



International Organization for Migration (IOM)



International Labour Organization

EU-China Dialogue on Migration and Mobility Support Project

支持中欧人员往来和移民领域对话项目

WORKSHOP ON INTERNATIONAL STANDARDS FOR IDENTIFYING AND ASSISTING VICTIMS OF TRAFFICKING

Nanning, 26 – 27 April 2017

Summary Report



On 26 and 27 April, the *Workshop on International Standards for Identifying and Assisting Victims of Trafficking* was held in the city of Nanning, Guangxi Zhuang Autonomous region. This workshop follows another activity held last November in Nanjing, dedicated to human trafficking victims' identification under the *EU-China Dialogue on Migration & Mobility Support Project*. The Nanning activity saw a broad participation, with a total of 85 officials from relevant departments of the Ministry of Public Security (MPS) and Provincial Public Security Bureaus (PSB), from several provinces, including: Hebei, Henan, Chongqing, Gansu, Xinjiang Uyghur Autonomous Region, Shanghai, Anhui, Shaanxi, Hunan, Shandong, Shanxi, Hainan, Guangxi Zhuang Autonomous region, Jilin, Liaoning, Guizhou, Fujian, Jiangsu, Tibet Autonomous Region, Shenzhen, Qinghai, Jiangxi, Tianjin, Guangdong, Inner Mongolia Autonomous Region, Heilongjiang, Hubei, Yunnan, Sichuan and Zhejiang.

The Chinese delegation was led by senior officials from the Ministry of Public Security: CHEN Shiqu, Deputy Director-General, Criminal Investigation Department; YIN Guohai, Deputy Director, Office to Combat Human Trafficking of Criminal Investigation Department; BU Haowei, Official Office to Combat Human Trafficking of Criminal Investigation Department. Senior officials from the Ministry of Civil Affairs and the Ministry of Human Resources (MHRSS) and Social Security also attended, including DOU Nana Officer, Marriage Management Division, Social Affairs Department at MCA, and FANG Jixing, Principal Staff Member, Labour Supervision Bureau at MHRSS.

Five European experts joined the activity, including a prosecutor **Ms Nicole Voorhuis** from The Netherlands, **Mr Pedro Assares Rodriguez** from EUROPOL, Major Gianfranco Albanese, **Mr Nikolas Michail** and **Mr Per Åke Englund**, respectively from the national police forces of Italy, Cyprus and Sweden and **Mr Klaus Vanhoutte** from a Belgian civil society organization shared their experience in tackling trafficking in human beings (THB) criminals and assisting trafficked victims. Among the panellists, two Chinese officials from Yunnan Province and from Anhui Province presented about the situation of combating trafficking in their provinces.



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Despite different perspectives in countering THB (from the prosecutorial world, law enforcement agencies, transnational investigation agency and civil society), all the European experts stressed similar recommendations while identifying and assisting trafficked victims and fighting against the organized crime that recruited them:

- **Victim-centred approach:** they all reiterated the non-punishment principle of THB victims, and the consequent support and protection that trafficked victims must obtain, in observance with international law.
- In adherence to the provisions of the *United Nations Convention against Transnational Organized Crime*, **wide-range cooperation among all the stakeholders involved**, from the initial phase of victim identification to the final conviction of criminals, and from both a **national and transnational perspective**, was indicated as the fundamental mean to successfully bring results in fighting against traffickers and at the same time protecting victims.
- **Temporary residence permits granted to THB victims**, as implemented in the Netherlands, Sweden, Belgium, Italy and Cyprus, is considered an essential precondition to assist victims. Legalizing the status of foreign trafficking victims through temporary residence permits and consequently eliminating the fear of being deported in their country of origin represents an important motivation for victims to come forward, seek protection and cooperate with law enforcement agencies and prosecutorial organs.

Mr Richard Fairbrother from the International Organization for Migration (IOM) Liaison Office in China, illustrated the basic concepts in international law on trafficking in human beings, and clarified the notions of ‘act’, ‘means’ and ‘purpose’, in accordance to international standards. He further clarified the issue of ‘consent’ and ‘deception’, and insisted on the concept of exploitation as a key element of trafficking, which includes threats and coercion.

