



European  
Commission

# **Study on** reviewing the functioning of Member States' National and Transnational Referral Mechanisms

**HOME/2018/ISFP/PR/THB/0000**



*Migration and  
Home Affairs*



EUROPEAN COMMISSION

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## Authors

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The report builds on individual country fiches elaborated for internal use. The fiches were prepared for each of the Member States by national experts in accordance with an established template.

The United Kingdom left the European Union as of 1 February 2020. The reference period for this study is prior to this date, while the UK was a Member State. The study therefore includes information on the United Kingdom.

For more information on the EU anti-trafficking policy visit <http://ec.europa.eu/anti-trafficking/>

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## List of abbreviations

EU ATC	EU Anti-Trafficking Coordinator
CSO	Civil Society Organisation
EU	European Union
GRETA	Group of Experts on Action against Trafficking in Human Beings
HTSC	Human Trafficking Studies Centre of the Warsaw University
ICMPD	International Centre for Migration Policy Development
IOM	International Organization for Migration
NRM	National Referral Mechanism
THB	Trafficking in Human Beings
TRM	Transnational Referral Mechanism

# Introduction

Under Article 2(1) of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (EU Anti-trafficking Directive)<sup>1</sup> (hereafter: “EU Anti-trafficking Directive”), trafficking in human beings (hereafter: “THB”) is defined as:

*“The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”*

As per Article 2(2) of the EU Anti-trafficking Directive, “[a] position of vulnerability means a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved”.

Pursuant to Article 2(3) of the EU Anti-trafficking Directive, “[e]xploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs”.

For the purpose of this Study, the term “identified victim” means “a person who has been formally identified as a victim of trafficking in human beings by the relevant formal authority in a Member State”<sup>2</sup>. A person who has not been formally identified as a victim of THB, but is in need of assistance and support, having been subjected to this crime, and for this reason contacts victim service providers will be referred to as a “presumed” or “potential victim”<sup>3</sup>. Identified victims and presumed/potential victims together form a category of “registered victims”<sup>4</sup>.

\*\*\*

THB within the EU remains a key threat<sup>5</sup>. In 2015 and 2016, 20,532 victims of THB were registered in the 28 EU Member States (MS)<sup>6</sup>. Nearly half (44%) were citizens of the EU, including 22% who were citizens of the reporting country and 22% who were citizens of another EU Member State. Over half of all victims (56%) were non-EU nationals. The top five EU Member States of citizenship of registered victims in the indicated period were Romania, Hungary, the Netherlands, Poland and Bulgaria. The top five non-EU countries of citizenship of registered victims are Nigeria, Albania, Vietnam, China and Eritrea.

Trafficking for sexual exploitation remains the most reported form of this crime, accounting for over half (56%) of registered victims.<sup>7</sup> The second most frequent, labour exploitation, was experienced by around one quarter (26%) of the registered victims. Other forms of exploitation account for 18% of victims.

(1) Other relevant documents include e.g.: Directive 2012/29/EU Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (Victims’ Rights Directive); Directive 2011/92/EU of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (Directive 2011/92/EU); Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities; Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals; Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims, etc.

(2) European Commission (2018), Working together to address trafficking in human beings. Key concepts in a nutshell, available at: [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/key\\_concepts\\_in\\_a\\_nutshell.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/key_concepts_in_a_nutshell.pdf)

(3) Ibid.

(4) Ibid.

(5) Europol (2017), Serious and Organised Crime Threat Assessment. Crime in the age of technology, available at: [www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment-2017](http://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment-2017)

(6) European Commission (2018), Data collection on trafficking in human beings in the EU.

(7) European Commission (2018), Data collection on trafficking in human beings in the EU.

Evidence shows that THB in gender specific<sup>8</sup>. In 2015 and 2016, women and girls constituted over two-thirds (68%) of registered victims, and men and boys one-third (32%)<sup>9</sup>. Females (women and girls) were 95% of registered victims of trafficking for sexual exploitation; while males (men and boys) accounted for 80% of registered victims of trafficking for labour exploitation. In the case of trafficking for other forms of exploitation – 68% were female victims and 32% male<sup>10</sup>. The harms from trafficking for sexual exploitation are different from the harms from trafficking for labour and other forms of exploitation, which has a significant impact on the specific needs of victims<sup>11</sup>.

Traffickers take advantage of particularly vulnerable groups, including children, who in the period between 2015 and 2016 constituted almost one quarter (23%) of registered victims of THB in the EU, with registered EU child victims being twice the number of non-EU child victims, and mainly girls trafficked for the purpose of sexual exploitation<sup>12</sup>. They also accounted for 23% of the registered victims of THB for sexual exploitation. Various individual, family-related, socioeconomic and structural factors exacerbate the vulnerability of children to THB<sup>13</sup>.

While the data presented above show patterns consistent with those reported in previous periods<sup>14</sup>, these numbers relate only to people who came into contact with authorities and other organisations. There are reasons to believe that many victims remain undetected<sup>15</sup>.

To address this serious crime and grave human rights violation, the EU has in place a comprehensive legal and policy framework which is human rights-centred, victim-centred, gender-specific and child-sensitive. The EU Anti-trafficking Directive constitutes the core EU law on THB, and the framework is complemented by the EU Strategy towards Eradication of Trafficking in Human Beings 2012-2016 (hereafter: “EU Strategy”)<sup>16</sup> and the Communication from the Commission to the European Parliament and the Council on Reporting on the follow-up to the EU Strategy towards the Eradication of trafficking in human beings and identifying further concrete actions<sup>17</sup> adopted in 2017 (hereafter: “2017 Commission Communication”). To improve coordination and coherence among EU institutions, agencies, Member States and international actors, and for developing existing and new EU policies to address THB, the European Commission appointed the EU Anti-Trafficking Coordinator (hereafter: “EU ATC”).

The key deliverables implemented under the EU legal and policy framework concerned high-risk groups for THB, in particular women and girls, comprising the majority of the victims and overwhelmingly trafficked for sexual exploitation, and children. Work was conducted in cooperation with relevant EU Agencies in the context of the 2018 Joint Statement of commitment to working together to address trafficking in human beings, aiming at support the work of relevant actors in the Member States, including with respect to access to and the realisation of the rights of the victims, in line with Priority B of the 2017 Communication Stepping up EU action. These include, among others: European Institute for Gender Equality (EIGE) Report Gender-specific measures in anti-trafficking actions (2018)<sup>18</sup>; European Union Agency for Fundamental Rights (FRA), Practical guide – children deprived of parental care found in an EU Member State other than their own (2019)<sup>19</sup> and Handbook on Guardianship systems for children deprived of parental care in the European Union (2015)<sup>20</sup>.

<sup>(8)</sup> European Commission (2016), Study on the gender dimension of trafficking in human beings.

<sup>(9)</sup> European Commission (2018), Data collection on trafficking in human beings in the EU.

<sup>(10)</sup> Ibid.

<sup>(11)</sup> European Commission (2016), Study on the gender dimension of trafficking in human beings. See also, EIGE (2018), Gender-specific measures in anti-trafficking actions. Report.

<sup>(12)</sup> European Commission (2018), Data collection on trafficking in human beings in the EU. See also information at: <https://fra.europa.eu/en/news/2019/10-ways-protect-children-deprived-parental-care-and-combat-child-trafficking>; FRA (2019), Children deprived of parental care found in an EU Member State other than their own. A guide to enhance child protection focusing on victims of trafficking.

<sup>(13)</sup> European Commission (2015), Study on high-risk groups for trafficking in human beings. Final report, DG Migration and Home Affairs, available at: [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study\\_on\\_children\\_as\\_high\\_risk\\_groups\\_of\\_trafficking\\_in\\_human\\_beings\\_0.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_children_as_high_risk_groups_of_trafficking_in_human_beings_0.pdf)

<sup>(14)</sup> COM(2018) 777 final. For past data see e.g. Eurostat (2015), Statistical working paper. Trafficking in Human Beings, available at: [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eurostat\\_report\\_on\\_trafficking\\_in\\_human\\_beings\\_-\\_2015\\_edition.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eurostat_report_on_trafficking_in_human_beings_-_2015_edition.pdf)

<sup>(15)</sup> COM(2018) 777 final.

<sup>(16)</sup> COM(2012)286 final, available at: [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu\\_strategy\\_towards\\_the\\_eradication\\_of\\_trafficking\\_in\\_human\\_beings\\_2012-2016\\_1.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_strategy_towards_the_eradication_of_trafficking_in_human_beings_2012-2016_1.pdf)

<sup>(17)</sup> COM(2017) 728 final, available at: [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/20171204\\_communication\\_reporting\\_on\\_follow-up\\_to\\_the\\_eu\\_strategy\\_towards\\_the\\_eradication\\_of\\_trafficking\\_in\\_human\\_beings.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/20171204_communication_reporting_on_follow-up_to_the_eu_strategy_towards_the_eradication_of_trafficking_in_human_beings.pdf)

<sup>(18)</sup> EIGE (2018), <https://eige.europa.eu/publications/gender-specific-measures-anti-trafficking-actions-report>

<sup>(19)</sup> FRA (2019), [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2019-children-deprived-of-parental-care\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-children-deprived-of-parental-care_en.pdf)

<sup>(20)</sup> FRA (2015), <https://fra.europa.eu/en/publication/2014/guardianship-children-deprived-parental-care-handbook-reinforce-guardianship>

The current study is a key action of the 2017 Commission Communication stepping up EU action to address trafficking in human beings<sup>21</sup>, under Priority B – Improving access to and realisation of the rights of the victims of trafficking in human beings.

In October 2018, the European Commission published a call for tenders for a Study on “Reviewing the Functioning of Member States’ National and Transnational Referral Mechanisms.”<sup>22</sup> According to the Tender Specifications, the Study was expected to:

- give an overview of the situation in all EU Member States as to the functioning of the national (NRM) and, where relevant, transnational referral mechanisms (TRM);
- provide good practices, models and examples of the functioning of the NRMs and TRMs;
- provide specific recommendations with respect to improving the functioning of the NRMs and TRMs for the interest of victims, with a view to helping Member States when implementing the EU Anti-trafficking Directive and advising the European Commission.

The objective of the Study was to provide information with respect to the functioning of formal or informal referral mechanisms in place, in the context of ensuring access to and realisation of the rights of victims of THB. While seeking the response to this question, the study was to adopt a human-rights based, victim-centred, gender-specific and child-sensitive approach.

In May 2019, the European Commission awarded the contract to the Consortium led by Ecorys Polska Sp. z o.o., including the International Centre for Migration Policy Development (ICMPD) and the Human Trafficking Studies Centre of the Warsaw University (HTSC).

The current report is the result of this EU-wide effort, encompassing an extensive review of available sources and fieldwork in 28 EU Member States, conducted in accordance with the Tender Specifications and feedback from the European Commission. The report consists of four main chapters:

- **Chapter 1** describes in more detail the objectives and scope of the Study, as well as the methodology applied.
- **Chapter 2** provides a brief description of the EU legal and policy framework to address THB and explains the role of formal or informal NRMs and TRMs.
- **Chapter 3** reviews the functioning of formal or informal NRMs in Member States, including with respect to a wide range of relevant documents at national level, such as legal and policy instruments; institutional arrangements; victim detection and identification practices; referral pathways; short-term and long-term assistance and support to victims, including in criminal proceedings; and the procedures for return to the country of origin or previous residence.
- **Chapter 4** focuses on TRMs, describing the various TRMs that have been developed in EU Member States as part of EU-funded projects, as well as the approaches on the ground in Member States, including other forms of cross-border cooperation with respect to referral of victims.

<sup>(21)</sup> COM(2017) 728 final.

<sup>(22)</sup> <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=3932>



# Chapter 1. Objectives, scope and methodology of the Study

## 1.1. Objectives and scope

The objective of the Study is to provide an overview of the functioning of formal or informal NRMs and, where relevant, TRMs, in EU Member States. While conducting their analysis, researchers also aimed at identifying a variety of good practices and examples concerning different aspects of the functioning of NRMs and TRMs. Based on the material gathered, specific recommendations are to be developed to improve the functioning of formal or informal NRMs and TRMs in specific phases of referral. Importantly, it is not the objective of the Study to evaluate or assess the functioning of existing coordination mechanisms, but rather to present a description of the NRMs and TRMs, both from a theoretical and practical perspective.

In line with the definition of THB established in Article 2 of the EU Anti-trafficking Directive, the Study covers trafficking for all forms of exploitation and all victims, EU and non-EU nationals, including EU victims trafficked within their own Member State (domestic trafficking). At the same time, in line with the EU legal and policy framework, a gender-specific and child-sensitive approach was applied during data collection, analysis and reporting.

The Study reviews formal or informal NRMs and TRMs, and other coordination mechanisms put in place in specific Member States which are relevant with respect to victims' accessing their rights and being referred to services, including in a cross-border context. Following a non-exhaustive list of NRM aspects included in the Tender Specifications (please see Figure 1 where this list is presented under three conceptual headings – identification, access to support and governance), the research team investigated the following dimensions:

- Legal, policy and institutional arrangements in place in Member States,
- Victim detection and identification methods and procedures,
- Referral pathways to appropriate services,
- Provision of appropriate assistance and protection,
- Long-term assistance and integration, including prevention of re-trafficking,
- Assistance and protection in criminal proceedings,
- Return to the country of origin or previous country of residence.

**With respect to TRMs**, which can be based on multiple bilateral or multilateral agreements, a decision was made to concentrate on the mechanisms identified during desk review and stakeholder interviews, without attempting to recreate a complete review of TRMs in the EU. Instead, emphasis was placed on multilateral cooperation schemes rather than bilateral, and on those that are active and have some history of cooperation which allowed the procedures to be implemented in practice. Where no TRM was identified, other relevant cross-border cooperation mechanisms were taken into account.

Figure 1. Non-exhaustive list of aspects investigated under the study

Conceptual framework	Non-exhaustive list of aspects to be investigated under Tender Specifications
Identification	Existence of a risk analysis dimension in the mechanisms
	Existence of a prevention dimension in the mechanisms, including with respect to early identification
	Gender-specific measures in place, addressing the matter with respect to groups disproportionately affected and high risk sectors
	Child sensitive measures in place
Support	Assistance and protection provided
	Gender-specific measures in place, addressing the matter with respect to groups disproportionately affected and high risk sectors
	Child sensitive measures in place
Governance	Phases of and actors involved in the formal or informal national and transnational referral mechanisms
	Where involved, role of civil society organisations, including those working on child protection and women's rights, throughout all the relevant phases of the mechanisms
	Where involved, role of the National Rapporteur or Equivalent Mechanism in the referral mechanism
	Where involved, interaction between relevant national authorities and relevant EU Agencies in specific phases of the mechanisms in place, including with respect to support provided or use of relevant tools developed
	Where involved, interaction with relevant international organisations
	Resources allocated, budgeting for the functioning of the mechanism

Source: *Tender Specifications. Arrangement of issues identification, access to support and governance – own elaboration.*

In terms of its geographical scope, the Study covered 28 EU Member States. However, where TRMs existed between EU and non-EU countries, these were also considered of interest.

## 1.2. Methodology for data collection

The Study was prepared by collecting information in all EU Member States through desk research and stakeholder interviews.

**Desk research** encompassed, on the one hand, the reports and deliverables adopted or implemented under the EU legal and policy framework and, on the other hand, relevant documents developed and published at the national level. The review took into account reports prepared by the European Commission as required by the EU Anti-trafficking Directive (i.e. Transposition report, Users' report, First and Second Progress reports and accompanying Staff Working Documents published in 2016 and 2018) and relevant deliverables (e.g. the Study on High Risk Groups for Trafficking in Human Beings<sup>23</sup>, the Study on the Gender Dimension of THB<sup>24</sup>, the Study on Comprehensive Policy Review of EU-funded anti-trafficking projects<sup>25</sup>, FRA Handbook on Guardianship Systems<sup>26</sup>, EIGE Report on Gender-Specific measures in anti-trafficking action<sup>27</sup>, the EU Agencies 2018 Joint Statement of Commitment<sup>28</sup>, FRA Guide to enhance child protection focusing on victims of trafficking<sup>29</sup>). At country level, apart from official documents, including legislation, national strategies, programmes, action plans, manuals and guidelines, documents published by the Council of Europe's Group of Experts on Action Against Trafficking in Human Beings (GRETA) and involved CSOs were also reviewed. The full bibliographic list is included in Annex 1.

