



SEMINAR

THE IDENTIFICATION OF VICTIMS OF TRAFFICKING IN HUMAN BEINGS: ACHIEVEMENTS AND CHALLENGES

Madrid, Centro de Estudios Políticos y Constitucionales
June 24 – 25, 2013

This document aims to present the objectives, working method and programme of the seminar organized by the Spanish Team of the European Project *THB:CooptoFight*, “*The fight against trafficking in human beings in EU: promoting legal cooperation and victim’s protection*” (HOME/2010/ISEC/AG/054 30-CE-0447227/00-35), funded by the *Prevention of and Fight against Crime Programme of the European Union*, which will be held in June 2013.

Justification and Objectives

The trafficking in human beings is a social phenomenon and a complex crime. Its complexity, which has been attested by this team, increases as their different aspects are examined in depth. However, after one year of work two strongly connected issues are disclosed to our research team as relevant and affordable: (1) the identification of the victims of trafficking and (2) the gathering of several status of protection (minors and victims of trafficking, applicants for international protection and victims of trafficking).

We consider that victims’ identification is a problem to which many others are connected: errors and gaps in statistical documentation on trafficking, difficulties of training public agents providing assistance and protection to the victims, even it lacks the adequate planning and implementation of public policies guaranteeing victims’ assistance and protection; it is a huge task to protect and reintegrate them into a free life far away from their abusers, in turn, it is also difficult to establish the current situation as well as to provide information concerning how many cases and affected persons are involved even if they cannot be identified. At the same time this identification emerges as a crucial issue when victims are minors or when we are dealing with a person who can be eligible for international protection status. In such cases when persons become more vulnerable by means of double victimization, it is essential to recognize those victims and then, as far as it is possible, avoid placing them in jeopardy due to serious lack of protection when they appear before public authorities as a consequence of their enhanced vulnerability. Double victimization occurs whereas the evil effect caused by gathering of status is no longer favorable for them but it is to their disadvantage.

The identification stage is particularly relevant for this research aiming to make proposals for improving EU institutional action. In this stage the coordination between public authorities and between them and NGOs working in victims support is probably most needed. Therefore we hope this seminar will be a meeting place for discussing the problems related to the matter we are dealing with and proposing to assist and enable victims of trafficking to resume their normal lives through dialogue between different actors.

Methodology

Regarding the organization of the round tables we have decided to arrange them according to what we have called “itineraries of identification”. We reckon that the victims’ identification exhibits some special characteristics linked to the moments or places in which they are



located. It is possible that many problems become similar. In that case, however, it will be certainly useful to detect them for a closer examination, as principal ones.

Hence, discussions will be organized as follows:

1. *The identification of the victims of trafficking in authorised entry points (especially Barajas and El Prat, without excluding other ports like Algeciras)*

In this situation victims' identification is not an easy task but training border agents to improve identification would be easier.

Some of these problems become similar. Here, again, the prosecution of trafficking as a crime is compromised by border control policies, as well as by the prejudices against undocumented immigrants.

At this point it is also important that the victim's identification could be matched to the identification of persons who can be eligible for international protection.

Rather, the main difference with respect to the former issue lies in the aftermaths of the lack of immediate identification that makes easy to neglect potential victims when they are rejected at control stations as illegal immigrants or even when they get into the country without problems, since then it will be very difficult to identify them, unless, they are found later in violation of administrative rules becoming subject to deportation. After they could be deprived of their liberty in a CIE (Alien Detention Center) or become a victim of trafficking for sexual or labour exploitation, at this moment they can be identified as victims as the result of a police operation.

2. *The identification of the victims of trafficking in non-authorized entry points*

Here, we find, principally, the detention proceedings of persons who train to gain illegal access in the country (by sea towards the Iberian Peninsula or Canaries, and by land through Ceuta-Melilla).

Although in this issue, in relative terms, we could find potential victims in a small number if we examine it in relation to the total number of victims detected and, at the same time, we recognize that the victims' nationality of origin is generally one –Nigerians-, we obtain some common patterns of networks and victims behaviors which have been already well studied. The fact remains that in all these situations human rights violations are particularly harsh.

In all these cases, the fight against trafficking in human beings is "polluted" by the discourse on illegal immigration control, so this circumstance handicaps the victims' identification due to it is necessary to distinguish them from illegal immigrants. At this moment law enforcement agencies could identify the victims, but it is necessary to wonder if individuals involved in victims' identification are only a few so it is easy to provide training for them, or, considering all circumstances related to detention proceedings of persons who train to gain illegal access in the country, if they are, plainly, best placed to identify the victims or if they need help from specialized Non-Government Organizations or special unities inside the national military police (Guardia Civil) or national police which are prepared to accomplish this task.



- a) In the event that an **immediate positive identification** is produced, the Trafficking Protocol must be applied to the victims. A NGO will provide assistance and accompany them in the period of rehabilitation and reflection.

At this moment we find, in turn, some particularly sensitive situations.

- *Pregnant women or women accompanied by children*, in this case the Minors' Prosecuting Office must come into play for protecting minor interests in the midst of a high risk situation. It must not be forgotten that minors depending on their mothers who are victims of trafficking must be considered victims of trafficking as well.
 - *Minors*, they must be identified not only as victims of trafficking but as minors. This circumstance leads to several difficulties to be worked out.
 - *Asylum applicants*, they are, at the same time, victims of trafficking; even they could consider themselves in a risky situation if they are forced to return to their countries where they are indeed victims.
- b) In the event that the **immediate identification of a victim of trafficking is not produced**, the newly arrived persons will be considered as illegal immigrants, in such a case they will be deprived of their liberty in CIEs or CETIS located in Ceuta and Melilla for initiating the expulsion or return proceedings, however we acknowledge immigrants eventually remain in the country. Therefore, identifying the victims is attainable at a second stage when they are detained in CIEs or CETIS, even in minor protection centres in Canarias (vide infra).

