diplomatic Academy of Vienna. After providing some background information on the building and the history of the Diplomatic Academy, Winkler emphasized the importance of fighting trafficking in human beings for the Academy. The annual meeting of the Austrian Task Force Against Human Trafficking is always held at the Diplomatic Academy. The graduate school also conducts research and teaches aspects with connections to human trafficking such as international law and political science. It has established itself as one of the key Austrian institutes for international exchange which is underlined by a number of high-level meetings every year.

Session I: Analysis of Current Challenges with regard to Human Trafficking

The first presentation was given by **Ms Marija Andjelkovic, ASTRA, Serbia**, and discussed human trafficking in Europe. Most victims come from post-conflict countries or



countries in transition, while economically developed countries appear as transit and destination places. A key problem when discussing human trafficking is the varying number of victims and the definition. Numbers can be as low as 700,000 (United Nations) and as high as 20.9 million (International Labour Organization) if forced labour is included. In the then 27 EU countries 7,148 victims were identified in 2010. Among non-EU countries, Ukraine (277) and Serbia (77) showed the highest figures. With an annual profit between 7-60 billion US-Dollars, human trafficking is one of the three most profitable criminal activities.

Ms Andjelkovic identified several problems when fighting human trafficking. There is a lack of indicators, difficulties in getting reliable data and the problem of different definitions, for instance, sometimes victims of human trafficking are counted as irregular migrants. In some countries political influence lowers the number of victims to show success in combating this crime. In addition, the *modus operandi* of the traffickers has changed. The victims are kept in private houses and show less physical signs of abuse which makes it more difficult to identify them. Another problem is the growing number of irregular migrants as this suggests that some victims of human trafficking could be hidden in this category.

There is a clear difference between the gender of the traffickers (75 % male) and those trafficked (victims) (80 % female). Three different forms of exploitation can be found – sexual (61 %), labor (25 %) and organ removal (14 %). The form of exploitation correlates with the gender. While almost all sexual exploitation is against females, labor exploitation is dominated by male victims and organ trafficking shows mixed results.

As a reaction to the growing numbers of victims, the EU showed a strong response with a number of directives addressing the issue directly or indirectly. In 2005 the Council of Europe released the Convention on Action against Trafficking in Human Beings and the EU has a strategy towards the Eradication of Trafficking in Human Beings 2012-2016.

Current trends show an increasing number of cases in trafficking within Europe and within individual countries as well as a rise in the number of children trafficked. There are new technologies being used for the recruitment of people and also these technologies facilitate the trafficking process as destinations as well as routes are oftentimes changed. Ms Andjelkovic ended her presentation by highlighting some of the main challenges. While the laws are often good, the implementation is weak and needs to be improved. The data of victims and witnesses have to be better protected and it has to be ensured that victims are not charged for crimes committed while being exploited. Finally, more cross-border cooperation between all actors is necessary.

Mr. Michael Hewitt, CARAM, Cambodia, focused his presentation on human trafficking in Asia. Based on current data, Asia has the highest number of victims in human



trafficking in the world. ILO estimations go up to 11,700,000 million people. Most of the countries in the region are in *Tier II or Tier II Watch List* of the Trafficking in Persons (TIP) Report of the US Department of State. Different from Europe, forced labor is the most common form of exploitation. However, there are big differences between the countries and sectors, such as forced domestic helpers or agricultural workers, trafficking on fishing boats or bride trafficking. The perpetrators vary as well, ranging from family members over friends, fisherman and farmers to professionals. With regard to the flows, East Asia is the most significant sub-region. Victims from East Asia can be found in many countries and intra-regional trafficking is still strong. In this context the role of poverty is highly debated. While some identify this as the most important driving factor, others see the death of an income owner as a main reason for moving. A problem is that some victims do not recognize they are being trafficked. Others recognize that something is wrong, but continue as they have already invested too much.

Hewitt identified several challenges for human trafficking in Asia. Similar to Europe, there is a problem of finding reliable data and research results. Police forces are often under resourced or corrupt. Judiciary is unskilled, influenced or policies are unclear. There is very little aftercare which results in high rates of suicides. In Cambodia, for instance, many victims are again confronted with poverty once they return home and try to re-migrate. Those people need an alternative to get out of this cycle. Cross-country cooperation and cooperation between governments and NGOs is limited.

In her presentation on human trafficking between Asia and Europe, **Ms Barbara Salcher, International Organization for Migration, Austria**, started by giving an overview of IOM's history. IOM has a "3Ps" approach towards human trafficking which includes prosecution, protection and prevention. All these three steps require a close partnership between all stakeholders. IOM exchanges information on human trafficking, collects data, identifies trends, and provides assistance to victims.