<sup>(23)</sup> European Commission (2015), Study on high risk groups for trafficking in human beings, available at: [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study\\_on\\_children\\_as\\_high\\_risk\\_groups\\_of\\_trafficking\\_in\\_human\\_beings\\_0.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_children_as_high_risk_groups_of_trafficking_in_human_beings_0.pdf)

<sup>(24)</sup> European Commission (2016), Study on the gender dimension of trafficking in human beings.

<sup>(25)</sup> European Commission (2016), Study on comprehensive policy review of anti-trafficking projects.

<sup>(26)</sup> FRA (2014), Guardianship for children deprived of parental care. A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking.

<sup>(27)</sup> EIGE (2018), Gender-specific measures in anti-trafficking actions. Report.

<sup>(28)</sup> EU (2018), Joint Statement of commitment to working together against trafficking in human beings, available at: [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu\\_agencies\\_joint\\_statement\\_of\\_commitment\\_to\\_working\\_together\\_to\\_address\\_thb.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_agencies_joint_statement_of_commitment_to_working_together_to_address_thb.pdf)

<sup>(29)</sup> FRA (2019), Children deprived of parental care found in an EU Member State other than their own. A guide to enhance child protection focusing on victims of trafficking.

In addition to desk research, **semi-structured individual interviews** were conducted by country researchers in all EU Member States. The selection of interviewees was based on expert knowledge of country researchers, desk research and recommendations from other interviewed stakeholders. As the main selection criterion, the interviewees were chosen based on their demonstrated, concrete role in the Member States' NRMs and, where relevant, TRMs. In other words, the final samples for each country were to, first and foremost, reflect the structure of their respective NRMs, TRMs or similar cooperation mechanisms. No specific focus was placed on any particular stakeholder groups, but inclusion of various professionals, gender-specific and child-sensitive perspectives was sought.

Altogether, as part of stakeholder consultations, 177 people were interviewed representing a variety of institutions and perspectives. The interviewees include: representatives of national ministries (responsible for internal affairs, social affairs, justice, health, employment, equality etc.); law enforcement and judicial authorities; child protection officers and guardians; civil society organisations currently cooperating on NRMs with government services; border guards and consular services; asylum and immigration officers; reception centre workers; service providers and labour inspectorates; other authorities, practitioners, and actors with responsibilities in this area. Stakeholder interviews were conducted in accordance with a set of guiding questions which was tailored by country researchers to the specific roles of the interviewees.

The analysis of research results and reporting were based on the **country fiche template** developed by the core team and refined, together with other research materials, during the inception phase of the Study. The country fiche template was divided into four parts:

- Introduction
- Part I. EU Member States with an NRM/other mechanisms
- Part II. EU Member States with no formal or informal NRM or cooperation mechanism in place
- Bibliography and list of interviews

The Introduction gathered basic information about the existence of an NRM or another coordination mechanism, NRM budget, as well as possible specific NRMs focused on child victims or operating locally. Part one constituted the main component of the country fiche. It provides a comprehensive overview of NRMs and TRMs in 28 EU Member States, establishing both their legal and institutional arrangements, as well as information on the functioning of the specific phases within the NRM. This part was divided into the following sub-sections:

- Legal basis,
- Actors involved in the formal or informal NRM,
- Victim detection/identification,
- Referral to appropriate services,
- Provision of appropriate assistance and protection,
- Long-term assistance and integration, prevention of re-trafficking,
- Assistance and protection in criminal proceedings,
- Return to the country of origin or previous country of residence,
- General comments,
- Country's involvement in TRMs.

Part Two, which was thought of as subsidiary, was not used by any of the country researchers in the end, as all EU Member States have some form of a coordination mechanism, including in most cases either a formal or informal NRM.

In each part of the country fiche, questions were included concerning good practices and examples. The considerations that were involved in selection of good practices included:

- Multidisciplinarity,
- Involvement of civil society,
- Inclusion of trainings and capacity building for actors involved,
- Territorial distribution throughout the country,
- Funding structure,
- Continuity and sustainability,
- Replicability and transferability.

Following desk research and stakeholder interviews, the country researchers produced 28 country fiches which described the functioning of NRMs and TRMs in EU Member States, including good practices identified through interviews with stakeholders.

While the Study was based on the premise that relevant EU law does not set forth obligations for the EU Member States as to establishing a particular form of an NRM or TRM, the following specific criteria were taken into consideration during the analysis of the material gathered:

- Engagement of various actors in an NRM and TRMs – institutional approaches,
- Functions (phases/dimensions) performed by an NRM – functional approaches,
- Level of centralisation in an NRM – organisational approaches,
- Type of assistance and support provided within an NRM – victim-centredness,
- Level of cooperation with civil society.

The preliminary results of the research were summarised in the Interim report submitted to the European Commission on 6 September 2019. Subsequently, the Interim report was reviewed to include the European Commission's feedback and re-submitted on 17 October 2018. The report was finalised in January 2020.

## Chapter 2. The role of the NRMs and TRMs

### 2.1. EU legal, policy and institutional framework on THB

THB is defined by the Treaty on the Functioning of the European Union (TFEU) as a particularly serious form of organised crime (Article 83)<sup>30</sup>. It is prohibited by Article 5(3) of the Charter of Fundamental Rights of the European Union<sup>31</sup> and Article 4 of the European Convention on the Protection of Human Rights and Fundamental Freedoms<sup>32</sup>. The comprehensive EU approach to THB is anchored in Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (hereafter: “EU Anti-trafficking Directive”)<sup>33</sup>.

As part of the policy developments in the field, building on the EU Strategy towards Eradication of Trafficking in Human Beings 2012-2016 (hereafter: “EU Strategy 2012-2016”)<sup>34</sup>, in 2017 the European Commission adopted the Communication from the Commission to the European Parliament and the Council on Reporting on the follow-up to the EU Strategy towards the Eradication of trafficking in human beings and identifying further concrete actions<sup>35</sup> (hereafter: “2017 Communication”). The 2017 Communication continues efforts to tackle THB, identifying three priorities:

- Stepping up the fight against organised criminal networks by means including disrupting the business model and untangling the trafficking chain;
- Providing better access to and realisation of the rights for victims of THB;
- Intensifying a coordinated and consolidated response, both within and outside the EU.

Apart from that, two cross-cutting priorities have been identified – to continue widening the knowledge base and improving understanding of this complex phenomenon, and to provide appropriate funding in support of anti-trafficking initiatives and projects.

In June 2018, the Heads of ten EU agencies<sup>36</sup> signed the Joint Statement of commitment to working together to address trafficking in human beings<sup>37</sup>. The Joint Statement is a key action set forth in the 2017 Communication. The commitment builds on the synergies created since the first Joint Statement was signed by the Heads of the seven JHA agencies in 2011, a pioneering initiative that is recently being replicated in other policy areas. The commitments undertaken in the 2018 Joint Statement are in line with the EU policy priorities; they stress the importance of an enhanced multi-agency approach and place prevention at the core, including by countering the culture of impunity that prevails for all perpetrators involved in the crime. In line with the EU approach, the Joint Statement adopts a gender-specific and child-sensitive perspective to addressing this grave violation of human rights and a serious form of organised crime.

<sup>(30)</sup> Consolidated version of the Treaty on the Functioning of the European Union, OJ C 326, 26.10.2012, p. 47–390.

<sup>(31)</sup> Charter of Fundamental Rights of the European Union, OJ C 326, 26.10.2012, p. 391–407.

<sup>(32)</sup> Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950, as amended by Protocols Nos. 11 and 14 supplemented by Protocols Nos. 1, 4, 6, 7, 12, 13 and 16.

<sup>(33)</sup> Other relevant documents include e.g.: Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (Victims' Rights Directive); Directive 2011/92/EU of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (Directive 2011/92/EU); Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities; Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals; Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims, etc.

<sup>(34)</sup> COM(2012) 286 final.

<sup>(35)</sup> COM(2017) 728 final.

<sup>(36)</sup> European Asylum Support Office (EASO), European Police Office (Europol), European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), EU Judicial Cooperation Unit (Eurojust), European Institute for Gender Equality (EIGE), European Border and Coast Guard Agency (Frontex), EU Agency for Fundamental Rights (FRA), EU Agency for Law Enforcement Training (CEPOL), and the European Foundation for the Improvement of Living and Working Conditions (Eurofound)

<sup>(37)</sup> EU (2018), Joint Statement of commitment to working together against trafficking in human beings, available at: [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu\\_agencies\\_joint\\_statement\\_of\\_commitment\\_to\\_working\\_together\\_to\\_address\\_thb\\_.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_agencies_joint_statement_of_commitment_to_working_together_to_address_thb_.pdf)

To improve coordination and coherence among EU institutions, agencies, Member States and international actors, and develop existing and new EU policies to address THB, the European Commission appointed the EU Anti-Trafficking Coordinator (hereafter: "EU ATC"). The EU ATC's position was foreseen in the Stockholm Programme and elaborated in the EU Anti-trafficking Directive, and its responsibilities include, among others, monitoring the implementation of the EU Strategy and 2017 Communication.

All Member States have appointed National Rapporteurs or Equivalent Mechanisms (NREMs) as required by the EU Anti-trafficking Directive (Article 19). The EU Network of NREMs was established following the Council Conclusions in June 2009. The NREMs are responsible for monitoring the implementation of the anti-trafficking policy at the national level, and play a crucial role in data collection on THB at both national and EU levels. The EU Network of NREMs currently meets twice a year, in meetings organised by the European Commission and chaired by the EU ATC and the incumbent EU Presidency<sup>38</sup>. Additionally, as a key action of the EU Strategy, in 2013 the European Commission launched the EU Civil Society Platform against THB, bringing together around 100 participant CSOs from all over the EU and selected priority non-EU Member States. The Platform was complemented by a further online ePlatform launched in 2014 to include additional participants. Participants were selected through calls for expression of interest launched throughout the years. The Platform meets regularly twice a year, including in joint session with the EU Network of NREMs on THB, meetings are organised by the European Commission and chaired by the EU ATC<sup>39</sup>.

## 2.2. NRMs

While no formal definition of an NRM exists in EU law, the Anti-trafficking Directive in Article 11(4) foresees that "*Member States shall take the necessary measures to establish appropriate mechanisms aimed at the early identification, assistance to and support for victims, in cooperation with relevant support organisations.*" The EU Strategy notes that "*these mechanisms should describe procedures to better identify, refer, protect and assist victims and include all relevant public authorities and civil society. The development of criteria for the identification of victims should be included, to be used by all those involved.*"<sup>40</sup> It also further specifies that, since under the Anti-trafficking Directive victims should receive appropriate protection and assistance on the basis of individual risk and needs assessments, "*carrying out the assessments should be part of the remit of the national referral mechanisms*"<sup>41</sup>.

However, it is key to clarify that EU law does not require EU Member States to establish formalised referral mechanisms. For this reason, taking into account Article 11(4) of the Directive and relevant references in the EU Strategy 2012-2016<sup>42</sup>, a broad range of relevant measures with respect to identification and provision of appropriate assistance and protection are taken into account for the scope of this review.

The 2017 Communication, in line with the findings of the First report on the progress made in the fight against trafficking in human beings (2016), indicated that "*ineffective referral mechanisms at national and transnational level, coupled with failure to identify all those who fall victim to trafficking (including those in mixed migration flows) continue to prevent victims of trafficking from actually benefiting from the rights to which they are entitled*"<sup>43</sup>.

The Staff Working Document accompanying the European Commission's Second report on the progress made in the fight against trafficking in human beings (2018) indicated that "*Member States report on having set up either formalised or non-formalised national referral mechanisms. In some cases, ongoing efforts are reported to improve functioning and effectiveness, including with respect to: specialised victims support services for children; revision of the mechanism; formal procedures guiding service provision by national authorities and civil society organisations*"<sup>44</sup>.

<sup>(38)</sup> EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings, information available at: [https://ec.europa.eu/anti-trafficking/national-rapporteurs-andor-equivalent-mechanisms\\_en](https://ec.europa.eu/anti-trafficking/national-rapporteurs-andor-equivalent-mechanisms_en)

<sup>(39)</sup> EU Civil Society Platform and ePlatform against trafficking in human beings, information available at: [https://ec.europa.eu/anti-trafficking/media-outreach-els/eu-civil-society-e-platform\\_en](https://ec.europa.eu/anti-trafficking/media-outreach-els/eu-civil-society-e-platform_en)

<sup>(40)</sup> COM(2012) 286 final.

<sup>(41)</sup> Ibid.

<sup>(42)</sup> Ibid.

<sup>(43)</sup> COM(2017) 728 final.

<sup>(44)</sup> SWD(2018) 473 final, available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181204\\_sw-d-2018-473-commission-staff-working-document\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181204_sw-d-2018-473-commission-staff-working-document_en.pdf)

**The role of formal and informal NRM is to contribute to ensuring access to and realisation of the rights of victims of trafficking, making sure that victims are referred to actors which provide appropriate assistance and support.** A formal or informal NRM (or a similar coordination mechanism) has to, in other words, effectively facilitate the links between all relevant actors in different referral phases. As recalled in the 2017 Commission Communication: *“identifying victims efficiently and at an early stage is the first step towards making sure they are treated as ‘rights holders’, have access to their rights and can exercise them effectively, which includes receiving appropriate assistance and protection”*

For an exhaustive overview of the rights victims of trafficking are entitled to, the Commission has published ‘The EU rights of victims of trafficking’<sup>45</sup> in all official EU languages. This document gives a practical and comprehensive overview of victims’ rights, based on the Charter of Fundamental Rights of the European Union, EU legislation and the case law of the European Court of Human Rights.

The EU legal and policy framework is gender-specific and child-sensitive, and key deliverables implemented under the EU legal and policy framework concerned high risk groups for THB, in particular women and girls, comprising the majority of the victims and overwhelmingly trafficked for sexual exploitation, and children. Work was conducted in cooperation with relevant EU agencies in the context of the 2018 Joint Statement, aiming at supporting the work of relevant actors in the Member States, including with respect to access to and realisation of the rights of victims, in line with Priority B of the 2017 Communication. These include, among others: European Institute for Gender Equality (EIGE) Report Gender-specific measures in anti-trafficking actions (2018)<sup>46</sup>; European Union Agency for Fundamental Rights (FRA), Practical guidance on children deprived of parental care found in an EU Member State other than their own (2019)<sup>47</sup> and Handbook on Guardianship systems for children deprived of parental care in the European Union (2015)<sup>48</sup>. The European Commission’s “EU anti-trafficking action 2012-2016 at a glance”<sup>49</sup> and the “EU anti-trafficking action 2017-2019 at a glance”<sup>50</sup> publications provide an overview of the work carried out under the EU legal and policy framework.

### 2.3. TRMs

**Article 83 of TFUE<sup>51</sup> makes reference to the cross-border dimension of particularly serious areas of crime, “including trafficking in human beings and sexual exploitation of women and children”.** In addition, the transnational dimension of the crime is taken into account in the **United Nations Convention against Transnational Organized Crime (2000)**<sup>52</sup>, and its supplementing **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children** (known as the Anti-Trafficking Protocol, 2000)<sup>53</sup>, the primary international legal instrument to address the crime.

The “Study on comprehensive policy review of anti-trafficking projects funded by the European Commission”<sup>54</sup> (2016) analysed the European Commission funding during the period of 2004-2015 with regard to NRMs and TRMs, and concluded that it contributed to their functioning<sup>55</sup>.