3. The identification of the victims in Alien Internment Centres (CIEs) or Autonomous Communities' Minor Protection Centres

The issue in Alien Internment Centres is highly complex so it encompasses a myriad of problems. Also the situation of unaccompanied foreign minors who remain under guardianship and protection of Autonomous Communities is complex.

Both centres could be appropriate places for victims of trafficking identification.

In the case of minors, we face again some problems of identification including those connected to the question of age determination.

In the case of adult people confined in CIEs the problem lies in authorities mistrust when they deal with claims coming from victims of trafficking, so when a victim is identified they know that the proceedings of expulsion must be stopped. That is why the victims' identification in CIEs is particularly sensitive. It is also sensitive when to the status of victim of trafficking is added, once again, the status to applicants for international protection.

In this case, once again, training agents in centres and NGOs cooperation are fundamental, let's remember that NGOs have access to CIEs at their sole request.



4. The identification of victims in the event of tracing active sexual exploitation networks and prostitution as well as labour exploitation networks

In this situation the problem of trafficking in human beings is clearly disturbed by prostitution and multiple crossed perspectives existing in discourses about the necessity of its regulation or not.

It is clear that the victims of trafficking in human beings are particularly sensitive at the moment of identification; they also become decidedly “interesting” for public authorities to the extent that they can cooperate with the criminal investigation. Nevertheless, it is indispensable to take apart identification from victims’ regularization as well as from institutional cooperation. This cooperation is not a condition for identification and it must not be understood in such a way; as a matter of fact we believe that is how it works.

At this point, again, the cooperation between law enforcement officers, autonomous communities, NGOs -in particular those that work with women involved in prostitution- and the prosecuting authority is fundamental.

Moreover, the labour inspectorate, another important actor, comes into the picture, as long as he can cooperate with the identification of victims of labour exploitation.





PROGRAMME

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Monday, June 24

MORNING SESSION

9:00 - Presentation

Leader: Itziar Gómez Fernández

- Miriam Benterrak. Representative of Government Delegation against Gender-based Violence
- Madalena Duarte - Principal Investigator THB CooptoFight. Coimbra. Portugal
- Carmen Pérez González - Project Principal Investigator. UCIIM Madrid
- Isabel Wences - Assistant Director-General for Studies and Research. CEPC

10:00 - First round table: The identification of the victims of trafficking in authorised entry points

Leader: Markus González

- Luis Miguel Domingo Pascual - Police Officer in Barajas Airport
- Joaquín Támara - Deputy Director of the Asylum and Refugee Office
- Paloma Favieres - State Coordinator of Legal Service at CEAR
- Ana María Estévez - Asociación para la prevención, reinserción y atención de la mujer prostituida. APRAMP
- Lia Pop - THB Team. Research Centre on Identity and Migration Issues. University of Oradea. Romania

11:30 - Break

12:00 - Discussion





14:00 - Lunch

AFTERNOON SESSION

15:00 - Second round table: The identification of victims of trafficking after their illegal arrival by sea

Leader: Begoña Marugán

- Capt. Vicente Calvo Vinagre - Head of Police on Trafficking in Human Beings, Homicides and Kidnappings. Judicial Police Technical Unit (Guardia Civil)
- Elena Arce - Advisor for the Immigration and Foreign Affairs Area. Defensor del Pueblo.
- Reyes Castillo - Responsible for the International Area at ACCEM.

16:00 - Discussion

17:00 - Break

17:30 - Third round table: The identification of the victims of trafficking in alien internment centres or reception centres for foreign minors in autonomous communities

Leader: Laura Cassain

- Pablo-Adrián Sainz Rodríguez - Member of the CIE Commission at Ferrocarril Clandestino (Madrid)
- Rosa Flores Infante - Leading Figure in Trafficking of Human Beings (Cruz Roja). Director of Centre for Migrations of Puente Genil
- María Auxiliadora Trujillo - Social Worker at Angel Ganivet Centre for Foreign Minors.
- Eva Menéndez - United Nations High Commissioner for Refugees in Spain - ACNUR

18:30 - Discussion

19:30 – Adjournment of the seminar





Tuesday, June 25

MORNING SESSION

10:00 - Fourth round table: The identification of the victims of trafficking following intervention by police: sexual exploitation, prostitution and labour exploitation networks

Leader: Ana López Sala

- José Nieto Barroso - Chief Police Commissioner of the Centre for Intelligence and Risk Analysis (UCRIF-CGEyF [Spanish Acronym])
- Marta González - Project Esperanza
- Patricia Fernández - Aliens' Prosecuting Office
- Xavier Cortés Camacho - Head of the Trafficking in human beings Central Unit of Mossos d'Esquadra. Catalonia Police (Barcelona)

11:30 - Break

12:00 - Discussion

14:00 – Closure

15:30 - AFTERNOON SESSION: Working group RHB: CooptoFight meeting

- Representative of Centre PT for Social Studies (CES), Coimbra, Portugal
- Representative of Institute of Public Affairs Foundation (IPA), Warsaw, Poland
- Representative of Université Libre de Bruxelles (ULB), Belgium
- Representative of University of Oradea (RCIMI), Bucharest, Romania
- Representative of Università Cattolica del Sacro Cuore (UCSC-TRANSCRIME), Trent, Italy

