

MP's Speech – 10th Anniversary of the Council of Europe Convention on Action against Trafficking in Human Beings on;

“The Council of Europe Anti-Trafficking Convention as a blueprint for strengthening international partnerships against trafficking in human beings”

10 minutes

With thanks for Professor Van Dijk for the introduction.

Excellencies, Distinguished Delegates, Colleagues, Partners and Friends

It gives me great pleasure to be speaking with you today alongside colleagues from the EU Coordinator's Office, the OSCE, the UNODC and the Organization of American States. My organisation, the International Centre for Migration Policy Development, has always striven to work at the forefront of developing cutting edge policy solutions to support national authorities work with international partners in cooperation. I am very pleased to be given this opportunity to reflect on our experience of supporting states transform commitments to work together internationally, such as those set out in the Council of Europe Convention, into practical results at an operational level. This occasion is a chance to reflect on the progress made under the Convention, but also an opportunity to look at how we may address challenges in the future.

Before I begin, allow me to congratulate the Council of Europe Secretariat of the Convention and GRETA, for their work done so far. I think we can all agree that GRETA's evaluation reports have become a key tool for governments, NGOs and organisations such as ICMPD in identifying where and how we must focus our work. One of the first steps to effective international cooperation is to understand your partners, their needs, their strengths and their challenges. In GRETA's evaluation reports we have the knowledge base necessary to achieve this, and I wish my colleagues in GRETA the best of luck continuing their work.

I would like to start by considering what international cooperation means and what it looks like in practice? Better cooperation between States is referenced in every major international legal instrument on trafficking. Partnership is the fourth P of the trafficking lexicon. The third purpose of the Palermo Protocol is to promote cooperation among States. The 2012 – 2016 EU Strategy against Trafficking in Persons includes enhanced coordination and cooperation as one of its 5 objectives. The Council of Europe Convention is especially explicit on this matter. Chapter 6 of the Convention provides the most concrete definition of what form international cooperation should take, and sets out the general principles for international cooperation. These documents rarely provide detailed guidance on how states should go

about establishing better working level practices with their cross-border counterparts however.

In March this year, ICMPD hosted a meeting of National Coordinators from Central and South Eastern Europe in Vienna, in cooperation with the UK Embassy. The meeting's purpose was to identify how international cooperation can be strengthened across this region. The Council of Europe Convention and GRETA's evaluation reports were mentioned multiple times during the course of this meeting as a framework that national authorities find useful for providing a legal standard and guidance on how they should work at the international level. However, the challenges highlighted in this meeting also echoed many of the recommendations provided in the GRETA reports for these countries. This included a need for increased law enforcement cooperation; increased information exchange between responsible authorities; and most importantly, increased transnational cooperation on victim care and return. The conclusion that can be drawn from this is that the framework the Convention provides is sufficient, but that implementation of its principles in concrete terms remains an issue.

Part of the challenge here may be the often abstract use of international cooperation as a term. By this I mean that it's very easy to say that countries should work together more, but far harder to describe what that looks like in practice. Descriptions of concrete examples of international cooperation often focus on the development of bilateral agreements between authorities, or between law enforcement on joint investigations. Descriptions of when international cooperation doesn't work however are explained in terms of the human cost this failure has on victims. We have all heard of cases of victims being returned with no long term reintegration plan in place and their re-victimisation upon return. Or of victims that are only identified as such when returned to their country of origin, having been treated as an irregular migrant and forcibly returned from their country of exploitation.

International cooperation between law enforcement is supported by well-developed legal instruments and mandated organisations such as Europol and Interpol. These bodies provide a clear framework for law enforcement actors to cooperate with each other, at an operational level, on investigations, through JITs. As a result, international cooperation between law enforcement is increasingly common and more and more effective, even if there is still a long way to go. In the EU last year there were 18 Joint Investigations registered with Europol that specifically focused on trafficking.

For cases of transnational victim referral however, there is not a comparable structure that Social Ministries, registered NGOs and other bodies responsible for victim care and reintegration can use to exchange information with their international counterparts. The

development of such a structure, would contribute to filling in current gaps in the process for securing the safe return and reintegration of trafficking victims. Currently, successful cooperation between NGOs and governments on cases of transnational victim referral is often ad-hoc and vulnerable to changes of key personnel or external funding.