<sup>(45)</sup> European Commission (2013), EU Rights of the victims of trafficking in human beings, available at: [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu\\_rights\\_of\\_victims\\_of\\_trafficking\\_en\\_1.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_rights_of_victims_of_trafficking_en_1.pdf)

<sup>(46)</sup> EIGE (2018), Gender-specific measures in anti-trafficking actions. Report.

<sup>(47)</sup> FRA (2019), Children deprived of parental care found in an EU Member State other than their own. A guide to enhance child protection focusing on victims of trafficking.

<sup>(48)</sup> FRA (2015), <https://fra.europa.eu/en/publication/2014/guardianship-children-deprived-parental-care-handbook-reinforce-guardianship>

<sup>(49)</sup> EU anti-trafficking action 2012-2016 at a Glance.

<sup>(50)</sup> EU anti-trafficking action 2017-2019 at a Glance.

<sup>(51)</sup> Consolidated version of the Treaty on the Functioning of the European Union. The cross border dimension of the crime is also taken into account in the United Nations Convention against Transnational Organized Crime (2000), and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), the primary international legal instrument to address the crime, as well as the Council of Europe Convention on Action against Trafficking in Human Beings.

<sup>(52)</sup> United Nations Convention against Transnational Organized Crime and the Protocols Thereto.

<sup>(53)</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children.

<sup>(54)</sup> European Commission (2016), Study on comprehensive policy review of anti-trafficking projects.

<sup>(55)</sup> Many relevant projects are reviewed in the Study on comprehensive policy Review of EU Funded projects (2016), amongst others, with respect to transnational referral: Referral and assistance for victims of trafficking in Europe ‘Referral of and assistance for victims of trafficking in human beings in Europe’ (RAVOT-EUR127) was co-financed by the European Commission under the Programme ‘Prevention of and Fight against Crime’, information available at: <http://www.ravot-eur.eu/en/>

Figure 2. TRM Model

**EU-funded Transnational Action (TACT) project - Transnational Referral Mechanism Model**

As an action of the EU Strategy (Priority A: Identifying, protecting and assisting victims of trafficking, Action 1: Establishment of National and Transnational Referral Mechanisms (NRMs and TRMs), IOM launched an on-line platform<sup>56</sup> featuring a Transnational Referral Mechanism Model – TRM.

The tool contributes to ensuring victims' access to rights throughout the process, and especially in a situation of cross-border referral, linking up experts and professionals from different countries involved in the identification, referral, assistance, return, and monitoring of assistance to victims of trafficking. It defines the roles of each stakeholder participating in NRMs and serves as a platform to inform and connect counter trafficking practitioners in countries of origin and countries of destination.

The Staff Working Document<sup>57</sup> accompanying the European Commission's Second report on the progress made in the fight against trafficking in human beings (2018) indicates that Member States report on increasing transnational cooperation, including for cases of safe return and reintegration. Member States report cooperation with other EU and non-EU countries, neighbouring countries, international organisations and civil society. Procedures take time but Member States acknowledge improvements through cooperation and networks established over time, and highlight the role of European Commission funding in this respect. Civil society organisations pointed to persistent shortcomings in ensuring a multidisciplinary approach. They also note the failure to involve civil society, the lack of appropriate training and capacity building for all actors involved; and the lack of uniformity in decisions related to victims' referral<sup>58</sup>.

Figure 3. Practical guide: Children deprived of parental care found in another EU Member State other than their own

**Children deprived of parental care found in another EU Member State other than their own. A guide to enhance child protection focusing on victims of trafficking. – EU Agency for Fundamental Rights (2019)<sup>59</sup>**

As a deliverable of the 2017 Commission Communication stepping up EU action to address trafficking in human beings (Priority B: Improving access to and the realisation of the rights of the victims of trafficking), the European Union Agency for Fundamental Rights was tasked to develop a *“practical guidance to enhance inter-agency and transnational cooperation aiming to prevent child trafficking of EU children, ensure protection of child victims, find durable solutions and safeguard their rights under EU and international law”*.

The Guide aims to strengthen the response of all relevant actors for child protection. It provides practical information to enhance national and transnational cooperation within the EU, also concerning the support relevant EU agencies<sup>60</sup> can provide, including for countering the impunity that fosters child trafficking. Professionals, such as law enforcement and judicial authorities, social workers, health professionals, child protection officers, guardians, judges, lawyers, or Central Authorities established under the Brussels IIa Regulation, but also authorities defining procedures and protocols, can benefit from this guidance.

It is important to note that a TRM should not involve the creation of an independent instrument. A TRM builds up on existing NRM structures in each Member State and on the procedures already established at national, bilateral and multilateral levels. It should neither replace nor duplicate any existing national anti-trafficking structures. As it is the case for national referral, the effectiveness of transnational referrals rests on the involvement of all relevant actors throughout all stages in handling a specific trafficking case<sup>61</sup>. For example, this could be cooperation between two or more countries on identity checks in the early identification phase, or support to the integration of victims.

<sup>(56)</sup> <http://www.iomfrance.org/tact/>

<sup>(57)</sup> SWD(2018) 473 final.

<sup>(58)</sup> COM(2018) 777 final.

<sup>(59)</sup> FRA (2019), Children deprived of parental care found in an EU Member State other than their own. A guide to enhance child protection focusing on victims of trafficking.

<sup>(60)</sup> Ibid. See in particular pages 91-93 of the Guide.

<sup>(61)</sup> ICMPD (2010) Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU, Vienna, Available at: [www.icmpd.org/our-work-old/capacity-building/thb-and-related-forms-of-exploitation/publications/guidelines-for-the-development-of-a-transnational-referral-mechanism-for-trafficked-persons-in-europe-trm-eu/](http://www.icmpd.org/our-work-old/capacity-building/thb-and-related-forms-of-exploitation/publications/guidelines-for-the-development-of-a-transnational-referral-mechanism-for-trafficked-persons-in-europe-trm-eu/)

## Chapter 3. Overview of the functioning of NRMs in the EU

### 3.1. Introduction

#### 3.1.1. NRMs or similar coordination mechanisms exist in all Member States

At the national level, all but one Member State (DE) have some cooperation mechanisms aimed at early identification of, assistance to and support for victims of THB. These take the form of a formal or informal NRM, although in some Member States, the cooperation is very informal and largely based on the engagement of individual professionals who maintain working relations (e.g. FR, HU). In Hungary, one of the interviewed respondents observed, in fact, that the NRM is a useful platform, but not a real referral or coordination mechanism. As they stated: “this is a good platform for discussions and meeting, but there are no rules who does what and when. The referral operates informally based on who can help and how in a concrete case, because the personal relationships work (...)”<sup>62</sup>.

In Germany, the practical implementation of measures against THB – including identification of, assistance and support to victims – lies within the remit of the 16 individual German *Länder*<sup>63</sup>. As reported by Council of Europe’s GRETA, in 13 of the *Länder*, co-operation agreements have been concluded between the relevant authorities and specialised counselling centres for victims of THB, which describe the procedures and responsibilities of different stakeholders<sup>64</sup>. Local-level referral mechanisms also exist in Spain in several Autonomous Communities (*es. Comunidades Autónomas*) which approved regional mechanisms to implement the national Framework Protocol for the Protection of Victims of Trafficking in Human Beings<sup>65</sup>.

#### 3.1.2. NRMs or specific arrangements for children exist in few Member States

In some Member States separate procedures or mechanisms have been developed to address the identification, referral and support for trafficked children (AT, CZ, DE, ES). In 2016, Austria adopted Guidelines for identification of and interaction with potential victims of child trafficking (*de. Handlungsorientierungen zur Identifizierung von und zum Umgang mit potenziellen Opfern von Kinderhandel*)<sup>66</sup>. The document describes procedures for the police, child and youth welfare services, asylum and immigration authorities and health workers. The child and youth welfare services of the competent Austrian federal state are responsible for assessing the needs and acting in the best interests of the child. Drehscheibe Wien, the government-run centre for child victims of trafficking in human beings funded by the City of Vienna, was included as an assistance provider, while two contracted CSO service providers within the Austrian NRM are involved in the provision of assistance to female and male victims of THB. In 2011, the Czech Ministry of Interior published a set of specific guidelines for the procedures of state and local public authorities in case of trafficking in children. State actors which come across child-trafficking cases are principally obliged to notify and co-operate with the authorities responsible for social and legal protection of children whenever the child might be a victim<sup>67</sup>. Apart from cooperation procedures, the document also specifies procedures for age verification, assessment of family environment, involvement of shelters and other care

<sup>62</sup> Interview HU03.

<sup>63</sup> Council of Europe, GRETA (2019), Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Germany.

<sup>64</sup> Ibid.

<sup>65</sup> Spain, Cataluña [Catalonian Autonomous Community] (2013), Protocolo de Protección de las Víctimas de Tráfico de Seres Humanos en Cataluña [Protocol of Protection of Victims of Trafficking in Catalonia] available at: [www.bienestaryproteccioninfantil.es/imagenes/tablaContenidos03SubSec/protocolo.pdf](http://www.bienestaryproteccioninfantil.es/imagenes/tablaContenidos03SubSec/protocolo.pdf); Spain, Comunidad de Madrid [Autonomous Community of Madrid] (2017), Protocolo para la protección de las víctimas de trata de seres humanos en la Comunidad de Madrid, available at [www.violenciagenero.igualdad.mpr.gob.es/en/otrasFormas/trata/normativaProtocolo/marco/docs/ProtocoloTrataMadrid.pdf](http://www.violenciagenero.igualdad.mpr.gob.es/en/otrasFormas/trata/normativaProtocolo/marco/docs/ProtocoloTrataMadrid.pdf)

<sup>66</sup> Austria, Federal Ministry for Families and Youth (2016), Handlungsorientierungen zur Identifizierung von und zum Umgang mit potenziellen Opfern von Kinderhandel, available at: [www.bmeia.gv.at/fileadmin/user\\_upload/Zentrale/Aussenpolitik/Menschenrechte/Handlungsorientierungen\\_zur\\_Identifizierung\\_und\\_zum\\_Umgang\\_mit\\_potenziel...pdf](http://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Menschenrechte/Handlungsorientierungen_zur_Identifizierung_und_zum_Umgang_mit_potenziel...pdf)

<sup>67</sup> Czech Republic, Ministry of Interior (2011), OBCHODOVÁNÍ S DĚTMI - doporučení pro postup orgánů veřejné správy, available at: [www.mvcr.cz/clanek/boj-proti-obchodovani-s-detmi.aspx](http://www.mvcr.cz/clanek/boj-proti-obchodovani-s-detmi.aspx)

institutions, including in cases of unaccompanied minors<sup>68</sup>. In **Germany**, to create a specific referral process for cases of trafficking in children, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth in co-operation with other public and civil society actors has developed a document called Federal co-operation guidance on protecting and supporting child victims of trafficking and exploitation<sup>69</sup>. Published on 18 October 2018, it provides recommendations for co-operation between youth welfare services, the police, specialised counselling centres and other relevant actors in the identification and protection of child victims of trafficking<sup>70</sup>. The competences for the implementation of this guidance lie with the *Länder*. In **Spain**, the Framework protocol for the protection of victims of trafficking in human beings contains a separate annex on Actions for the detection and care of victims of trafficking in human beings (THB) who are minors (*es. Actuaciones para la detección y atención de víctimas de trata de seres humanos (TSH) menores de edad*). It was approved by the Spanish State's Childhood Observatory within the Ministry of Health, Social Services and Equality in order to attend to the special circumstances of children<sup>71</sup>. While the above are more specific solutions, provisions related to children have also been identified in other Member States in various procedures and in relation to various NRM stages (see sections below).

### 3.1.3. NRM scopes vary between Member States, but the core is common

**The scopes of the formal or informal NRMs in Member States vary, however all investigated coordination mechanisms include identification processes and short-term support and protection measures for victims.** The majority of country-level arrangements also include: risk and needs assessment of victims (23 Member States), repatriation and social inclusion functions (22 MS), child-specific aspects (22 MS), as well as long-term support and social inclusion functions (20). In only a half of the Member States (14), the NRMs covered gender-sensitive approaches. This was the least frequently included element. In a number of Member States, the scope of NRMs covered all elements that were investigated in the Study (BG, IE, LU, PT, RO, SI). In **Slovakia**, the NRM additionally covered specific approaches to the Roma community.

Figure 4. Scope of NRMs in Member States

	Elements within the NRM's scope
Includes identification processes	AT, BE, BG, CY, CZ, DE, DK, EE, EL, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SK, SI, ES, SE, UK
Includes risk and needs assessment of victims	AT, BG, CY, CZ, DK, EE, FI, FR, HR, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SK, SI, ES, SE, UK
Includes assessment of the best interests of the child	AT, BG, DK, EE, FI, FR, HR, IE, IT, LU, MT, PT, RO, SK, SI, ES, SE, UK
Includes short-term support and protection services	AT, BE, BG, CY, CZ, DE, DK, EE, EL, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SK, SI, ES, SE, UK
Includes long-term support and social inclusion functions	AT, BE, BG, CY, CZ, EE, EL, FI, FR, HR, IE, IT, LT, LU, MT, PT, RO, SK, SI, ES, SE
Includes repatriation and social inclusion functions	AT, BE, BG, CY, CZ, DK, EE, EL, FI, FR, HR, HU, IE, IT, LU, MT, NL, PL, PT, RO, SK, SI, ES, SE
Includes monitoring	BG, CZ, DE, DK, FI, IE, IT, LU, MT, NL, PT, RO, SK, SI, ES, SE, UK
Includes capacity-building and organisation of training	AT, BG, CY, CZ, DK, EE, FI, FR, HR, IE, IT, LU, MT, NL, PL, PT, RO, SK, SI, SE
Includes gathering and promotion of knowledge about trafficking in human beings	AT, BG, CZ, DK, EE, EL, FI, FR, IE, IT, LU, LV, MT, NL, PT, RO, SK, SI, UK
Includes prevention measures	AT, BG, CZ, DK, EE, EL, FR, HR, HU, IE, IT, LU, MT, NL, PT, RO, SK, SI, ES
Includes gender-sensitive approaches	AT, BG, DE, DK, FI, FR, IE, LT, LU, PT, RO, SI, ES, SE
Includes child-specific aspects	AT, BE, BG, CY, CZ, DK, EE, FI, FR, HR, IE, IT, LU, MT, NL, PT, RO, SK, SI, ES, SE, UK

Source: Own elaboration based on country fiches prepared by country researchers during the study.

<sup>(68)</sup> Czech Republic, Ministry of Interior (2011), OBCHODOVÁNÍ S DĚTMI - doporučení pro postup orgánů veřejné správy, available at: [www.mvcr.cz/clanek/boj-proti-obchodovani-s-detmi.aspx](http://www.mvcr.cz/clanek/boj-proti-obchodovani-s-detmi.aspx)

<sup>(69)</sup> Council of Europe, GRETA (2019), Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Germany.

<sup>(70)</sup> Ibid.

<sup>(71)</sup> Spain, Observatorio de la Infancia [Spanish Childhood Observatory] (2017), Actuaciones para la detección y atención de víctimas de trata de seres humanos (TSH) menores de Edad [Actions for the detection and care of victims of trafficking in human beings (THB) under age] available at: [www.observatoriodelainfancia.msccbs.gob.es/productos/pdf/Anexo\\_Protocolo\\_Marco\\_Menores\\_Victimas\\_TSH\\_aprobado\\_por\\_Pleno1\\_12\\_2017.pdf](http://www.observatoriodelainfancia.msccbs.gob.es/productos/pdf/Anexo_Protocolo_Marco_Menores_Victimas_TSH_aprobado_por_Pleno1_12_2017.pdf)

### 3.1.4. Financing of NRM actors and tasks in Member States

The Study has shown that rarely, if at all, are NRMs as such funded through specific dedicated financial allocations. Instead, it is either the individual actors involved in the coordination mechanisms or specific tasks performed by those actors that receive assigned funds. The sources of financing vary, but public funding from state, regional or local budgets dominates. Resources are channelled through allocation for institutional budgets of ministries, law enforcement agencies or social services; implementation of policies, strategies or action plans on THB; or through specific programmes focused on support for victims of THB. State funds are additionally supplemented by EU and international funding, as well as private grants or donations mobilised by involved CSOs. Problems with insufficient funding are almost uniformly reported throughout the EU, albeit much more often by CSOs tasked with assistance and protection of victims. Below and in section 3.6. on victim support, we outline the financial arrangements in more detail.