The trends in Asia show that most trafficking is internally within Southeast Asia and that 3 out of 1,000 people are victims of trafficking. The global average is only 2 out of 1,000 people. Besides the poor, Internally Displaced People (highest number in the world) are an extremely vulnerable group. Most of those Asian people being trafficked to Europe originate from China and almost one third are male. While most victims in Europe are still from Europe itself and Africa, the number of people with Asian descent among the victims in Europe is growing, making the region the third biggest region of origin. In several countries Asians are have to cultivate cannabis after being trafficked (e.g. Vietnamese to UK, Czech or Slovakia) or as part of cyber trafficking. This includes recruitment and marketing via the internet, and the provision of pornography. A number of people are also being trafficked as au pairs.



At the end of her presentation, Salcher showed the example of a successful cooperation – the CBMM (Capacity Building for Migration Management in China) project. By strengthening the Europe-China cooperation and exchange on migration management issues, the project promotes safe and regular migration, and tries to prevent labor exploitation, trafficking and irregular migration. The project provides training to police officers and immigration officials on victim identification, raises awareness and provides manuals on human trafficking in Mandarin. Cooperation on migration can help to mitigate the impact of human trafficking and facilitate regular migration.

The last presentation of this session was given by **Mr. Bill Lee, National Immigration Agency, Taiwan**. Mr. Lee shared the case of Taiwan which improved from the *Tier II Watch List* in 2006 to *Tier I* in the 2010 Trafficking in Persons (TIP) Report of the US Department of State and is often seen as a success story in Asia. Lee started by giving four reasons for human trafficking in Taiwan. Two reasons – need for low-cost workers and existing sex services – are demand driven, while the two others – lack of effort from government and unawareness of human trafficking issue – are more political.

The anti-TIP policy consists of three pillars. Firstly, a prevention plan which was first introduced in 2006. Then there are inter-agency committees which meet three to four times a year. Finally, there is legislation which, in this case, is the Human Trafficking Prevention Act of 2009.

The Taiwanese government has introduced the 4P-Programme – protection, prevention, prosecution and partnership. They try to strengthen the protection of victims and assist them in recovery measures. The protection also involves the issuance of temporary stay and working permits to victims of human trafficking. In this aspect the government cooperates with several NGOs that manage shelters for victims. Prevention shall be strengthened through advocacy, education and training. The key part of prosecution is to first identify victims of human trafficking. This is done using a survey and through training of prosecutors. Partnership refers to the combined efforts by government and civil society to stop human trafficking. The government also tries to promote international exchange with foreign governments and NGOs. This resulted in the signing of several Memorandums of Understanding.

The discussion that followed raised a couple of interesting topics. It was highlighted that more cross-border cooperation is needed. In particular, some participants have expressed the feeling that the traffickers cooperate better than the prosecutors. This has to be prevented through better cooperation among law enforcement agencies and between them and NGOs. The agreements have to be legally binding though as it would otherwise undermine the process. In this context the EU can play a major role through



dialogue and as a fund provider. The Council of Europe's Convention on Action against Trafficking in Human Beings is an important step in the right direction.

It was pointed out that the causes for becoming victims of human trafficking have to be analyzed in more detail. While relative poverty is often the main reason for migration and thus, be at the risk of becoming a victim, exclusion is another driving factor.

Some participants pointed out that the exploitation can also happen after somebody migrated legally. But in this context, the question of where to draw the line between human trafficking and labor exploitation has to be addressed.

Often victims of human trafficking are also charged for false testimonies. An amnesty was suggested for such cases if it can be proven that the victims were threatened by the traffickers to give a testimony or commit a crime.

It was mentioned that the definition of human trafficking in the Palermo protocol was a compromise and is therefore not perfect. However, human trafficking is not only about means of transport, but mainly about the exploitation of people.

Session II: Law Enforcement and Legal Issues

This session was opened by a speech from **Ms Alina Padeanu, European External Action Service, Belgium**, on "The EU's Approach to Address Human Trafficking". She started her presentation by explaining key principles of the EU's role in human trafficking. The EU wants to implement concrete measures which provide an added value to existing efforts. Trafficking in human beings is considered not only from a human rights perspective, but also a development and security perspective. Victims and their rights are at the center of the actions. The legal and policy frameworks are human rights based, gender specific and child sensitive. The EU applies the same 4P-programme as Taiwan.