Ms Nicole Voorhuis, Senior Public Prosecutor, Public Prosecution Service Northern Netherlands contributed to the discussion with two presentations where she respectively: 1. pictured the Dutch legislative system and investigation procedures to counter THB; 2. presented three solved THB cases involving victims of Chinese nationality.

The core points she highlighted include:

- Following a **comprehensive approach** to combat trafficking: all government law enforcement agencies, including fiscal, social and other agencies, local and regional governments, as well as private partners (besides classical penal law enforcement agencies such as the police) must be actively involved and cooperate in the investigation process.
- **International cooperation** as essential instrument to counter THB.
- **Principle of “follow the money”**. During investigations, particular attention should be paid to money movements to identify criminal networks and the modality they operate to carry out money laundering.
- **Temporary residence permits for THB Victims**. A temporary residence permit is granted under the condition that the victim has made a statement at the police station or has cooperated in another way in the THB investigation.

Mr Per Åke Englund, from the Swedish Police National Operational Department Intelligence Division THB-Group presented the Swedish experience in the fight against THB from a law enforcement agency perspective.

In the Swedish system, all the different operators involved in countering THB can rely on the *National Referral Mechanism*, a document that provides support for professionals who come into contact with victims by clarifying the responsibilities during trafficking investigations. An English version of the manual was provided to the audience.

The Swedish system interpreted the concept of cooperation within the *Convention against Transnational Organized Crime*, by creating:

- a **National Task Force on THB**. It operates as a platform for discussions and involves several stakeholders, not only from the traditional enforcement agencies but also front line operators within the society. The task force meets regularly four times per year to discuss issues and share knowledge on the most common trafficking trends.



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- a **regional coordinator** (person with a background as a social worker) within the Social Service in order to act as a link between the police (investigation) and the proper social services (assistance to victims).

The National Coordinator Office together with IOM Helsinki are furthermore running a voluntary return program aiming at ensuring voluntary and safe return of all victims of trafficking.

Mr Klaus Vanhoutte shared the valuable experience of Payoke, a prominent Belgian autonomous governmental organization committed since 1994 in assisting and supporting THB victims through recognized shelters and counseling centers. The organization is directly financed by the Belgian government and works in close cooperation with immigration services and investigation organs. Mr Vanhoutte stressed that victims of human trafficking do not include only sexual exploited women, but do comprise a higher proportion of men (69 out of 132 cases in 2016) and children recruited for the purpose of exploitation in labour (62 cases register in 2016), prostitution (42), as well as begging, forced criminal activities and organ trafficking. Victims hosted in equipped structures concretely receive legal support, residential care, administrative support, information and education as well as psychosocial support. Mr Vanhoutte also explained the characteristics of an appropriate shelter center and the kind of interaction that social service should have while assisting THB victims.

Mr Pedro Assares Rodriguez from EUROPOL's, European Serious Organised Crime Centre (ESOCC), Phoenix division, discussed about the role of **transnational intelligence investigations and information sharing** in the fight against THB. To this purpose, EUROPOL established in 2007 the PHOENIX unit, a dedicated team of specialists and analysts who support live investigations on THB. Investigations are mainly based on gathering and processing information through database that record and cross-match several typologies of data (suspects, associates, vehicles, locations, bank accounts etc.).

The Phoenix Unity investigative phase follows a multidimensional approach, including operational Analysis (cross-matching data, operational analysis reports), Operational Support (on the spot deployment for operations, EU-wide Joint Actions Days); Strategic Analysis (intelligence reports) and Training & Knowledge and Finance investigation (operational meetings, coordination centres).

After having pictured new trends of criminal groups involved in THB and exposed about the Phoenix division's support to the EMPACT THB project, Mr Rodriguez mentioned about the agreement between EUROPOL and the Ministry of Public Security that will open up new possibilities of cooperation.

Mr Nikolas Michail from the Cyprus Police, Office to Combat Trafficking in Human Beings, presentation focused on how to start and carry out investigations, the causes of trafficking and how to successfully interview potential victims and protect their rights.