#### NRMs funding as part of institutional budgets

With frontline public actors, representing institutions such as the police, border guard, social assistance and labour services etc., the funding they receive from state budgets for statutory activity usually also covers – at least to some extent – the tasks which fall under NRMs or other coordination mechanisms. In other words, public actors frequently do not receive separate budgetary allocations for detection, identification and referral of victims of THB, but carry such activities within their overall budgets. However, in some Member States these public actors receive separate state funding from allocations for implementation of policies related to trafficking in human beings (see below). They may also receive extra funds from various sources for specific projects.

In **Germany**, no specific funding is provided from the federal government for regional NRMs. The federal authorities, i.e. the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, only fund the networking body of the specialised counselling centres. The funding of cooperation agreements falls under the *Länder* responsibilities and varies in the *Länder*. Furthermore, the responsibility for financing and running accommodation facilities for victims of THB falls on the *Länder*. In the Berlin NRM which was analysed in more detail in the study, the senate administration for health, care and gender equality funds the only two existing safe houses for female victims of trafficking run by two CSOs.

*"[...] they are cutting state budgets, they want less staff. But you need staff to detect the victims first line. If you don't have enough agents or specialised agents in trafficking in human beings, if you don't have enough social service inspections, you're not really fighting the trafficking, you're just monitoring." (Interviewee BE02)*

**Stable state funding for public actors helps ensure consistent financing also for NRM activities. With broader financial allocations, institutions can benefit from more flexibility in managing budgets. However, this also means that no actual amount is earmarked and secured specifically for NRM tasks. Consequently, funding that is channelled into NRM activities can be shifted towards subjects which receive greater priority at a given time. Central-level funding shifts and budgetary cuts may negatively affect institutional budgets and NRM financing. During the country research in Belgium, the resources available to cover frontline services were overall considered not to be sufficient due to state budget cuts<sup>72</sup>. While THB is listed as the second priority in the National Security Plan<sup>73</sup>, a number of interviewees stated that the emphasis on the fight against this crime was not really seen on the ground. Respondents referred to the focus on terrorism and the shift of resources away from trafficking to counter-terrorism following the terrorist attacks in March 2016<sup>74</sup>. Importantly, as noted by one of those stakeholders, the impact of funding cuts on one actor can have a knock-on effect on the effectiveness of others, and the overall mechanism<sup>75</sup>.**

<sup>(72)</sup> Interview BE02.

<sup>(73)</sup> Belgium, Federal Police (2016), *National Security Action Plan 2016-2019: Synthesis, Together to the heart of the matter*, available at: [www.police.be/5998/sites/default/files/downloads/NSP2016-2019-S.pdf](http://www.police.be/5998/sites/default/files/downloads/NSP2016-2019-S.pdf)

<sup>(74)</sup> Interviews BE02, BE05, BE06, BE07.

<sup>(75)</sup> Interview BE07.

## NRM financing as part of funding for implementation of strategies and action plans on trafficking

Apart from institutional budgets of public actors, in those Member States where there are strategies and plans on THB, NRM budgets are also sourced from public funds assigned for implementation of specific tasks as part of these strategies and plans (e.g. DK, EL, HR, HU, LT). For example, in **Croatia** the National plan for combating trafficking in human beings for the period from 2018 until 2021 indicates the relevant activities, actors and assigned necessary budgets. It foresees funding for identification of victims of THB; assistance and protection of victims of THB; prevention; education; international and regional cooperation, as well as coordination of activities. In **Lithuania**, the National action plan against trafficking in human beings for 2017-2019<sup>76</sup> does not foresee funding appropriations for the NRM as such, but among others for the implementation of projects which aim to provide support services for (presumed) victims of THB or assistance for victims of THB who return to the Republic of Lithuania from abroad.

Figure 5. Good practice - Funds allocation in Italy

### Good practice:

#### Italy, Specific financial allocation of funds for children

In Italy, in addition to other budgetary allocations, Law 47/2017 on Provisions for measures to protect unaccompanied foreign minors (known as the Zampa Law) provided financial support for a specific programme of assistance for children victims of trafficking with an annual fund of 154,080 EUR.

Source: GRETA 2019, § 23.

## Significant role of EU funds

EU funds play a significant role in financing various aspects of or activities within NRMs in some Member States, including through projects concerning development of the capacity of actors or victim support services etc. (e.g. EL, HU, PT, RO). In **Greece**, the NRM staff at the coordinating CSO is currently funded fully from the EU Internal Security Fund and the Asylum, Migration and Integration Fund<sup>77</sup>. The new National anti-trafficking action plan for the period 2019-2023 provides for the financial sustainability of the NRM through funding from the Partnership Agreement for the Development Framework<sup>78</sup>, whose resources mostly come from the EU budget<sup>79</sup>. Actors in **Hungary** and **Romania**<sup>80</sup> made use of the Internal Security Fund for projects involving counter-trafficking.

Figure 6. Good practice - Funds allocation in Spain

### Good practice:

#### Spain, Allocation of resources for gender-based violence

THB for sexual exploitation is recognised in Spain as a form of gender-based violence also through budgeting. The Spanish National Budget contains a specific item in the budget of the Ministry of the Presidency, Relations with Legislative and Equality devoted to women victims of trafficking for sexual exploitation. The amount earmarked is 4,000,000 EUR, within the total budget for actions for the comprehensive prevention of gender-based violence (159,508,050 EUR).

Source: Interview ES05; Spain (2018), Spanish National Budget. Budget in programmes (Presupuestos Generales del Estado. Presupuesto por programas), Volume XV, section 25, p. 12, available at: [www.sepg.pap.hacienda.gob.es/sitios/sepg/es-ES/Presupuestos/PGE/PGE2018Prorroga/Paginas/PGE2018Prorroga.aspx](http://www.sepg.pap.hacienda.gob.es/sitios/sepg/es-ES/Presupuestos/PGE/PGE2018Prorroga/Paginas/PGE2018Prorroga.aspx) (accessed 06.08.2019)

<sup>(76)</sup> Lithuania, Ministry of the Interior of the Republic of Lithuania (2016), National Action Plan against Trafficking in Human Beings for 2017-2019, no. 1V-598, available at: [www.e-tar.lt/portal/lt/legalAct/5b99fd306ddc11e6a014b8463e530a88](http://www.e-tar.lt/portal/lt/legalAct/5b99fd306ddc11e6a014b8463e530a88)

<sup>(77)</sup> Interview EL01.

<sup>(78)</sup> Interview EL08.

<sup>(79)</sup> [www.msp-platform.eu/fundings/partnership-agreement-development-framework-2014-2020-greece](http://www.msp-platform.eu/fundings/partnership-agreement-development-framework-2014-2020-greece)

<sup>(80)</sup> Romania, ANITP (2017), Annual Report, pg. 39: National Project "Trafficking in human beings - a victim-centred approach"; "Reducing the Amplification of Human Trafficking by Raising Citizens' Information" funded by the Internal Security Fund – Police; ANITP (2017), Annual Report, pg. 44, International Project "Strengthening lawyers legal knowledge and cooperation with prosecutors and judges, to protect victims of trafficking in human beings rights in the judicial proceedings" funded by European Commission's DG Justice.

### Contract-based funding for victim support as part of NRMs

While financing of victim support services within NRMs will be covered specifically in Section 3.6., including the many challenges related to this issue, it is important to note here that in the majority of Member States, victim assistance and protection within NRMs is contracted out to CSOs. Such contracts are often funded from institutional (mostly ministerial) budgets assigned for support of victims of THB (e.g. AT, SI) and/or thematic programmes of support for victims of THB operated by public authorities (e.g. CZ, IT, PL). The money is usually disbursed by ministries responsible for internal affairs, social assistance/welfare or equal treatment. For example, in **Latvia**, every two years the Ministry of Welfare announces a public procurement procedure for provision of services for victims of THB<sup>81</sup>. In the **Czech Republic**, such assistance is provided by CSOs contracted under the Programme for support and protection of victims of trafficking in human beings of the Ministry of the Interior of the Czech Republic<sup>82</sup>. Similar situation can be observed in **Poland**, where the same specialised CSO – sometimes in partnerships with other CSOs – has held the contract for years, albeit with a necessity to reapply for resources each year.

In some states (e.g. AT, CZ, LT, SI), resources for victim support services come from different institutions, which suggests fragmentation of funding and entails more tendering procedures, etc. In **Austria**, the CSO offering support to women and girls above 15 is contracted by the Ministry of Interior, while the other serving men – by the Ministry of Labour, Social Affairs, Health and Consumer Protection. In the **Czech Republic**, the NRM is financed from the budget of the Ministry of Interior (public procurement contract) and from the subsidies for registered social services of the Ministry of Labour and Social Affairs. In **Lithuania**, the funds assigned in the national action plan for projects which aim to provide support services for (presumed) victims of THB are coordinated by the Ministry of Social Security and Labour and those for assistance to victims of THB who return to the Republic of Lithuania from abroad by the Ministry of Foreign Affairs. In **Slovenia**, the Ministry of Labour, Family, Social Affairs and Equal Opportunities funds the project “Care of victims of trafficking – crisis accommodation”, while the Ministry of Interior funds the project “Care of victims of trafficking – safe accommodation”, both two-year projects carried out by selected CSOs.

Research shows that some NRM phases, rather than receiving continued financial support, receive funding based on projects. This is the case with long-term assistance in some Member States (e.g. SI, IT). This is also the case with return of non-EU nationals to their country of origin.

In a number of Member States (e.g. AT, CZ, LV, SI), interviewed CSO stakeholders noted that when public funds are not available for various reasons, including conditioning of publicly-funded support on formal identification, CSOs mobilise other funds to fill the gap. In Ireland, use is made of resources in dormant accounts to finance projects related to THB.

Figure 7. Good practice – Dormant accounts in Ireland

#### Good practice:

##### Ireland, Dormant accounts funding for THB projects

The Dormant Accounts Fund is a scheme for the disbursement of funds unlikely to be reclaimed by account holders from accounts in credit institutions. It is administered under the 2001 Dormant Accounts Act, the Unclaimed Life Assurance Policies Act 2003 and the Dormant Accounts (Amendment) Acts 2005 to 2012. The funds can be used for specific purposes listed in the legislation. For example in 2018, a call for proposals was issued by the Anti-Human Trafficking Unit of the Department of Justice and Equality to research and assess the safety and well-being of persons who engage in sexual activity for payment.

Source: *Blue Blindfold website, available at <https://bit.ly/2nv1AzE>*

<sup>(81)</sup> Interview LV04, LV05.

<sup>(82)</sup> Czech Republic. The Program is financed through tenders in accordance with Act No. 137/2006 Coll., on Public Procurement, as amended, since 2012 (previously it was financed through grants).

### 3.2. Legal and policy solutions

As discussed above, all 28 EU Member States have in place some form of a cooperation mechanism, usually a formal or informal NRM. Since EU law does not prescribe any specific form for NRMs in Member States to take, the structures and frameworks vary. The mechanisms identified are frequently based on a complex legal and non-legal (e.g. policy) reference framework comprising a number of documents of different origin, nature and binding force. In many Member States, NRMs' foundations can be linked to a number of laws, while some Member States additionally adopted dedicated documents – either of an executive nature or non-legal – describing NRM arrangements in a more comprehensive manner. Both the general frameworks and the examples of NRM-specific documents will be discussed below.

**Rarely are NRMs directly enshrined in binding acts or laws.** In Cyprus, the NRM is regulated under Article 44 on the National Mechanism for Reporting and Informing the Victims of Law N° 60(I) of 2014 on the prevention, fight against trafficking and exploitation of human beings and protection of victims. In Bulgaria, legislative works have been initiated to enshrine the mechanism in the anti-trafficking law (see below). **More accurately, binding acts or laws constitute an indirect legal basis for NRMs or, as will be shown below, regulate aspects with importance for the NRM's functioning. In some Member States this grounding in an act or law is quite remote, while in others easier to trace (e.g. AT, BE, CY, ES, IT).** By way of example, in Austria, the legal basis for the NRM can be found in Article 56 (1) and (3) of the Security Police Act, while in Belgium – in the Law of 15 September 2006 modifying the Law of 15 December 1980 on the access to the territory, stay, residence and removal of foreigners,<sup>83</sup> which is the legal basis for a lower-level circular (described below) outlining the multidisciplinary collaboration of the actors involved in the NRM. In Italy, the Legislative Decree n. 24 of 4 March 2014<sup>84</sup> introduces the integrated approach promoted by the EU Anti-trafficking Directive, in order to make the national action against THB 'more complete and effective' and it is the starting point to the introduction of the NRM. The Italian NRM is adopted within the National action plan against trafficking and severe forms of exploitation 2016-2018<sup>85</sup> approved by the Council of Ministers in accordance with the Law n. 228 of 11 August 2003. The legal bases for the Spanish Framework Protocol are Article 59bis of the Organic Act 4/2000 of the rights and freedoms of foreigners in Spain and their social integration<sup>86</sup>, which provides that the competent authorities will adopt the necessary measures for the identification of victims of THB, and Article 140 of the Regulation for Organic Act 4/2000 which establishes the adoption of a Framework protocol for the protection of victims of THB with the inclusion of participation of institutions with competences in the field and CSOs<sup>87</sup>.

**At the same time, a plethora of laws or acts form the foundation for the functioning of various actors involved in NRMs. In all Member States, the broad legal reference frameworks include legislative acts pertaining to internal/home affairs, including in particular criminal and immigration law.** These are acts or laws defining the crime of THB (e.g. criminal codes) and specifying the roles of state bodies, such as governments and ministries, the police, border guards, prosecutors, courts, asylum and migration authorities and specialised support services. They contain provisions on the status and rights of victims in criminal proceedings, including victims of THB (e.g. criminal procedural codes, specific acts concerning victims<sup>88</sup>) and the rights pertaining to immigration status, which have specific relevance for non-EU victims of THB (e.g. immigration laws, international protection laws), such as e.g. the reflection period and temporary residence permits.

<sup>(83)</sup> Belgium, Loi du 15 septembre 2006 modifiant la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers, Belgian Official Gazette, 6 October 2006. The Law of 15 September 2006 does not mention Belgian/EU nationals, it is only in the low-level circular described in the report later on where the inclusion of Belgian nationals/EU nationals is emphasized, stating that the scope of the NRM is applicable to all victims regardless of nationality (Article M2.1(5)).

<sup>(84)</sup> Italy, Decreto Legislativo 4 marzo 2014, n. 24 'Attuazione della direttiva 2011/36/UE, relativa alla prevenzione e alla repressione della tratta di esseri umani e alla protezione delle vittime, che sostituisce la decisione quadro 2002/629/GAI. (14G00035):'.