At the same time there are worrying trends with regard to human trafficking in Europe. From 2008-2010 a gradual increase by 18 % was observed resulting in 23.632 victims. The question is whether this is a real increase or due to better data and better performance by the agencies. Most countries of origin lay within the EU, but the main non-EU countries include Nigeria, China, Brazil, Russia and Algeria.

Padeanu identified four documents as the core tools to tackle human trafficking in the EU. These are the EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016), 2011 Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims (2011/36), Directive on Temporary Residence Permits for Victims of Trafficking in Human Beings (2004/81/EC), and Action Oriented Paper (AOP) on strengthening the EU external dimension on combating trafficking in human beings. Priority countries in terms of cooperation in the latter are Vietnam and China, and priority countries for the exchange of statistical data and information include Cambodia, India,



Laos, Philippines, and Thailand.

Within this integrated approach the EU has several instruments for cooperation with Asian partners. These include various dialogue fora (Senior Official Meetings, Joint Committees), partnership agreements, joint action plans and strategy papers. The Bandar Seri Begawan Plan of Action to strengthen the ASEAN-EU Enhanced Partnership (2013-2017) integrated fighting human trafficking and smuggling amongst its priorities. Human trafficking is addressed in the migration and mobility dialogue with China and is included in the Silk Route Partnership for Migration.

Mr Hakan Erdal, INTERPOL, France, stated INTERPOL's mission of preventing and fighting crime through enhanced international police cooperation. The INTERPOL human trafficking operations include three phases. Firstly, preparation phase which means proactive assessment, training and setting operational procedures. Secondly, the operation phase with leading, regional police cooperation and checking against INTERPOL's databases. Thirdly, the debriefing phase which includes a final assessment and delivering of criminal's data in INTERPOL's databases.

For the past three to four years INTERPOL focussed strongly on Africa. The operations here consisted of multi-day trainings, different target units (investigation, immigration, border, customs), NGO involvement, and an INTERPOL Best Practices manual for investigators. These trainings are a key element of INTERPOL's approach as it does not always have implementation powers and thus, relies on local forces. These trainings also provide knowledge on legal context, identification of victims, pro- and reactive investigations.

With Asia, INTERPOL currently runs an 18-month Capacity Building Programme in the Prevention of Migrant Smuggling and Illegal Migration in South East Asia. Cambodia, Indonesia, Laos, Malaysia, Thailand, Philippines and Vietnam participate in this activity which consists of two trainings, one regional conference and operations at the borders. One of the operations conducted by a Malaysian anti-trafficking unit resulted in the rescue of eight Vietnamese victims. The intelligence was provided by another participant of the programme from Vietnam.

At the end of his presentation Erdal stressed that civil society involvement is crucial as they can provide the police with important information and that a combination of operational and law approaches is the most promising one.

In his presentation, **Mr. Paul Buckley, United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-Region (UNIAP), Thailand**, focussed on challenges to law enforcement and policies in Asia. All countries in the Greater Mekong Sub-Region are affected by human trafficking either as a source,



destination or transit country. UNIAP was established in 2000 in six countries (Cambodia, China, Laos, Myanmar, Thailand and Vietnam) and has a regional office in Thailand. I was set up to coordinate cooperation between the different UN bodies and now fosters direct government-to-government cooperation. All six states are working on their legislations to align them with international definitions. The process sees an increasing coordination within and across borders and developed a multi-disciplinary approach. They have achieved an agreement for a multilateral approach to counter human trafficking which is called COMMIT MOU. This regional cooperation process includes a sub-regional plan of action, annual workshops, national and regional task force coordination, senior official meetings, and inter-agency support across the 4P framework. COMMIT has helped to build capacity and establish law enforcement units in most countries. The bilateral cooperation goes into more detail at the operational level. It can, thus, be seen as a good example of co-ordinated law enforcement and victim protection.

Despite these successes, there are major challenges to be overcome. The political and social contexts vary very much between the countries which affects their abilities to enforce laws. In this context, corruption and lack of internal cooperation between prosecutors and police, for example on information-sharing, is evident. Both the authorities and victims also have a lack of capacities and knowledge. Despite the better cooperation, sometimes political will is still lacking. There are various irregular channels for migration movement with various push and pull factors. A general problem with human trafficking is that some processes take very long to be understood and addressed since data collection is time consuming. Also, the traffickers change their modus operandi. For instance, much trafficking now takes place on fishing boats where men are held and forced to work.