As a blueprint for strengthening international cooperation therefore, the Council of Europe Convention provides the guiding principles to do so, especially in Article 16 on Repatriation and Return, and Article 32 on International Cooperation, together with Article 12 on assistance to victims. But it is people, working together with their international counterparts that make these things a reality. Considering this, when we talk about international cooperation, we should talk in concrete terms relevant to the individuals at the heart of implementing policies. As a practitioner – whether law enforcement, judicial, NGO or diplomat – this means understanding what your role is in your national structure, who your counterpart is in another country, when to contact them, and how you can engage with them to achieve your objective.

Over the past decade, one of our **core contributions to the anti-trafficking field** has been supporting the development of **Transnational Referral Mechanisms**, or TRM for short.

The concept of the TRM was developed through extensive work that ran from 2006 to 2012 in South Eastern Europe and selected EU countries, via projects supported by the European Commission and USAID. ICMPD developed guidelines for transnational referral that included a contact list of key officials and Standard Operating Procedures for transnational cooperation in 5 specific areas: Identification, Immediate Assistance and Protection, Long-term Assistance, Return and Reintegration, and Criminal and Civil Proceedings. This provided clear, results focused measures that explained to practitioners what had to be done, when to do it, who should do it, and how to do it. Multi-disciplinary and transnational training for practitioners was then delivered to fine-tune and operationalise the guidelines.

The outcome of this work in the countries we worked with was extremely positive. Several states transposed the guidelines into their national legislation, which supported the development of their National Referral Mechanism. The development of the Brdo Process group of National Coordinators in South East Europe built upon the links forged during the development of the TRM in the region. Cooperation between these States is now well established in line with the principles of the TRM.

What does the Transnational Referral Mechanisms model mean to Parties to the Council of Europe Anti-Trafficking Convention? Article 12 of the Convention requires states adopt legislative or other measures to assist victims. Article 16 requires the adoption of measures to establish repatriation programmes, specifically to avoid re-victimisation and to provide

victims with contact information of structures that can assist them in their country of return. The development of a transnational referral mechanism can provide the tool for states to meet these obligations, not just from a legal perspective, but from a moral one of ensuring a victim centred approach. Unfortunately, too many victims are currently returned through assisted voluntary return programmes designed primarily for irregular economic migrants. Many of these programmes are not equipped to meet victims' physical, psychological and long term reintegration requirements necessary to prevent re-victimisation. By developing clear processes on how States can cooperate with each other in operational terms, we hope to support them realise the aspirations set out in the Convention in this area.

I would like to take this opportunity to highlight ICMPD's recent work with the Council of Europe to address some of these issues. We have developed a joint proposal for a Council of Europe TRM with the Secretariat of the Convention. We have recently conducted needs-assessment research in Europe, with the support of the UK Embassy in Vienna, to identify the specific challenges this proposal must overcome, as well as good practice to replicate. The recommendations from this research include the revision of our existing TRM guidelines to include labour inspectorates and child protection actors, and the development of an online platform to support sustainable cooperation between practitioners. I would welcome and urge any Parties represented here to contact us if you are interested in supporting such an initiative.

In closing, I will leave you with a rather ambitious proposal for how we can look to strengthen the Convention itself. This idea was originally suggested in the meeting of National Coordinators we hosted early this year that I previously referred to. In response to challenges experienced with transnational victim referral, participants at this meeting proposed the development of an Optional Protocol to the Convention on international victim care. At the time we were all slightly surprised by the ambitious suggestions, but after further thought I believe there are several strong arguments for why we should consider this in future.

As I mentioned earlier, international law enforcement cooperation is improving year on year, in part because there are clear legal and institutional models that provide a framework focused on delivering operational results. It is just this focus on delivering operational results that we must apply for how we deliver support victims across transnational borders. If a Party to the Convention were to propose the development of an Implementation mechanism on Victim Care, it would provide a voluntary, but standardised international framework for states to adopt on the concrete aspects of effective international victim care – the what, who, how, and when of a transnational referral mechanism I mentioned earlier.

The Council of Europe's foundation in human rights would make it an excellent candidate for hosting such an instrument. I hope you will consider this as one of the long-term options we may consider for strengthening the Convention as a blueprint for international cooperation, and that we may begin to discuss it in future meetings.

Thank you.