<sup>(85)</sup> Italy, Consiglio dei Ministri (2016), Piano nazionale d'azione contro la tratta e il grave sfruttamento 2016-2018 [National Action Plan against trafficking and severe forms of exploitation 2016-2018] available at: [www.pariopportunita.gov.it/wp-content/uploads/2017/12/Piano-nazionale-di-azione-contro-la-tratta-e-il-grave-sfruttamento-2016-2018.pdf](http://www.pariopportunita.gov.it/wp-content/uploads/2017/12/Piano-nazionale-di-azione-contro-la-tratta-e-il-grave-sfruttamento-2016-2018.pdf), available in English at: [www.osservatoriointerventitratta.it/wp-content/uploads/2018/01/traduzione-pari-opportunita\\_en.pdf](http://www.osservatoriointerventitratta.it/wp-content/uploads/2018/01/traduzione-pari-opportunita_en.pdf)

<sup>(86)</sup> Spain, Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social [Organic Act 4/2000 of the Rights and Freedoms of Foreigners in Spain and Their Social Integration], available at: <https://www.boe.es/eli/lo/2000/01/11/4/con>

<sup>(87)</sup> Spain, Real Decreto 557/2011, de 20 de abril, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009 [Royal Decree 557/2011 by which is approved the regulation of Organic Act 4/2000 of the Rights and Freedoms of Foreigners in Spain and Their Social Integration], available at: <https://www.boe.es/buscar/doc.php?id=BOE-A-2011-7703>

<sup>(88)</sup> Such as e.g. Crime Victim Assistance and Financial Compensation Law in Bulgaria; Law on Victims of Crime in the Czech Republic; Victim Support Law in Estonia; Victims of Crime Act in Malta; Law on the Rights of Victims 4/2015 of 27 April 2015 in Spain.

In addition to these more general legal documents pertaining to internal affairs, some Member States have adopted laws specifically focused on THB<sup>89</sup>. However, their scope is often broader than the NRMs, and they rather describe actors and tasks which are important from the NRM's perspective, rather than NRMs as such. As noted above, Cyprus is a notable exception, as the NRM is directly regulated in the anti-trafficking law. Also, the Combatting Trafficking in Human Beings Law<sup>90</sup> adopted in Bulgaria in 2003 regulates many aspects important for the NRM, as it: (1) governs cooperation, powers and tasks of state bodies involved in combating THB; (2) defines the status and tasks of shelters, centres and committees for providing protection and support to victims; (3) provides measures for (a) prevention and countering of THB, (b) protection and assistance to victims, especially women and children, and (c) granting special protection status to victims of THB who cooperate with investigation authorities. Additionally, in July 2019, a bill amending and supplementing this law was put before the National Assembly, which aims at directly enshrining the NRM therein<sup>91</sup>.

**Social assistance and labour-related laws constitute other sources of law of importance to NRMs in Member States.** Social assistance legislation which focuses on the right to state assistance and support and the mechanisms for their provision also frequently pertains to victims, including those of THB. These laws set forth the tasks of social assistance institutions, forms, extent and conditionality of support, etc. In this way, they delineate the extent of state-sponsored services within NRMs. Social assistance laws may also form basis for allocation of funding for assistance and support for victims of THB provided within NRMs. For example, in Poland, the Law on social assistance of 2004<sup>92</sup> in Article 7 (7a) foresees that all victims of THB can receive social assistance from the state, including in the form of food, money, shelter, psychological and medical assistance, etc. In Latvia, the Law on social services and social assistance in Article 13 (1)(7) provides that: "(1) The State shall ensure, in accordance with the funds granted in the annual State Budget Law: (...) 7) social rehabilitation of victims of trafficking in human beings. The procedure for receiving social rehabilitation and the criteria for recognition of a person as a victim of trafficking in human beings shall be determined by the Cabinet; (...)" This provision is a basis for the Cabinet of Ministers Regulation no. 344 regarding the procedures by which victims of trafficking in human beings receive social rehabilitation services and the criteria for the identification of a person as a victim of trafficking in human beings, which is a central piece of law for the functioning of the Latvian NRM. In Croatia, The Protocol for integration does not indicate the duration of the assistance and integration, but Article 89 of the Social Welfare Act establishes that a victim is allowed to stay in temporary accommodation in a crisis situation for up to one year.

**Across Member States, direct foundations for NRMs' functioning can more frequently be found in lower-level legal documents of an executive nature** (adopted based on the mandate provided in above-described types of laws). These include such documents as regulations, orders, circulars or decisions adopted by governments or specific ministers<sup>93</sup>. The links between these specific pieces of law and NRMs vary in strength. At least two groups of documents can be distinguished – those directly devoted to the NRM and, again, those which regulate specific elements (stages or phases) important from the perspective of NRMs, such as in particular victim identification and provision of support.

**Some governments have adopted lower-level legal documents, executive in nature, which are devoted directly to NRMs<sup>94</sup>.** In Belgium, the foundations for the NRM are currently set out in the Circular of 23 December 2016 relating to the implementation of a multidisciplinary cooperation concerning victims of THB and/or certain aggravated forms of smuggling of migrants<sup>95</sup>. In Bulgaria, the country's formalised NRM was adopted by the government in 2016 in a Council of Ministers' Decision named the National Referral Mechanism for Support of Trafficked Persons<sup>96</sup>. It comprehensively presents NRM phases and is available both in Bulgarian and English. The

<sup>(89)</sup> E.g. BG, CY, EL, IE, LU, RO, UK

<sup>(90)</sup> Bulgaria, Combating Trafficking in Human Beings Law (Закон за борба с трафика на хора), promulgated State Gazette No 46 of 20.5.2003; available in Bulgarian at: <https://www.lex.bg/laws/ldoc/2135467374>

<sup>(91)</sup> Interview BG03.

<sup>(92)</sup> Poland, Law on social assistance [Ustawa z dnia 12 marca 2004 r. o pomocy społecznej], available at: <http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WDU20040640593/U/D20040593Lj.pdf>

<sup>(93)</sup> Identified in: AT, BE, BG, EL, ES, HR, CZ, FR, LV, LT, MT, PT, RO, SK.

<sup>(94)</sup> BE, BG, CZ, EL, LT, RO, SI

<sup>(95)</sup> Belgium, Circulaire du 26 septembre 2008 relative à la mise en œuvre d'une coopération multi-disciplinaire concernant les victimes de la traite des êtres humains et/ou de certaines formes aggravées de trafic des êtres humains, Belgian Official Gazette, 31 October 2008.

<sup>(96)</sup> Bulgaria, Council of Ministers, Decision No 30.2 taken by Protocol of 20.07.2016 for "National Referral Mechanism for Support of Trafficked Persons" (Решение на Министерски съвет, взето с протокол от 20.07.2016 г. за Национален механизъм за насочване и подпомагане на жертви на трафик на хора), available in English at [https://antitraffic.government.bg/wp-content/uploads/NRM\\_Bulgaria\\_EN.pdf](https://antitraffic.government.bg/wp-content/uploads/NRM_Bulgaria_EN.pdf)

government in **Greece** adopted the Common Ministerial Decision 30840/20-09-2016 on the establishment and functioning of the National System of Identification and Referral of Victims of Human Trafficking. It is noteworthy that the decision only became effective in January 2019. In the **Czech Republic**, the Minister of Interior adopted Order No. 14/2010 of 15 February 2010 on the functioning of the National Referral Mechanism for Support and Assistance to the Victims of Trafficking in Human Beings; while the **Romanian** government formalised its NRM in the Ministers Common Order no. 1072/2007 for the approval of the National Mechanism for Identification and Referral of Victims of Trafficking in Human Beings<sup>97</sup>. In **Slovenia**, the NRM was introduced in the form of the Manual on identification, assistance and protection of victims of trafficking in human beings adopted by the Decision of the Government of the Republic of Slovenia no. 02402-2/2016/5 of 5 May 2016<sup>98</sup>. In **Lithuania**, these are the Recommendations regarding the identification of victims of trafficking, criminal investigations and interagency co-operation approved by the Prosecutor General, the Minister of the Interior and the Minister of Social Security and Labour on the 17 of December 2015.

Apart from the executive documents fully devoted to the NRM and listed above, **governments of Member States have adopted a plethora of other executive acts, orders or instructions which regulate some aspects' of NRM's functioning**. Annex 2 to the report presents other relevant documents that are executive in nature and internally binding on the institutions concerned which were identified in the course of the research. Some of those documents will be analysed in more detail in other sections of the report, as they e.g. regulate identification practices, support for victims or residence issues, etc.

Figure 8. Good practices in NRM presentation in Bulgaria and Romania

### Good practices

#### Bulgaria, The National Referral Mechanism document

In Bulgaria, in 2016 the government adopted a separate document which comprehensively covers the full spectrum of the National Referral Mechanism. The document is available in Bulgarian and English. Not only does this facilitate the access to relevant information on the NRM's functioning for institutions at the country level, but it also facilitates access to such information for institutions in other EU Member States and non-EU countries. Given that Bulgaria is also a country of origin for identified victims of THB, such a presentation increases the practical benefits also for international cooperation. The NRM is an "open" document – depending on the trafficking dynamics, other actors might be involved at a later stage.

#### Romania, Framework Methodologies

In Romania, in addition to the NRM document, the authorities adopted two methodologies – the Framework Methodology on prevention and intervention in the multidisciplinary team and in the network in situations of violence against the child and of domestic violence and the Methodology on multidisciplinary and inter-institutional intervention regarding children exploited and at risk of exploitation through work, child victims of THB, as well as migrant Romanian children who are victims of other forms of violence in the territory of other states.

**In the majority of Member States, NRMs are also to various degrees rooted in or related to policy documents, such as strategies or national action plans and annexes thereto<sup>99</sup>**. Most Member States have a current national strategy or national action plan on THB<sup>100</sup>, while in some the reference period for relevant documents has expired<sup>101</sup>. Most recently, **Cyprus and France** adopted a National Action Plan on Trafficking in Human Beings for the years 2019- 2021.

<sup>(97)</sup> In Romania, the Common Order was adopted by 8 national central authorities as follows: Minister of Internal Affairs – Order 335/2007; Minister of Education – Order 2881/2007; Minister of Health – Order 1990/2007; Minister of Labour – Order 1072/2007; Minister of Foreign Affairs – Order A.6880/2008; Public Ministry – Order 409/C/2008; Minister of Justice – Order 2353/C/2008; National Authority for Protection of the Rights of the Child – Order 266/2008, referred to as the Ministers Common Order 1072/2007.

<sup>(98)</sup> Slovenia, Manual on identification, assistance and protection of victims of trafficking in human beings (*Priročnik identifikaciji, pomoči in zaščiti žrtev trgovine z ljudmi*), available at: [www.vlada.si/fileadmin/dokumenti/si/THB/Priročnik\\_-\\_print\\_A4.pdf](http://www.vlada.si/fileadmin/dokumenti/si/THB/Priročnik_-_print_A4.pdf)

<sup>(99)</sup> Identified in: AT, BG, CY, CZ, DK, ES, FR, HR, HU, IE, IT, LV, LU, MT, NL, PT, SK, SE, UK.

<sup>(100)</sup> Identified in: AT, BE, BG, CY, CZ, DE, DK, EL, FR, HR, IE, LV, LT, LU, MT, NL, PL, PT, RO, SK, SE, SI, UK. Additionally, in **Estonia** the subject of THB would fall under the National Strategy for Preventing Violence 2015-2020 and National Action Plan for Reducing Violence 2016-2020; while in **Greece** under the National Programme of the "Internal Security Fund/Police Cooperation for the period 2014-2020".

<sup>(101)</sup> Identified in: ES, FI, HU, IT.

As with executive acts, the strength of the links between the NRM's functioning and a given policy document varies. The research has shown, for example, that in the United Kingdom the Modern Slavery Strategy makes only a brief mention of the NRM. At the same time, at the other end of the spectrum, in Italy Annex no. 1 to the National action plan against trafficking and severe forms of exploitation 2016-2018 is in fact a description of the NRM (it. *Allegato 1 Meccanismo Nazionale di Referral per le Persone Trafficate in Italia*)<sup>102</sup>. Noteworthy, the second annex to the Italian action plan contains Guidelines for the definition of a mechanism for rapid identification of the victim of trafficking and serious mistreatment<sup>103</sup>. In the case of other Member States, the policy documents may e.g. define objectives and actions pertinent to NRM's development (e.g. AT, CY), foresee evaluation of NRM instruments (e.g. BE), describe and specify further the roles of relevant actors etc.

Besides national legal and policy documents, some NRMs are set up through agreements between the stakeholders involved. This is the case in Spain where the Framework Protocol for the protection of victims of trafficking in human beings was approved by the Agreement of 28 October 2011 between the Spanish Ministry of Health, Social Services and Equality, Ministry of the Interior, Ministry of Justice, Ministry of Employment and Social Security, the Prosecution Service and the General Council of the Judiciary. In Germany, as noted previously, the competence to develop NRMs rests with *Länder*. There are different forms of cooperation in 13 *Länder*: *Kooperationsvereinbarung* (agreement), *Kooperationserlass* (decree), *Kooperationsvertrag* (treaty). All three forms go back to the "blueprint" document from 1999 (updated in November 2007), namely the Cooperation concept for collaboration between counselling centres and the police for the protection of victim-witnesses of trafficking in human beings for the purpose of sexual exploitation<sup>104</sup>. The Berlin NRM, analysed in more detail during the Study in the absence of a pan-German approach, relies on a Berlin cooperation agreement between the Head of Berlin Police and the institutions of the Berlin counselling centres for women victims of THB<sup>105</sup>. It should also be noted that provision of assistance and support to victims of THB, frequently channelled through CSOs (see Section 3.6), is mostly based on agreements between *Länder* governments and these organisations.

In some Member States NRMs have been described in less formal yet comprehensive information documents (CY, IE, MT, SE) facilitating access to data and thus cooperation between various involved parties. For instance in Cyprus, in 2016 the government published the Guide on the procedures of the National Referral Mechanism<sup>106</sup>. In Ireland, the basic elements of the NRM were outlined in the Statement of roles and responsibilities for state organisations, non-governmental organisations and international organisations in Ireland engaged in cooperation regarding the prevention, protection of victims and prosecution of trafficking in human beings<sup>107</sup>. The Ministry for Home Affairs and National Security of Malta together with IOM Malta developed the Support tools for service providers on trafficking in human beings and standard operating procedures on identification and referral of (potential) victims of trafficking in order "to provide service providers in Malta with an easy and handy tool to facilitate their work in identifying, assisting and referring victims and/or potential victims of trafficking in human beings"<sup>108</sup>. Sweden is in the process of reviewing its current Manual on the National Referral Mechanism. Protecting and supporting victims of trafficking in human beings in Sweden<sup>109</sup> published in 2016.

As signalled above, some Member States adopted documents which foresee cooperation and solutions specific to child-victims of THB<sup>110</sup>. For example, Ireland has a law dedicated to child victims of trafficking, namely Child Trafficking and Pornography Act of 1998. Austria has specific Guidelines on identifying and working with potential

<sup>(102)</sup> Italy, available at: <https://bit.ly/2lr4PH3>

<sup>(103)</sup> Italy, available at: [www.pariopportunita.gov.it/wp-content/uploads/2017/12/allegato-2-linee-guida-rapida-identificazione.pdf](http://www.pariopportunita.gov.it/wp-content/uploads/2017/12/allegato-2-linee-guida-rapida-identificazione.pdf)

<sup>(104)</sup> Germany, "Kooperationskonzept für die Zusammenarbeit von Fachberatungsstellen und Polizei für den Schutz von Opferzeugen/innen von Menschenhandel zum Zweck der sexuellen Ausbeutung".