Traffickers operate in group and usually commit a range of related crimes (illegal exit and entry across borders, residence and employment, forged identity, abduction, illegal detention, forced labour, money laundering etc.), on which investigations must be based to collect evidence. With the help of concrete examples, Mr Michail gave practical suggestions on how to conduct investigations and interview victims. Since trafficking is a transnational crime, investigators can encounter problems in determining potential victims because of linguistic barriers. Mr Michail introduced the use of [VITA](#) (Victim Translation Assistance Tool) a tool developed by the UN Global initiative to combat human trafficking to facilitate the identification of a trafficked person and the launch of a criminal investigation. The tool uses recorded audio messages with 35 basic questions translated into 40 languages, containing key encounter messages.



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Major Giancarlo Albanese from the Italian law enforcement corps, Carabinieri, presented about the Italian efforts against THB. Within the Italian system, the Carabinieri Command for the Protection of Labour is the organ in charge of conducting trafficking investigations related to labour exploitation. Formally depending from the Italian Ministry of Labour, the Command has offices in five cities (Milan, Rome, Venice, Naples and Palermo), each including a number of labour inspection units. The peculiarity of the Italian system is that the units made up of Carabinieri (i.e. a gendarmerie, a military structure with jurisdiction in civil law enforcement) operate as labour inspectors, who are under the direction of the Ministry of Labour (apart from the Ministry of Interior and Ministry of Defense). This gives the Italian labour inspectors a range of investigative powers, including: the power to enter freely a factory and conduct interviews without legal assistance, check for documents, use information and intelligence sources.

From a prosecutorial perspective, since 2003 THB has been classified as an associative crime like mafia and it's subject to the same punishment tools, including confiscation of assets and preventing proceedings.

With regard to victim identification, Italy relies on the EU Trafficking/Forced Labour Indicators defined in 2014 during the EU Italian Presidency, while in terms of victims' protection, art.18 of the Italian Immigration Law guarantees Residence Permits for potential THB victim for at least 6 months even if the victim doesn't actively cooperate with investigations. In the Italian system a number of NGOs established shelters for victims providing psychological support together with a national hotline for first assistance.

Major Albanese presented China-Italy police-to-police agreements, and mentioned that the next level of cooperation would be to sign a specific agreement targeting THB. In the last part of his input, he presented an investigative case conducted in the textile district of the city of Prato, famous for hosting one of the largest Chinese communities in Italy. In January 2014 seven Chinese workers died burned for a fire in a clothing factory. The accident led to investigations that unearthed the precarious security and hygienic conditions of many of the factories in the district, owned by Chinese nationals. At the end of the investigations, 797 irregular Chinese workers were identified in the 424 factories checked, but no THB cases were detected.

During the Q&A sessions, Chinese MPS officials asked for clarifications on

- **Identification procedures:** they asked Mr Michail whether in Cyprus victims can be identified by other actors than police. Mr Michail answered that many NGOs contribute in collecting evidences but identification is undertaken by law enforcement agencies;
- **Labour exploitation examples:** Mr Albanese was asked by the representative of MHRSS to give some examples on how to determine the presence of labour exploitation. Mr Albanese mentioned the guideline that Italy wrote during the EU semester presidency. From a more partial perspective he suggested evaluating the respect of each country's specify labour provisions For example, if the working week incudes 36 hours, investigations should be addressed in evaluating whether this provision is respected or not.
- **Other programs/services for THB victims in Sweden.** Mr Per Åke Englund replied that victims can benefit from a temporary residence permit, support during the trial phase, including language courses and mental/psychological health and logistic support if they chose to be repatriated.
- **Victims' statements as a manadoty precondition to start investigations** in the Dutch system: Ms Nicole Voorhuis clarified that in the Dutch system it is not compulsory for victims to directly make a statement. As such, statement is a an imporant evidence, butr not a necessary and exclusive cause to start investigations and lead to convictions.



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Outcome

Through the contribution of European experts presenting specific policies and practices, MPS officials further enhanced their understanding and shared experiences in prosecution of traffickers and identification of trafficked persons, a crucial element for their rescue, access to assistance and protection.

They actively engaged in discussions and provided very positive feedback. They felt that the workshop was well organized and useful. Among the comments collected in the final evaluation questionnaire, many declared that reflecting on European approaches and measures on combating trafficking of human beings was helpful and relevant to their daily work, with particular regard on investigation, obtaining evidence and identification.

Appendix 1

Participants' list

Appendix 2

Summary of evaluations



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