The discussion of this session showed that law enforcement is not a task of the police alone. Many victims do not trust the police, but go to NGOs who are then creating awareness for the situation. In addition to those civil society organizations, intelligence-based enforcement is helpful to collect more information. In a victim-based approach a lot of information is missing as some victims were too young when being trafficked and others lack evidence. One big problem with regard to law enforcement is the language barrier. Many victims do not speak the language of the local police officers. Governments often prefer informal cooperation since official ways are more difficult and take longer. A positive example of this is the cooperation between Thailand and Myanmar who have established a regular email contact and meet three to four times per year. China, on the other hand, was not very active on the issue until recently when they started talking about it and ensured to take steps to better care for the victims and overcome the language barrier through interpreters. Another challenge is that traffickers adjust quickly



to new laws. Sometimes the smugglers have already identified the grey zone areas and found alternative ways by the time the laws are enforced. Especially the digital technologies make it easier for traffickers to offer and promote their victims, for instance, for sexual exploitation. Thus, INTERPOL will set up a new center in Singapore focussing on cyber-crime and collect digital data on human traffickers. Another problem is that human trafficking is not a crime itself. Convictions are always on abuse, false documents or other related issues.

The EU tries to foster law enforcement in Asia through dialogues. In Southeast Asia, in particular, the EU takes a more development aid-oriented approach by trying to eradicate the causes for trafficking such as poverty, discrimination and lack of education. The problem within the EU is that only seven countries have so far implemented the directive on preventing and combating human trafficking. Ms Padeanu highlighted that the deadline for implementation has ended only in April and that several countries are working on the implementation, but that the internal procedures can take quite long. In addition, the EU offers help in formulating laws and strengthening capacities. These initiatives do not target human trafficking directly, but many aspects influencing it.

Session III: The Role of the Civil Society in Combating Human Trafficking

Ms Jean Enriquez, Coalition Against Trafficking in Women Asia Pacific, Philippines, started her presentation by saying that it is very challenging for some countries to implement the international standards defined in documents such as the Convention on Action against Trafficking in Human Beings or Palermo Protocol. The Philippines has however passed an anti-trafficking law after Palermo, which defined human trafficking as the presence of exploitation. The main victims of trafficking are still women and children. They are in some cases unprotected due to narrow definitions and are blamed for problems. Often governments criminalize the victims for the acts they committed while being exploited instead of protecting them.

Major destination countries like Japan and Singapore also do not have anti-trafficking laws. In order to combat human trafficking, not only the socio-economic situation in the countries of origin has to be improved but the demand in the receiving countries has to be addressed. Even after being rescued the situation does not improve immediately. For instance, in Malaysia victims are held in custody for approximately two weeks during the investigation. If it is confirmed that they are victims, they have to stay for up to additional three weeks in custody until their case has been checked.

Dr. Zhao Hong, East Asian Institute, Singapore, presented the role of civil society in combating human trafficking in China. Most human trafficking in China takes place in the



rural areas such as Yunnan. It is an increasing problem and currently China is on the *Tier II Watch List* which means it does not fulfill international standards. Estimations claim that 10,000 – 20,000 people are being trafficked internally each year for sexual and labor exploitation as well as adoption. Most of the victims are women and children. Children are also being kidnapped to beg in cities (especially deaf children) and commit crimes. The one-child policy and the preference for boys are seen as the main causes for human trafficking. The result of these two factors is a strong gender imbalance which facilitates human trafficking of girls as wives. The government, however, pays more attention to internal trafficking than international.

The civil society is generally gaining strength in China. It was traditionally very weak and faced many restrictions by the government. However, the government is opening up a little bit. It sees that civil society organizations can play an important role on socio-economic issues; thus, reducing the burden of the government. While non-registered NGOs are small and still face many obstacles, they are very active and there is hope they will transform into independent actors. However, the government is still afraid that NGOs will undermine political stability and power. As a result an additional hurdle was imposed recently, making it more difficult to get funds. Although NGOs gain in importance, they still operate within the governments control and limits.

With regard to human trafficking, NGOs are important actors in raising awareness. They help the local governments to provide training and education to victims which shall lower their risk of being trafficked. They also assist in identifying traffickers. Secondly, NGOs take advantage of their network to protect the victims. Social media plays an important role in this context. In particular international organizations help through their experience which then results in more trust between the victims and them.

The third presentation was delivered by **Prof. Zbigniew Lasocik, Human Trafficking Studies Center, Poland**. Poland is a country of origin for Western Europe, a destination for East European states and generally a transit country for human trafficking.

Five aspects have to be considered when analyzing the potential infrastructure with regard to the problem – nature of the problem (security threat), scale of the problem (sexual exploitation and forced labor), level of development of self-governance (very low), size of country and size of population.