<sup>(105)</sup> Germany, „Berliner Kooperationsvereinbarung zwischen dem Polizeipräsidenten in Berlin und den Trägern der Berliner Beratungsstellen und Einrichtungen für von Frauenhandel betroffene Frauen: Ban Ying e.V., ONA e.V., IN VIA Katholische Mädchensozialarbeit für das Erzbistum Berlin e.V. Beratungsstelle für von Frauenhandel betroffene Frauen (Stand 01.12.2008)", available at: [www.parlament-berlin.de/ados/16/WiTechFrau/vorgang/wtf16-0206-v.pdf](http://www.parlament-berlin.de/ados/16/WiTechFrau/vorgang/wtf16-0206-v.pdf)

<sup>(106)</sup> Cyprus, Guide on the procedures of the National Referral Mechanism (ΟΔΗΓΟΣ ΓΙΑ ΤΟΝ ΧΕΙΡΙΣΜΟ ΠΕΡΙΠΤΩΣΕΩΝ ΕΜΠΟΡΙΑΣ ΠΡΟΣΩΠΩΝ. ΕΘΝΙΚΟΣ ΜΗΧΑΝΙΣΜΟΣ ΑΝΑΦΟΡΑΣ), available at: <https://bit.ly/2PolBnw>

<sup>(107)</sup> Ireland, available at: <https://bit.ly/2IV2JQ2>

<sup>(108)</sup> Malta, Support Tools For Service Providers on Trafficking in Human Beings and Standard Operating Procedures on Identification and Referral of (potential) Victims of Trafficking, 2014, available at: <https://bit.ly/2jV82hB> (accessed: 3.09.2019)

<sup>(109)</sup> Sweden, National Referral Mechanism Protecting and supporting victims of Trafficking in Human Beings in Sweden available at: [www.nmstverige.se/sites/default/files/National-referral-mechanism-trafficking.pdf](http://www.nmstverige.se/sites/default/files/National-referral-mechanism-trafficking.pdf)

<sup>(110)</sup> E.g. AT, BE, CZ, DE, ES, IE, IT, RO, SE

victims of child trafficking<sup>111</sup>, while the Ministry of Interior of the **Czech Republic** adopted Recommendations on the procedures of the state and public institutions in cases of trafficking in children in 2011. In **Romania**, in addition to the NRM document described earlier, the authorities adopted two methodologies – the Framework methodology on prevention and intervention in the multidisciplinary team and in the network in situations of violence against the child and of domestic violence and the Methodology on multidisciplinary and inter-institutional intervention regarding children exploited and at risk of exploitation through work, child victims of THB, as well as migrant Romanian children who are victims of other forms of violence in the territory of other states<sup>112</sup>. **Spain** adopted the Annex to the Framework Protocol noted above concerning actions for the detection and care of victims of THB who are children. While **Sweden** adopted a specific National Action Plan for 2016-2018 to protect children from THB, exploitation and sexual abuse, which is the continuation of a similar action plan for 2014-2015<sup>113</sup>.

**Specific documents concerning women and girls, who constitute the overwhelming majority of victims overall and nearly all victims of trafficking for sexual exploitation, were identified in only three Member States (e.g. DE, ES, SE).** For example, the **Swedish** National strategy to prevent and combat men's violence against women recognises THB for sexual purposes as one of the major challenges with regard to men's violence against women<sup>114</sup>. As part of the broader efforts to prevent and combat men's violence against women, the Swedish Government adopted in February 2018 the National action plan to combat prostitution and trafficking in human beings<sup>115</sup>. It includes, among others, such measures as: enhanced coordination between agencies and other stakeholders, strengthened prevention, improved detection of prostitution and THB and stronger protection and support. In **Spain**, the Minister of Health, Social Services and Equality approved the Comprehensive plan to fight against trafficking in women and girls for sexual exploitation 2015-2018 (*es. Plan Integral de lucha contra la trata de mujeres y niñas con fines de explotación sexual*) in 2015. Finally, as indicated above, the **Berlin NRM** cooperation agreement, focused on THB for sexual exploitation, is based on the Cooperation concept for collaboration between counselling centres and the police for the protection of victim-witnesses of trafficking in human beings for the purpose of sexual exploitation<sup>116</sup>. The current **Portuguese** NRM is a successor of a previous system based on the Model of intervention, detection – identification – integration of women victims of trafficking in human beings for sexual exploitation: construction of a guide<sup>117</sup>.

### 3.3. Institutional arrangements

#### 3.3.1. Member States where National Rapporteurs and/or equivalent mechanisms on THB have a direct and concrete role in the referral mechanism

The EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings (NREMs) was first established following Council Conclusions in June 2009. Furthermore, the role of the NREMs is elaborated in the EU Anti-trafficking Directive. Article 19 of the Anti-trafficking Directive requires that Member States take the necessary measures to establish national rapporteurs or equivalent mechanisms. The tasks of such mechanisms

<sup>(111)</sup> Austria, "Handlungsorientierungen zur Identifizierung von und zum Umgang mit potenziellen Opfern von Kinderhandel", available at: [www.bmeia.gv.at/fileadmin/user\\_upload/Zentrale/Aussenpolitik/Menschenrechte/Handlungsorientierungen\\_zur\\_Identifizierung\\_und\\_zum\\_Umgang\\_mit\\_potenziel...pdf](http://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Menschenrechte/Handlungsorientierungen_zur_Identifizierung_und_zum_Umgang_mit_potenziel...pdf)

<sup>(112)</sup> Romania, Decision no. 49/2011 for the approval of the Framework Methodology on prevention and intervention in multidisciplinary team and in network in situations of violence against the child and of domestic violence, and of the Methodology on multidisciplinary and interinstitutional intervention regarding children exploited and at risk of exploitation through work, children victims of trafficking in human beings, as well as migrant Romanian children who are victims of other forms of violence in the territory of other states, available at: <https://lege5.ro/Gratuit/ge2daobxgu/hotararea-nr-49-2011-pentru-aprobarea-metodologiei-cadru-privind-prevenirea-si-interventia-in-echipa-multidisciplinara-si-in-retea-in-situatiile-de-violenta-asupra-copilului-si-de-violenta-in-familie>

<sup>(113)</sup> Council of Europe, GRETA (2018), Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Sweden, available at: <https://rm.coe.int/greta-2018-8-fgr-swe-en/16808b1cd7>.

<sup>(114)</sup> Sweden, Information about the National strategy to prevent and combat men's violence against women, available at: [www.government.se/information-material/2016/11/fact-sheet-national-strategy-to-prevent-and-combat-mens-violence-against-women/](http://www.government.se/information-material/2016/11/fact-sheet-national-strategy-to-prevent-and-combat-mens-violence-against-women/)

<sup>(115)</sup> Sweden, Government (2018), Action plan to combat prostitution and trafficking in human beings, available at: [www.government.se/496171/globalassets/government/dokument/socialdepartementet/rk\\_24807\\_faktablad\\_handlingsplan\\_en\\_webb.pdf](http://www.government.se/496171/globalassets/government/dokument/socialdepartementet/rk_24807_faktablad_handlingsplan_en_webb.pdf)

<sup>(116)</sup> Germany, "Kooperationskonzept für die Zusammenarbeit von Fachberatungsstellen und Polizei für den Schutz von Opferzeugen/innen von Menschenhandel zum Zweck der sexuellen Ausbeutung".

<sup>(117)</sup> Varandas I., Martins J. (coord.), Modelo de Intervenção Sinalização – Identificação - Integração de Mulheres Vítimas de Tráfico Para Fins de Exploração Sexual: Construção de um Guião, available at: [www.cig.gov.pt/wp-content/uploads/2013/12/sinalizacaoidentificacao.pdf](http://www.cig.gov.pt/wp-content/uploads/2013/12/sinalizacaoidentificacao.pdf)

shall include the carrying out of assessments of trends in THB, the measuring of results of anti-trafficking actions, including the gathering of statistics in close cooperation with relevant CSOs active in this field, and reporting<sup>118</sup>.

**In the majority of the Member States this function is placed within a relevant ministry or its subordinated body.** For example, in **Austria** the Federal Ministry of Europe, Integration and Foreign Affairs coordinates the National Task Force on Combating Human Trafficking, which is chaired by the National Coordinator on Combating Human Trafficking acting as the National Rapporteur. In the **Czech Republic**, the role of National Rapporteur is assigned to the Ministry of Interior, Department of Prevention of Criminality. In **Croatia**, the National Coordinator for Combating Trafficking in Human Beings is the Head of the Government Office for Human Rights and Rights of National Minorities. In **Cyprus** and **Latvia**, the Ministry of Interior acts as the National Rapporteur. In **Denmark**, the Danish Centre against Human Trafficking (CMM) together with the National Centre of Investigation of the Danish National Police are the equivalent mechanism to the National Rapporteur. In **Estonia**, the National Coordinator position is held by a senior adviser of the Criminal Policy Department at the Ministry of Justice. In **Hungary**, the Deputy State Secretary for the EU and International Relations in the Ministry of Interior acts as National Rapporteur. In **Italy**, the Department of Equal Opportunities of the Presidency of the Council of Ministers plays this role. In **Ireland**, Anti-Human Trafficking Unit within the Department of Justice and Equality is a mechanism equivalent to the National Rapporteur. In **Lithuania**, the National Rapporteur for Counter-Trafficking Issues is a representative of the Ministry of Interior. In the **Netherlands**, the National Rapporteur is part of the Ministry of Security and Justice. In **Portugal**, the National Rapporteur is appointed by the Ministry of Interior. In **Romania**, the National Agency against Trafficking in Human Beings of the Ministry of Interior plays this role. In **Slovakia**, the Information Centre on Combating Trafficking in Human Beings and Crime Prevention of the Ministry of Interior acts as the National Rapporteur. In **Slovenia**, the National Anti-Trafficking Coordinator is located in the Ministry of Interior, similarly as in **Spain**. In **Sweden**, this role is played by the National Police Board.

**In several other Member States, NREMs are organised as collective governmental bodies.** For example, in **Bulgaria**, the National Commission for Combating Trafficking in Human Beings acts as the National Rapporteur. In **Belgium**, this role is played jointly by The Inter-departmental Coordination Platform for the fight against trafficking and Federal Migration Centre (Myria), the latter being an independent public body<sup>119</sup>. In **Malta**, the role of the National Rapporteur is played by the Anti-Human Trafficking Monitoring Committee, which is appointed by the Prime Minister and consists of the representative of the Prime Minister, the Ministry for Home Affairs and National Security, the Ministry for the Family and Social Solidarity, the Office of the Commissioner of Police, the Office of the Attorney General and Caritas Malta. In **Poland**, this is the Inter-ministerial Committee for Combating and Preventing THB.

**In addition, a few Member States have also established other independent bodies,** such as e.g. the Non-discrimination Ombudsman in **Finland**; the Office of the National Rapporteur on Trafficking in Human Beings in **Greece**; the National Consultative Commission on Human Rights in **France**; the Advisory Committee on Human Rights in **Luxembourg**; the Anti-Slavery Commissioner in **UK**, acting as an equivalent mechanism.

Apart from the roles they play pursuant to Article 19 of the EU Anti-trafficking Directive, other roles played by NREMs in Member States include human rights education and training for officials working in the field of prevention and countering THB (e.g. FR, BG, CY), public awareness raising (e.g. AT, FR, BG, CY)<sup>120</sup>, advising governmental, parliamentary and other public bodies (e.g. France), providing legal assistance (e.g. FR, FI), chairing coordination platforms or supporting coordination between different actors<sup>121</sup>, development or revision of national action plans (e.g. BG, HU, CY), compiling manuals and educational materials for good practices to be followed by all services involved and non-governmental organizations to protect victims (CY).

<sup>(118)</sup> The European Commission, via the Office of the EU ATC, has worked actively to facilitate and strengthen the work of the EU Network of NREMs, in order to allow for enhanced information sharing and exchange of best practices as well as to ensure best coordination of tasks at EU and national level. Currently, the successful functioning of the Network is ensured with biannual meetings attended by all NREMs, appointed by the EU Member States, and independent bodies, where available. The EU ATC, on behalf of the European Commission, chairs the meetings with the incumbent EU Presidency. This allows for working at operational, strategic, as well as monitoring level, in an informed and coordinated way.

<sup>(119)</sup> Belgium, Arrêté royal du 21 juillet 2014 modifiant l'arrêté royal du 16 mai 2004 relatif à la lutte contre le trafic et la traite des êtres humains *Belgian Official Gazette*, 1 September 2014.

<sup>(120)</sup> Please refer to SWD(2018) on more information about awareness raising and training provided by all actors in the EU Member States.

<sup>(121)</sup> E.g. in AT, BG, CR, CY, CZ, HU, IT, MT, PL, PT, RO

In a number of Member States, NREMs have a direct and concrete role in the NRMs. In Greece, according to the legislation<sup>122</sup> *“the establishment, the functioning and the management of the National Identification and Referral System for Victims of Trafficking in Human Beings, under the name ‘National Referral Mechanism for the Identification and the referral of Victims of Trafficking in Human Beings’ – henceforth NRM – is undertaken by the National Centre of Social Solidarity, and the supervision and coordination of this Mechanism is undertaken by the Office of the National Rapporteur on Trafficking in Human Beings”*. In Belgium, Myria is directly engaged in providing technical support and assistance to the specialised centres and has the competence to be a civil party [*partie civile*] in proceedings related to THB and human smuggling. In Bulgaria, according to the relevant legislation, the National Commission for Combating Trafficking in Human Beings determines and administers implementation of the national policy and strategy in the area of combating THB and, on an annual basis, develops a national programme for the prevention and countering of THB and protection of THB victims. It also manages and supervises activities of local commissions and centres for protection and support of victims, and registers individuals and non-profit legal entities which provide shelter to victims of THB. In the Czech Republic, the Department of Prevention of Criminality is responsible for the implementation of national strategies on combating THB. CSOs providing access to services for victims of THB are financed within these strategies. In Slovakia, the system of assistance to victims is managed and coordinated by the Information Centre for Combating of Human Trafficking and Crime Prevention. In Denmark, the Danish Centre against Human Trafficking (CMM) has a key role in almost all elements of the NRM. It is responsible for identifying victims of THB who qualify for support under the action plan and for coordinating and developing the national social services, support and protection provided under the action plan. CMM manages the cases of most victims from beginning until the end, collaborating with relevant actors in the different phases, but with a CMM contact person connected to the victim throughout the process<sup>123</sup>. In Croatia, National Coordinator for Combating Trafficking in Human Beings is a member of the National Committee for the Suppression of Trafficking in Human Beings and the Head of the Operational Team. The role of the Operational Team is to promptly and effectively address the problems that arise in specific THB cases, and to organise and provide emergency assistance and protection to identified victims of THB. The National Coordinator is informed immediately after the victim is identified and is in contact with the mobile teams responsible for referring victim to the services. In Romania, the National Agency against Trafficking in Human Beings is directly involved in victim’s detection/identification (it needs to be informed, carries out an initial assessment of the victim’s needs, operates a hot line), referring victims to support and monitoring of individual cases. In Sweden, Sweden’s Department of National Operations (NOA) shall direct and lead national and international police operations and provide support to the different police regions in various types of activities, including THB<sup>124</sup>. The Swedish police is involved in detection and identification, as well as referring to services, and it plays a role in returns and criminal proceedings. In Cyprus, the National Coordinator chairs a multidisciplinary coordinating group which, according to the Law No 60(l) of 2014<sup>125</sup>, has a broad scope of responsibilities including detection, protection and support of victims, their social reintegration, prevention, cooperation with countries of origin, transit and destination of victims.

### 3.3.2. Other national authorities

The vast majority of NRMs in Member States involve ministries responsible for home affairs/interior (17 EU MS), ministries responsible for social assistance, welfare and employment (19 EU MS) and foreign affairs (18 EU MS). Ministries in charge of health and of justice issues are less frequently part of NRMs (14 EU MS), whereas ministries in charge of education are the least frequently involved (8 EU MS). Five EU MS (AT, DK, ES, HR, LU) have ministries of equality which are involved in NRMs.

NRMs in several Member States<sup>126</sup> involve also other governmental actors. For examples, in Bulgaria, also the Deputy Prime Minister, State Agency “National Security”, State Agency for Child Protection, Central Commission for Combating Juvenile Delinquency are involved as members of the National Commission for Combating Trafficking in Human Beings. In Denmark, also the Ministry of Taxation and Danish Tax Agency are involved in the NRM. Together with other actors, they are members of the Inter-ministerial Working Group on Human Trafficking and regional

<sup>(122)</sup> Article 13 of the Common Ministerial Decision 30840/20-09-2016.

<sup>(123)</sup> DK01, The Ministry of Foreign Affairs of Denmark (2018), Action Plan to Combat Trafficking in Human Beings 2019-2020, available at: [www.um.dk](http://www.um.dk), p. 22

<sup>(124)</sup> The Swedish Gender Equality Agency (2019) Draft National referral mechanism. A support and protection process for victims of trafficking in human beings in Sweden.

