

Targeted consultations for a new EU Strategy towards the
Eradication of Trafficking in Human Beings:

Submission of the Immigrant Council of Ireland

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Working for **equality**



TARGETED CONSULTATIONS FOR THE NEW EU STRATEGY TOWARDS THE ERADICATION OF TRAFFICKING IN HUMAN BEINGS:

SUBMISSION OF THE IMMIGRANT COUNCIL OF IRELAND

The Immigrant Council of Ireland is delighted to contribute to the current consultation on a new Strategy towards the Eradication of Trafficking in Human Beings. The Immigrant Council has been an active member of the EU Civil Society Platform on Human Trafficking from the very beginning. The Council is a non-governmental organisation and an Independent Law Centre that specialises in the provision of legal services to victims of human trafficking from a migrant background. We are active participants in national and international consultations and co-operations, and we have partnered with various expert organisations throughout Europe on a series of cutting edge initiatives addressing various aspects of assistance to victims and demand reduction. Our contribution to this consultation will be informed by our work and our learning from numerous trans-EU collaborations we have been part of over the last 10 years.

- A. General question:** Based on your experience, please provide a **critical review of the initiatives undertaken so far**, as to lessons learnt, knowledge gained on what worked what could be improved, on remaining obstacles and key aspects to focus one for addressing effectively and efficiently the crime, with regard to the internal and external dimension of trafficking in human beings, including international cooperation.

The legislative and organisational framework provided in the EU has had a significant impact on the response to the crime of human trafficking, making Europe one of the regions in the world with the most advanced victim protection and assistance systems.

A particular strength has been the convening and operating of the EU Civil Society Platform on Trafficking in Human Beings (EU CSP THB). This has acted as a hub of knowledge, providing up to date information on best current practices, relevant developments at EU level and vital partnerships across EU Members States. Similarly, the front line information and knowledge gathered by the members of the EU CSP THB has provided important feedback to the European Commission and other EU-level actors on the functioning and efficiency of the established framework addressing trafficking.

In light of these observations, we commend the role the EU Anti-Trafficking Coordinator has played in coordinating these processes and driving the development of expertise. The studies undertaken by the European Commission have elevated the level of knowledge and the depth of understanding of the nature of the crime and of the needs of victims. In this regard, we would like to flag the Study of the Gender Dimension of Trafficking in Human Beings, the operational report delivered by EIGE in co-operation with the EC (namely Gender-specific measures in anti-trafficking actions) and the report auditing the various EU-funded projects in the file of anti-trafficking, which revealed a gap in funding and support for projects addressing trafficking for the purposes of sexual exploitation placing focus on the most widely spread form of exploitation and the prevalent profile of the victims – women and girls.

B. Specific questions: Please provide, if you wish so, specific input on the below four topics, including concrete actions, taking into account the internal and external dimension of trafficking in human beings, including international cooperation.

I. PREVENTION

The Immigrant Council of Ireland has led and participated in several national and trans-EU initiatives addressing demand that fosters trafficking for the purposes of sexual exploitation through campaigns, legal analysis and research.

The demand for different forms of exploitation varies and has to be addressed with specific appropriate measures. Trafficking for the purposes of sexual exploitation has to target the system of prostitution, which is the prevalent environment for this type of crime. For this reason, the initiatives and measures undertaken should be exploitation- and context-specific.

We recommend the following:

- The prevention measures should be **exploitation-specific**.
- The measures have to be **gender-specific** taking account of the exploited status of women and girls on the one hand and the role of male customers on the other.
- The measures must be firmly rooted in the commitment towards equality between women and men in the EU.
- They should be **context-specific** and should target domains that foster the particular form of trafficking (for example the system of prostitution provides a clandestine environment for trafficking women and girls for sexual exploitation)
- The measures have to **combine awareness raising with legal measures** to suppress demand, to strengthen the softer approach based on appeal to the general public (a combination of preventive and repressive measures).
- **The users of services** of trafficked victims have to be held strongly accountable for their place and role in the exploitation chain.
- **The role of the internet** for the promotion and proliferation of trafficking for sexual exploitation has to be addressed, and the extra-jurisdictional registration of domains that operate prostitution enterprises in countries that have taken a blanket prohibition approach to the sale of sex.