In order to determine the role civil society can play in fighting human trafficking, Prof. Lasocik raised several questions. What do the citizens know about the problem and is their knowledge sufficient? Is there a public debate about the problem? Do people care about the victims of human trafficking? Is the social infrastructure efficient and sufficient? In contrast, he also defined four obligations the state has with regard to human trafficking. It has to create a law on human trafficking. Secondly, the state has to



implement the law. It has to safeguard the victims and fourthly, evaluate the effectiveness. The Polish government does not cooperate with civil society organizations on all of these topics except safeguarding victims. But NGOs can play an important role in implementing the laws and evaluating the process. In order to improve the situation, the government has to see civil society organizations and be open to them. Civil society, on the other hand, has to be more demanding and should ask for its involvement.

The discussion showed that there are too many aspects of human trafficking, making it impossible for one single NGO to cover all of them. Thus, it was suggested to have a network of NGOs working on different topics and to also initiate cooperation between general human rights areas and specific human trafficking issues. This will help to think out of the box.

Civil society can also help to define human trafficking according to the local perception and conditions. It is important that civil society organizations do not only cooperate with the government, but also among each other and across borders. Sometimes the exploitation starts already in the country of origin and in other case only in the destination country.

Session IV: Opportunities for Europe-Asia Cooperation on Human Trafficking

Ms Astrid Ganterer, Organization for Security and Cooperation in Europe, Austria, highlighted that OSCE is a close partner of Asian countries such as Thailand, Japan, South Korea and Mongolia, which is even a member. While many Asian nationals are exploited in the OSCE area, there are also women from OSCE countries (e.g. Uzbekistan) who are exploited in Asia (e.g. Thailand). She highlighted that many OSCE companies produce their goods in Asia where the exploitation takes place. It is, thus, also their responsibility to ensure this is not happening and promote decent working conditions (for instance, as part of the Corporate Social Responsibility). The EU has several guidelines for CSR taking into account human trafficking. Ganterer explained that discrimination is one of the main reasons why people are being exploited. Discrimination makes them vulnerable and disallow them access to assistance, especially if they are discriminated by law. Thus, access to justice and compensation are key elements in helping the victims. This assistance has to be unconditional and not bond to legal identification. Often victims are sent home before they are able to file a complaint. This is one area for closer cooperation between countries of origin and destination.

At the end of her presentation, she made three suggestions for future cooperation – joint research / joint lobby campaigns, informal contact networks, and exchange of practitioners.



The last presentation was given by **Ms Silke Albert, United Nations Office on Drugs and Crime, Austria**. She first explained the legislative framework that exists at the international level. Though many aspects are not yet defined, the Palermo Protocol helps to harmonize the action globally. UNODC provides assistance to countries in implementing the protocol. They check if the national legislative is in line with the protocol, provide trainings and platforms for exchange. Asia and Europe can come together in this context and be the driving actors to combat human trafficking. However, Europe has the problem that there is not one joint agency dealing with the topic. Albert identified four key challenges which need to be addressed. Firstly, there are overlaps between trafficking in human beings and smuggling of migrants. It is necessary to see the differences and connections between both problems. For instance, some migrants from China or Vietnam start out as being smuggled to Europe, but are then exploited in the county of destination. Much more cooperation is required in this field. Secondly, both regions can cooperate on the repatriation of victims. Thirdly, demand and supply factors have to be analyzed. Fourthly, it is important to look at the root causes an address them more targeted.

There are also clear opportunities for cooperation. The Bali Process provides a reporting system on smuggling of migrants. They can learn from each others experiences and conduct global training initiatives. The UNODC Human Trafficking Case Law Database can also provide useful information to practitioners.

The discussion at the end of this session concentrated on opportunities for future cooperation between the two regions. One key issue for cooperation is information sharing – may it be on best practices for laws, law enforcement or statistical data. An important condition for this kind of cooperation is working channels which are not always in place yet. In addition, operational cooperation between the two regions and practitioners is very much needed. It is also crucial to shift from a pure description of the data to an analysis in order to prepare forecasts and create understanding. Traffickers are smart in exploring legal grey zone and vulnerabilities in national laws. Thus, sharing bad practices and experiences of which grey zone has been used by traffickers might be very useful.

A new challenge is the role of digital technology and cyber security. Social media and the internet are widely used as means of communication and can show signals of exploitation, for example through offers for prostitutes.

Since the two regions have very different cultural norms, training on this issue is helpful. This is the case for direct cooperation, but also for police officers and prosecutors taking care of the victims, for instance, Chinese victims in Europe. These differences can results in the success or failure of the prosecution.



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