

Anti-trafficking day 2009 - NGOs call for human rights to be at the centre of the ministerial conference in Brussels

We, the undersigned non-governmental organisations, welcome the marking of the third EU Anti-Trafficking Day on 18th October 2009 and the importance the Swedish Presidency has accorded to tackling this serious human rights violation by its organisation of a Ministerial Conference on 19th and 20th October 2009.

The theme of this year's anti trafficking day and the Ministerial Conference is *"A Comprehensive Multidisciplinary Approach towards Trafficking in Human Beings: Active cooperation among countries of origin, transit and destination"*.

A multidisciplinary approach requires active and equal participation from all partners involved in tackling trafficking in human beings. We therefore seriously regret that at this Ministerial Conference the voices of a range of civil society actors that work directly with trafficked persons will not be heard, as only one NGO has been invited to speak at the conference.

Because we consider the expertise based on the work with and on behalf of trafficked persons *vital to the holistic and integrated approach to trafficking promoted by the European Commission*, we provide the conference with our considerations on the following issues

■ A holistic and integrated approach

NGOs support the call for a comprehensive multidisciplinary approach in shaping adequate and effective policies and implementing concrete measures to put an end to trafficking in human beings. This approach must include EU policies on development cooperation, external relations, human rights including children's rights, worker's rights, migrants rights and women's rights, return and reintegration policies, social affairs and social inclusion, anti-discrimination, migration, trafficking and asylum, as well as trade and commercial policies that are resulting in an increase of people's mobility. A long-term and comprehensive policy approach, that should be rights-based and implemented according to international human rights standards, is required.

■ External Dimension and cooperation

The focus of the Ministerial Conference is on the external dimension and cooperation with third countries. Although NGOs believe that partnership is of utmost importance in combating trafficking in human beings, there are concerns that the emphasis will be on migration control and combating crime on the basis of internal security concerns, as we have seen with EU counter trafficking policies and responses.

Any anti-trafficking partnership between the EU and third countries in the context of co-operation and association agreements (including donor co-ordination and development aid) must be founded in the norms, standards and principles of the international human rights system. States obligations to respect, protect, promote and uphold the human rights of the trafficked persons, or of those vulnerable to trafficking, must be at the core of such agreements. Partnerships must not be limited to the root causes of trafficking in countries of origin outside the EU borders, but must also address those root causes arising from EU policies or occurring within the EU Member States.

■ Time for Action: Work to be done in Member States

While external partnerships and cooperation are of great importance, focus on these issues should not detract from the urgent requirement that Member States fulfill their EU policy obligations through national legislation and measures. In December 2008 the Commission evaluated the EU Action Plan on trafficking. The conclusions found implementation, and therefore results, to be inadequate at all levels, but in particular in relation to support and assistance to trafficked persons.

We encourage the Member States to draw on the momentum of this Ministerial Conference to take action on the implementation of the different EU policies and measures that have previously been agreed upon, as well as to take new steps towards holistic and integrated counter trafficking policies.

To this end we call upon Member States to:

- Adopt an ambitious Stockholm Programme in relation to trafficking policy, prioritising concrete action which takes a human rights-based approach. The Commission has concluded that the protection of the rights of trafficked persons is essential in the fight against trafficking and that access to justice, compensation, individual risks assessments and other protective and empowering measures are of the utmost importance. However, we emphasise that a human rights based approach is not limited to an approach centred on trafficked persons. It also opposes any anti-trafficking measure which adversely affect or infringe upon the human rights of trafficked persons and other affected groups. Thus, in its migration policies, the Stockholm Programme should ensure the protecting of the rights of irregular migrants during migration and at work.
- Adopt the Commission's Proposal for a Council Framework Decision on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA
- Set up National Referral Mechanisms (based on the OSCE model) aimed at identifying victims at an early stage and referring them to assistance services. These mechanisms must operate in close and regular cooperation with public as well as private institutions including law enforcement, NGOs and other service providers.
- Establish National Rapporteurs or other equivalent mechanisms to ensure regular monitoring and evaluation of the implementation of national and international trafficking legislation and assess the impact of anti trafficking policies and measures and related fields, including migration and labour, on the human rights protection of trafficked persons and other affected groups. National Rapporteurs or other equivalent mechanisms need to be independent bodies (as stated in The Hague Declaration, 1997) so as to guarantee impartial and comparable monitoring of the implementation and impact of counter-trafficking measures and policies.
- The ratification by the Member States and the European Union of the (2005) Council of Europe Convention on action against trafficking in human beings.

Signatories

Amnesty International, EU Office
The International La Strada Association (La Strada International)
Anti Slavery International
CCME - The Churches' Commission for Migrants in Europe
GAATW - Global Alliance against Traffic in Women
Save the Children, Europe Group
Terre des Hommes International Federation
ECPAT International