<sup>(125)</sup> Cyprus, Law N° 60(l) of 2014 on the Prevention, Fighting against Trafficking in and Exploitation of Human Beings and Protection of Victims Part 1, chapter: Interpretation Purpose and Scope, Definition of National Rapporteur

<sup>(126)</sup> BG, CZ, DK, FI, FR, IT, LU, MT, PT, RO, SK

reference groups aiming to facilitate cooperation and exchange of good practices. Furthermore, CMM has established a cooperation group with a focus on forced labour with relevant authorities, such as WEA<sup>127</sup> inspectors, tax inspectors and immigration control. The Danish Tax Agency is tasked with carrying out inspections in places with potential victims of THB. The National Assistance System for Victims of Human Trafficking is the main governmental authority involved in the NRM in **Finland**. The Assistance System coordinates the activities of actors involved in assisting victims of THB and ensures that all possible aspects of the victim's situation (e.g. security, possible investigations, victim's ability to function, the best interests of the child) are properly taken into account. In **France**, apart from other ministries (see Figure 11 below), also the Ministry of Family Affairs, Children and Women's Rights has a role to play in the NRM. It oversees the Inter-ministerial group for the protection of women against violence and action against trafficking in human beings and carries out trainings for officials working on THB cases. In **Italy**, additional ministries involved in the NRM include the Department of Equal Opportunities (DEO) of the Presidency of the Council of Ministers (acting as the National Rapporteur), the Ministry of Agricultural, Food and Forestry Policies, Ministry of Defence, Ministry of Economy and Finance and the National Anti-Mafia Directorate as members of the Cabina di regia (Steering Committee)<sup>128</sup>. In **Luxembourg**, additionally the General Directorate for Small and Medium-Sized Enterprises at the Ministry of Economy, Inspectorate of Labour and Mines (competent body to detect illegal employment and protect workers' rights) and Luxembourg Reception and Integration Agency (receives, assists, and orients applicants for international protection and facilitates the integration process for foreigners and migrants; conducts an assessment of victims' specific needs in terms of reception) are involved. In **Malta**, the Office of the Prime Minister also plays a role in the NRM. In **Portugal**, the Observatory on Trafficking in Human Beings is responsible for collection of data and statistics, as well as evaluation of policies. In **Romania**, the National Authority for the Protection of Child's Rights is tasked with adopting the national legislation on protection and promotion of the rights of children, including the national strategy, and to ensure the monitoring of the way children's rights are respected by all authorities, institutions, CSOs or any other person. It plays a role in assessing the needs of child victims. Finally, in **Slovakia**, the Ministry of Finance, Ministry of Defence, the Government Office and the Office of the Commissioner for the Roma Community are regular and permanent members of the NRM Expert Group.

**In half of the Member States<sup>129</sup>, there are inter-ministerial committees securing the involvement of and cooperation between different governmental actors.** For example, the **Danish** Inter-Ministerial Working Group on Human Trafficking is composed of the representative of the Ministry of Justice, Ministry of Health, Ministry of Taxation, Ministry of Employment, Ministry of Foreign Affairs, Ministry of Immigration, Integration and Housing, the Centre Against Human Trafficking (CMM), Danish Immigration Service (DIS), Danish Customs and Tax Agency (SKAT), Danish Working Environment Authority and the Minister of Equality as a chairman. In **Bulgaria**, deputy ministers, chairmen, representatives of 13 different ministries, state agencies and institutions, including a Deputy Prime Minister, Ministry of Foreign Affairs, Ministry of Labour and Social Policy, Ministry of Interior, Ministry of Justice, Ministry of Health, Ministry of Education and Science, State Agency "National Security", State Agency for Child Protection, Central Commission for Combating Juvenile Delinquency, Supreme Court of Cassation, Chief Prosecutor and National Investigation Service are members of the National Commission for Combating Trafficking in Human Beings. In **Luxembourg**, the Committee for Monitoring the Fight against Trafficking in Human Beings comprises the Ministry of Justice, Ministry of Equal Opportunities, Ministry of National Education, Children and Youth, Directorate of Immigration of the Ministry of Foreign and European Affairs, Ministry of Health, Ministry of Labour, Employment and the Social and Solidarity Economy, General Directorate for Small and Medium-Sized Enterprises of the Ministry of Economy, Inspectorate of Labour and Mines, and the Luxembourg Reception and Integration Agency (OLAI). Similarly, the **Austrian** Task Force comprises all relevant federal ministries and government agencies, federal states and their governments. In **Croatia**, representatives of the main ministries are members of the National Committee for the Suppression of Trafficking in Human Beings. In the **Czech Republic**, these ministries are included in the Inter-ministerial Expert Group on Combating THB; in **Poland** – in the Inter-ministerial Committee for Combating and Preventing THB; in **Slovakia** – in the Expert Group; while in **Estonia** – the National Roundtable on THB. In **Malta**, the Ministry of Home Affairs and National Security established the Human Trafficking Stakeholder Task Force which is chaired by the Director of Policy Development at the Ministry for Home Affairs and National Security. Members of the Task Force are representatives of relevant government ministries and agencies working at an operational level (such as the Appogg, Vice Squad and other agencies involved in the

<sup>(127)</sup> the Danish Working Environment Authority

<sup>(128)</sup> Council of Europe (2017), Reply from Italy Greta(2017)33, cit., page 5.

<sup>(129)</sup> AT, BE, BG, CZ, DK, EE, FR, HR, IT, LT, LU, MT, PL, SK

NRM). The Task Force contributes to the implementation of the strategy in the field of THB, discusses operational issues, liaises between the entities concerned, and makes proposals to the Anti-Human Trafficking Monitoring Committee. In **Slovenia**, a multidisciplinary team involving representatives of ministries can be called by the National Coordinator to meet on a case-by-case basis. In **Italy**, Cabina di regia (Steering Committee) is composed of the representatives of central administration, as well as regional and local authorities.

**In 12 EU MS, inter-ministerial groups also invite CSOs<sup>130</sup>.** In **France**, the inter-ministerial group established in 2013<sup>131</sup> (*Mission interministérielle pour la protection des femmes contre les violences et la lutte contre la traite des êtres humains*, MIPROF) includes specialised CSOs, together with national, local and regional authorities, administrative institutions and commissions with a consultative role as part of its Steering Committee. Similarly in **Belgium**, the Inter-departmental Coordination Platform for the fight against THB and migrant smuggling involves representatives of regional, federal ministries and other relevant actors, such as CSOs, and meets two or three times per year. It has a smaller Bureau that meets on a monthly basis to ensure the the Platform's functioning and collaboration between the different actors involved in the multidisciplinary approach. This Bureau includes representatives of immigration office, the THB central service of the Federal Police, Federal Public Service of Social Security including Social Inspection, Federal Public Service of Employment, Labour and Social Dialogue and the Federal Public Service of Foreign Affairs. Myria and the College of Public Prosecutors General have observer status. In **Cyprus**, the NRM Guide foresees CSO (working on shelter and assistance to victims of THB; research, training; assistance to migrants, refugee and asylum seekers; housing and assistance to victims of sexual exploitation) participation in the multi-disciplinary group since 2016, but not all have made use of this possibility. In **Latvia**, CSOs are part of the Inter-institutional Working Group against THB, while in **Croatia** CSOs are part of the National Committee for the Suppression of Trafficking in Human Beings and in **Slovakia** – the Expert Group. In **Denmark**, CSOs involved in NRM are invited to participate in the Inter-ministerial Working Group's meetings. In **Bulgaria**, CSOs are partners of the National Commission for Combating Trafficking in Human Beings. Also in **Italy**, **Spain** and **Poland** CSOs are engaged in cooperation fora. In **Finland**, at the initiative of the National Anti-trafficking Coordinator, CSOs play an important role in the network for drafting the national action plans. Similarly, in **Germany** CSOs were involved in drafting an action plan. As highlighted in the European Commission' SWD accompanying the Second progress report, the need to ensure a multidisciplinary approach in the functioning of NRMs with involvement of civil society is highly relevant and postulated by the CSOs<sup>132</sup>.

**In some Member States, regional and local authorities are involved in NRM<sup>133</sup>.** For example, in **Germany** there is no central NRM but several regional ones (e.g. Berlin). In **Sweden**, the county administrative boards are tasked with providing support for coordination of efforts to address THB for sexual exploitation. In **Poland**, there is a network of provincial (voivodship) teams for THB, which operate under the auspices of the government, as part of the office of the voivode but are supported by local governments. In **Bulgaria**, local commissions for combating trafficking in human beings coordinate the work of all institutions and organisations taking care of victims of THB at the local level.

### 3.3.3. Law enforcement and judicial authorities

Law enforcement and judicial authorities are part of NRMs in all Member States. In all Member States, the police is engaged. In some of the Member States, border guard/border police (12 Member States<sup>134</sup>) are also involved, depending on the internal structure of the law enforcement system in the country. **Twelve Member States<sup>135</sup> set up specialised police units to deal with THB cases.** For example, the **Austrian** NRM includes the Central Service against Human Trafficking and Smuggling and specialized police investigation units on THB and cross-border prostitution trade of the competent federal states. In **Belgium**, the Central Service for Human Trafficking of the Federal Judicial Police (*Service central Traite des êtres humains fait partie de la police judiciaire fédérale*) is the main contact point for local and federal police in the fight against THB, child pornography (child sexual abuse imagery) and migrant smuggling. In **Cyprus**, the Anti-Trafficking Police Unit is, among others, responsible

<sup>(130)</sup> CY, CR, BE, BG, DK, DE, ES, FI, FR, IT, LV, SK

<sup>(131)</sup> France, Décret n° 2013-7 du 3 janvier 2013 portant création d'une mission interministérielle pour la protection des femmes contre les violences et la lutte contre la traite des êtres humains, available at : <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000026894612&categorieLien=id>

<sup>(132)</sup> SWD(2018) 437 final.

<sup>(133)</sup> Identified in: BG, DE, FI, IT, NL, PL, SE

<sup>(134)</sup> Identified in: BG, EE, FI, HR, LT, LV, MT, NL, PL, PT, RO, SK.

<sup>(135)</sup> Identified in: AT, BE, CY, CZ, DE, DK, EL, HU, IE, LU, PL, PT.

for identification of victims, risk assessments, collection of information on THB, coordination of the actions of all district departments to combat THB, investigation of cases in collaboration with district police offices, collaboration with legal services, monitoring the course of investigations until the victim's hearing, cooperation with EUROPOL and INTERPOL, training, coordination of police cooperation with other government agencies and CSOs. In the **Czech Republic**, the National Centre against Organized Crime is involved in the NRM, whereas in **Denmark** the work of regional police departments and border police on the topic of THB is coordinated by the National Centre of Investigation under the National Police. In **Ireland**, the Human Trafficking Investigation and Coordination Unit of An Garda Síochána (national police) is part of the NRM. In **Luxembourg**, two specialised departments of the Grand Ducal Police are part of the national system. The Organised Crime Unit is the only entity legally entitled to identify victims of trafficking, whereas the Victim Protection and Search for Fugitives Unit is responsible for implementation of the protection programme. Similarly in **Malta**, the Vice Squad of the Police is the only institution that can formally identify a person as a victim of THB, whereas the Victim Support Unit at the Malta Police provides a single point of contact for victims of crime, especially the most vulnerable, shortly after filing a police report. In **Germany**, there is a specialised unit against child trafficking in the Berlin police which has its representation represented for in the *Landeskriminalamt* (LKA - state office of criminal investigation). Together with Department 42 for Combating Violence-Based Organized Crime, Gang and Smuggling Crime, and Trafficking in Human Beings (*de. Bekämpfung der gewaltorientierten Organisierten Kriminalität, der Banden- und Schleusungskriminalität, sowie des Menschenhandels*), LKA Berlin has two units with some 20 employees who are deployed exclusively to combating THB. In **Portugal**, there is a specialised anti-trafficking team within the Immigration and Borders Service (*pt. Serviço de Estrangeiros e Fronteiras*).

In 13 out of 28 EU Member States<sup>136</sup>, NRMs involve prosecutors at different levels – locally and nationally (e.g. Federal Prosecutor's Office in Belgium, Supreme Public Prosecutor's Office in the Czech Republic, Prosecutor General of the Republic of Lithuania, Public Prosecutor Office in Slovakia, Public Prosecutor Office of Spain, Swedish Prosecution Authority). In **Lithuania**, the Prosecutor General identifies victims of trafficking, refers them to the CSOs specialised in providing assistance (upon the victim's consent) and initiates pre-trial investigation. In **Belgium**, the College of Public Prosecutors is involved in the NRM with the task of evaluating the application of criminal policy directives, including those on THB.

Additionally, some Member States engage other law enforcement and judicial authorities, such as criminal courts, the Supreme Court of Cassation and the National Investigation Service in **Bulgaria**; CELTIFs (*cellules de lutte contre le travail illégal et la fraude*) and OCLTI (*Office central de lutte contre le travail illégal*) in **France**; judicial authorities and prisons personnel in **Italy**; the State Attorney's Office in **Croatia**; courts in **Poland**; the Directorate for Investigation of Organised Crime and Terrorism and the Superior Council of Magistracy in **Romania**; judicial authorities in **Slovenia** and the National Crime Agency in the **UK**.

<sup>(136)</sup> BE, BG, DK, EE, ES, IT, LV, LT, PL, RO, SE, SI, SK

Figure 9. EU instruments for police and judicial cooperation

**Children deprived of parental care found in another EU Member State other than their own. A guide to enhance child protection focusing on victims of trafficking. – EU Agency for Fundamental Rights (2019)<sup>137</sup>**

The Guide highlights that the EU has developed different instruments for police and judicial cooperation, which provide Member States with assistance in investigating and prosecuting cases of THB, in particular those with cross-border component. As examples:

**Eurojust** facilitates the cooperation and coordination of investigations and prosecutions among judicial authorities in Member States dealing with serious cross-border and organised crime, including THB. Eurojust encourages national authorities to involve Eurojust in all cross-border trafficking cases, considering their complexity and urgency in identifying and protecting all victims, in particular children, while aiming to prosecute and dismantle the whole trafficking chain.

**Europol** supports the Member States law enforcement authorities in preventing and combating all forms of serious international organised crime. The support services offered to Member States range from facilitating secure information exchange to providing operational and strategic analysis, expertise and operational support in criminal investigations. Analysis Project (AP) Phoenix is Europol's operational project dealing with THB within the European Serious Organised Crime Centre supports the Member States law enforcement authorities in preventing and combating all forms of serious international organised crime through facilitating secure information exchange, providing operational and strategic analysis, expertise and operational support in criminal investigations.

**CEPOL** is an EU agency dedicated to developing, implementing and coordinating training for law enforcement officials. CEPOL organises residential courses, runs online modules, and one online course on THB, which also focuses on child trafficking. CEPOL also has an Erasmus-style exchange programme that allows law enforcement officers to spend one week with a counterpart in their country, exchanging knowledge and good practices.

Of further relevance the EU Agency for the Operational Management of Large-Scale Information Technology Systems (**eu-LISA**), is the responsible body for the operational management of the largest centralised EU information systems in the area of Justice and Home Affairs. This includes the Schengen Information System as well as several other databases, mainly storing data of non-EU nationals. Depending on the purpose, the systems can be used by border guards, law enforcement, visa, migration and asylum authorities, as well as judicial and customs authorities.

The most important EU law instruments supporting law enforcement authorities in fight with THB include the **European Arrest Warrant** and the **European Investigation Order**. Moreover, a number of other cooperation initiatives were undertaken at the EU level. This includes the European Judicial Network, European Judicial Atlas, joint investigation teams, European Criminal Records Information System, European Criminal Records Information System for third-country nationals and stateless persons.