We believe that the preventative work has to include a wide range of actors, ranging from those with legislative expertise and power to law enforcement and civil society organisations. Of particular importance is the EU Anti-Trafficking Co-ordinator and also the involvement of specialised transnational networks with relevant expertise. With reference to our earlier observations, we submit that the involvement of the FEMM Committee of the European Parliament, the European Women's Lobby and the European Network of Migrant Women must play a central role in the consultation on and the execution of the new EU Strategy, with respect to prevention of trafficking for the purposes of sexual exploitation affecting women and girls in the EU.

II. PROTECTION OF VICTIMS

The Immigrant Council of Ireland strongly supports the European Commission's starting point in these consultations attributing central attention to gender inequality as a root cause of human trafficking on the one hand and to trafficking of women and girls for sexual exploitation as the prevalent type of crime on the other. This approach is an important pre-condition for developing and maintaining effective and meaningful protection and assistance for victims of trafficking, in particular trafficked women and girls.

Identification

Identification of victims of trafficking must remain the focus of the future strategy, due to the specificity of this crime and due to the fact that this remains a significant challenge. In many Member States, law enforcement continues to play a leading role in the formal identification of victims while the role of independent actors is minimal.

Developing an efficient system of identification requires that the system is linked with the context it addresses and has to involve specialists with a social protection focus in addition to or instead of law enforcement. Therefore we recommend:

- The specialisation of the identification role, where the context is taken into account.
- The involvement of actors with a social protection focus, as opposed to a law and migration enforcement focus.
- The formal utilisation of the expertise of expert civil society organisations.
- The absolute and clear distinction between identification as a victim of the crime of human trafficking and the right to apply for and enjoy international protection, in order to avoid the imposition of a scenario of alternatives or inappropriate choices (either identified and supported as a victim of human trafficking or applicant for international protection).

Assistance of victims of trafficking

Assistance of victims of trafficking must properly address their needs and support them towards integration. Integration can only happen after a meaningful recovery. Therefore, the harms sustained during the trafficking ordeal and the starting point of recovery have to necessarily inform the provision of assistance. In this regard the recognition that trafficking in human beings is a form of gender-based violence is an important and significant advancement in the EU. In light of all this, we recommend that:

- Assistance is exploitation-specific and gender-specific.
- The relevant experts on violence against women should be involved in the process of assistance.
- Synchronising national action plans on gender-based violence with action plans on human trafficking in the areas in which they overlap (ending the practice of separating trafficking from gender-based violence strategies). Providing funding for this innovative and much needed structural adjustment in responding to victims.
- Utilising national resources and expertise in addressing sexual violence, which is at the core of trafficking for the purposes of sexual exploitation due to the particular way in which the bodies of the women and girls are used.

- Planning and providing for sufficient resources (EU funding) that take into account the need for significant investment and long-term support for women and girls who are victims of trafficking for the purposes of sexual exploitation.

Apart from the usual key actors in the realm of assistance to victims, the engagement of the gender-specific service sector that exists in the EU Member State for violence against women and girls and experts in recovery from sexual violence trauma has become an apparent need (and a current gap).

Leading roles among the actors for assistance of victims must be played by the FEMM Committee of the European Parliament, the European Women's Lobby and the European Network of Migrant Women. Any other actors in the EU responsible for the overcoming of existing inequality between women and men, and in particular addressing the disadvantaged position of women and girls, would be useful contributors to determining the best recovery and re-integration system for victims of trafficking for sexual exploitation. The EU Anti-Trafficking Coordinator and the EU Anti-trafficking Civil Society Platform must remain essential actors in the implementation of any new strategy in its aspects pertaining to the assistance of victims.