### 3.3.4. Actors providing social services

Social services to victims of THB are provided in the Member States both by public institutions (25 Member States<sup>138</sup>) and CSOs (26 Member States<sup>139</sup>). Regarding the former, social assistance is provided by Child and Youth Welfare Services of the competent federal state in **Austria**, by specialised agencies under the Ministry of Labour and Social Affairs (**Czech Republic**, **Croatia** – Centres for Social Welfare, **Cyprus** – Social Welfare Services, **Estonia** – Social Insurance Board, **Poland**), Social Assistance Directorates in **Bulgaria**, Child Welfare Services in **France**, Centre of Social Solidarity in **Greece**. In **Malta**, the Agency Appogg, which is part of the Foundation for Social Welfare Services within the Ministry for Justice, Dialogue and the Family, is responsible for supporting persons in need of counselling and social assistance, including victims of domestic violence, THB and other forms of abuse. It is the

<sup>(137)</sup> FRA (2019), Children deprived of parental care found in an EU Member State other than their own. A guide to enhance child protection focusing on victims of trafficking. Developed implementing an action set forth in the 2017 Commission Communication stepping up EU action to address THB (Priority B), and building on the 2018 EU Agencies Joint Statement of commitment to address trafficking in human beings.

<sup>(138)</sup> Identified in: AT, BE, BG, CY, CZ, DK, EE, EL, ES, FI, FR, HR, IE, IT, LT, LU, LV, MT, PL, PT, RO, SE, SI, SK, UK.

<sup>(139)</sup> Identified in: AT, BE, BG, CY, CZ, DE, DK, EE, EL, ES, FI, FR, HR, HU, IE, LT, LU, LV, MT, PL, PT, RO, SE, SI, SK, UK.

core provider of services within the NRM. In **Portugal**, state social services are provided by Direção-Geral de Saúde (Health Directorate-General)<sup>140</sup> and Instituto de Segurança Social (Social Security Institute<sup>141</sup>).

**Organisations providing social services specifically to children victims of THB are part of NRMs in 19 Member States<sup>142</sup>, whereas 16 Member States<sup>143</sup> involve organisations catering specifically to women victims of THB in their systems. In some Member States<sup>144</sup>, these services are also provided by public institutions. In Lithuania**, the Child Rights Protection Division of the municipality is responsible for identification of victims of THB, establishment of the individual support plan for a child victim and cooperation with other institutions for its implementation, as well as for participation in the pre-trial investigation process. The guardianship service in **Belgium** is the first point of contact following the interception of an unaccompanied foreign child. In **Bulgaria**, services for child victims are provided by such state institutions as Child Protection Units with Social Assistance Directorate of the Agency for Social Assistance<sup>145</sup>. In the **Netherlands**, the Dutch Youth Institution<sup>146</sup> fulfils a specific role regarding the protection of children, for instance providing help and support to these victims and designating a guardian. In **Romania**, the National Authority for the Protection of Child's Rights and Adoption (ANPCDA)<sup>147</sup> has responsibilities in the field of preventing child trafficking and assisting child victims. The ANPCDA's main role is to set up the national legislation on protection and promotion of the rights of children, including the national strategy, and to ensure monitoring of the way children's rights are respected by all authorities, institutions, CSOs or any other person. Social assistance to children in Romania is provided by regional Directorates General for Social Assistance and Child Protection (DGSACP). In the **Czech Republic**, care for children victims is covered by the Ministry of Labour and Social Affairs, for women – and civil society and faith based organisations.

In over a half of the EU Member States<sup>148</sup> where **specific services catering to children victims** of trafficking are provided by CSOs, they mainly provide for identification, assistance and protection. For example, in **Austria** CSOs provide support and assistance for child victims, including return to home country. In **Belgium**, CSOs provide accommodation and assistance to child victims of THB, as well as legal and administrative support necessary for granting residence permits and legal representation. In **Bulgaria**, CSOs provide psychological assistance, crisis intervention to children at risk and their families in cases of physical, mental and sexual abuse, sexual exploitation, neglect, rape, domestic violence, missing children and child trafficking for the purpose of sexual exploitation, sexual tourism and pornography, forced labor, pickpocketing, begging, organ harvesting. In **Estonia**, CSOs carry risk and needs assessment, provide assistance and support to children victims of THB. In **Finland**, CSOs provide housing in crisis, psychological support, advice and service counselling, as well as integration.

In the Member States where CSOs provide services responding to the needs of **women and girl victims**, they typically deal with running a shelter for women victims (AT, DK, FI, DE, LU, PL), providing psychological (e.g. AT, BG, FI, DE, PL) and legal assistance (AT, PL), outreach (DK), counselling (DK, FI, PL), integration and job counselling (FI). In few Member States (e.g. AT, PT, SE) shelters and protection centres for male trafficking victims are in operation.

Apart from providing services to victims, CSOs in many Member States are also involved in data collection on victims<sup>149</sup>. Between 2015 and 2016, in total 2,110 victims were registered by CSOs in the Czech Republic, Ireland, Greece, Italy, Latvia, Luxembourg, Netherlands, Austria, Portugal, Romania, Slovakia and the UK.

<sup>(140)</sup> See, document produced in 2012 by this institution in the scope of trafficking in human beings, available at: [www.dgs.pt/documentos-e-publicacoes/direitos-e-deveres-no-ambito-da-saude-das-vitimas-de-traffic-de-seres-humanos-em-portugal-jpg.aspx](http://www.dgs.pt/documentos-e-publicacoes/direitos-e-deveres-no-ambito-da-saude-das-vitimas-de-traffic-de-seres-humanos-em-portugal-jpg.aspx)

<sup>(141)</sup> [www.seg-social.pt/resultados-pesquisa](http://www.seg-social.pt/resultados-pesquisa).

<sup>(142)</sup> Identified in: BE, BG, DK, EE, EL, ES, FI, FR, HR, IE, LU, LV, NL, PL, PT, RO, SE, UK.

<sup>(143)</sup> Identified in: AT, BG, CZ, DE, DK, EL, ES, FI, FR, IE, LU, LV, PL, PT, RO, UK.

<sup>(144)</sup> Identified in: BE, BG, CZ, LT, NL, RO, FR, UK.

<sup>(145)</sup> Bulgaria: Rules of Procedure of the Agency for Social Assistance (Устройствен правилник на Агенцията за социално подпомагане), promulgated State Gazette No 15 of 14.02.2003, last amended State Gazette No 27 of 02.04.2019; available at: <https://www.lex.bg/laws/ldoc/2135463381>.

<sup>(146)</sup> Netherlands, Youth care in the Netherlands, available at: <https://www.jeugdzorgnederland.nl/>

<sup>(147)</sup> Romania: Government Decision no. 861/2018 for the approval of the National Anti-Trafficking Strategy for the period 2018-2022 and the National Action Plan 2018-2020 for the implementation of the National Anti-Trafficking Strategy for the period 2018-2022, Chapter XIV(C)(1), available at: <https://lege5.ro/Gratuit/gmydqjxhe3a/hotararea-nr-861-2018-pentru-aprobarea-strategiei-nationale-impotriva-trafficului-de-persoane-pentru-perioada-2018-2022-si-a-planului-national-de-actiune-2018-2020-pentru-implementarea-strategiei-natio>

<sup>(148)</sup> AT, BE, BG, CZ, DE, DK, HR, EE, FI, FR, IE, LU, NL, PL, PT, RO, SI, UK

<sup>(149)</sup> EC (2018). Data collection on trafficking in human beings in EU MS.

### 3.3.5. Other actors with a role in NRMs

Labour inspectorates are part of NRMs in 23 EU Member States<sup>150</sup>, whereas migration and asylum-related services in 26<sup>151</sup>. For example, in **Belgium** two institutions mandated to monitor labour relations and employers' compliance with labour law are involved – the National Office of Social Security and The Thematic Directorate on Human Trafficking, as well as two specific institutions providing migration and asylum-related services – Directorate of the Foreigners' Office of the Federal Public Service of the Interior and Office for Unaccompanied Minors and Trafficking Victims (MINTEH). In **Bulgaria**, the NRM explicitly mentions the Chief Labour Inspectorate as a state institution involved in combating THB, as well as the State Agency for Refugees within the Council of Ministers. In **Cyprus**, the Civil Registry and Migration Department of the Ministry of Interior is responsible for issuing permits to victims, whereas the Asylum Service is engaged in identification and referral. In **Denmark**, the following institutions mandated to monitor labour relations are involved in the NRM: the Danish Working Environment Authority, Danish Tax Agency, National Police, Workers unions (in particular, the Fagligt Fælles Forbund, usually referred to as 3F), Danish Veterinary and Food Administration, as well as the Danish Immigration Service, which provides migration and asylum-related services. In **Finland**, the Occupational Safety and Health Administration is listed on the Assistance System website as a potential source of help to victims<sup>152</sup>. In **France**, the Office for the Protection of Refugees and Stateless Persons, also under the Ministry of Interior, is responsible for handling the applications for asylum, stateless person status and admission to subsidiary protection in France. At the local (department) level, the same role is played by the French Office of Immigration and Integration (*l'Office français de l'immigration et de l'intégration*, OFII). In **Malta**, the Employment and Training Corporation (ETC), a public employment service under the responsibility of the Ministry for Education and Employment, supervises adherence to employment legislation by checking the existence of employment contracts and their conformity with relevant legislation, whereas the Department of Industrial and Employment Relations controls working conditions, including health and safety at work. The Identity Malta/CEA (Citizens and Expatriates Affairs) is the agency tasked with regulating citizenship and residence issues in the country. They are one of the agencies referring potential victims to Vice Squad and regulating foreign victims status in the country. In **Poland**, the Office for Foreigners is responsible for identification of potential victims among asylum seekers and the National Labour Inspectorate (PIP) controls the legality of employment of both Poles and foreigners.

Figure 10. Good practice - CSO platform in Sweden

#### Good practice:

##### Sweden, Platform Swedish Civil Society Against Human Trafficking

The Platform Swedish Civil Society against Human Trafficking brings together approximately twenty different organisations and actors who operate within the framework of civil society. These actors encounter victims and/or work to help victims of THB and victims of similar forms of exploitation. The platform also conducts a national support programme (NSP), which was started under the initiative of the County Administrative Board of Stockholm. The original purpose was to meet Sweden's commitments to presumed victims of THB and ensure their right to protection and support even outside the legal process. The support programme serves as a supplement when an authority is unable to offer support and protection, e.g. for adult victims of THB who do not have the right to remain in the country. Support may entail offering sheltered housing, legal advice, interpretation and counselling, internship and a safe return to their home country.

Source: *The Swedish Gender Equality Agency (2019) Draft National referral mechanism. A support and protection process for victims of trafficking in human beings in Sweden.*

Some Member States<sup>153</sup> include other institutions in their NRMs. For example, in **Finland** municipalities and the Association of Finnish Local and Regional Authorities are engaged. In **Hungary**, additional CSOs are recognised

<sup>(150)</sup> Except from CY, CZ, DE, EL, SE;

<sup>(151)</sup> Except from EE, HR.

<sup>(152)</sup> Finland, Help from organisations and the government, available at: [http://www.ihmiskauppa.fi/en/seek\\_help/find\\_help\\_from\\_organisations\\_and\\_the\\_government](http://www.ihmiskauppa.fi/en/seek_help/find_help_from_organisations_and_the_government)

<sup>(153)</sup> BE, CY, FI, HU, HR, IT, PT, RO, SE

in the legislation as a “voluntarily collaborating body” (Article 1 of the Identification Protocol<sup>154</sup>). In **Croatia**, involvement of the Croatian Journalists' Association and Croatian Employment Service is envisaged in the NRM, although the role of the former is not clearly defined. In **Italy**, the legislation foresees phone operators and intercultural mediators as partners. In **Portugal** and **Sweden**, victim support organisations are part of NRMs. The International Organisation of Migration is included in NRMs of several Member States as a partner for assisted returns (e.g. LT, PL, SK).

Figure 11. Types of institutions engaged in NRMs in Member States

Type of institution	Member States where these institutions participate in the NRM
National Rapporteur for trafficking in human beings or Equivalent Mechanism	AT, BE, BG, CZ, EE, EL, ES, FI, FR, IT, LV, LT, LU, MT, NL, PL, PT, RO, SE, SI, SK
<b>Governmental actors :</b>	
- Ministry in charge of home affairs	AT, BG, CY, DK, FI, FR, HU, HR, IT, LT, LU, MT, PL, RO, SI, SK, UK/17
- Ministry in charge of social assistance/welfare/employment	AT, BG, CY, CZ, DK, EE, FR, HU, HR, IT, LT, LU, LV, MT, NL, PL, RO, SI, SK/19
- Ministry in charge of equality	AT, DK, ES, HR (Office for Human Rights and Rights of National Minorities), LU/5
- Ministry in charge of health	BG, CY, CZ, DK, FR, HR, IT, LU, LV, MT, NL, PT, RO, SK/14
- Ministry in charge of justice	AT, BE, BG, CZ, DK, FR, HR, IE, IT, LU, LV, NL, RO, SK/14
- Ministry in charge of foreign affairs	AT, BG, CY, CZ, DK, EE, FR, HU, HR, IT, LT, LU, LV, PL, PT, RO, SE, SK/18
- Ministry in charge of education	BG, CZ, FR, HR, IT, LU, RO, SK/8
- Other	BG (Deputy Prime Minister, State Agency “National Security”, State Agency for Child Protection, Central Commission for Combating Juvenile Delinquency), CZ (Office of the Government), DE (regional and local authorities e.g. District Office Charlottenburg-Wilmersdorf of Berlin; Department for Social, Health, Environment and Traffic; Centre for Sexual Health and Family Planning), DK (Ministry of Taxation, Danish Tax Agency), FI (The Finnish National Assistance System for Victims of Human Trafficking), FR (Ministry of Family Affairs, Children and Women's Rights), IT (Ministry of Agricultural, Food and Forestry Policies, Ministry of Defence, Ministry of Economy and Finance, National Anti-Mafia Directorate), LU (General Directorate for Small and Medium-Sized Enterprises at the Ministry of Economy, Inspectorate of Labour and Mines, Luxembourg Reception and Integration Agency), MT (Office of the Prime Minister), PT (Observatory on Trafficking in Human Beings), RO (National Authority for the Protection of Child's Rights), SK (Ministry of Finance, Ministry of Defence, Office of the Commissioner for Roma Community)
<b>Law enforcement and judicial authorities</b>	
- Police	AT, BE, BG, CY, CZ, DE, DK, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE, SI, SK/28
- Border Guard (if separately)	BG, EE, FI, HR, LT, LV, MT, NL, PL, PT, RO, SK/12
- Prosecutors	BE, BG, DK, EE, ES, IT, LV, LT, PL, RO, SE, SI, SK/13
- Other	BG (criminal court, Supreme Court of Cassation, National Investigation Service), FR (CELTifs, <i>cellules de lutte contre le travail illégal et la fraude</i> ; OCLTI, <i>Office central de lutte contre le travail illégal</i> ), IT (judicial authorities, prisons personnel), HR (State Attorney's Office), PL (courts), RO (Directorate for the Investigation of Organized Crime and Terrorism, Superior Council of Magistracy), SI (judicial authorities), UK (National Crime Agency)
<b>Social services</b> (e.g. child protection services, social assistance services, child guardians, social workers, education, health, etc.)	
Services and/or organisations catering specifically to women victims of trafficking	AT, BG, CZ, DE, DK, EL, ES, FI, FR, IE, LU, LV, PL, PT, RO, UK/16
Services and/or organisations catering specifically to children victims of trafficking	BE, BG, DK, EE, EL, ES, FI, FR, HR, IE, LU, LV, NL, PL, PT, RO, SE, UK/19
Civil society organisations involved in NRMs (list only those CSOs directly involved)	AT, BE, BG, CY, CZ, DE, DK, EE, EL, ES, FI, FR, HR, HU, IE, LT, LU, LV, MT, PL, PT, RO, SE, SI, SK, UK/26

<sup>(154)</sup> Hungary: Identification protocol: Government Decree No. 354/2012. (XII.13) on the identification order of victims of trafficking in human beings available at: [https://thb.kormany.hu/download/a/ec/a0000/13\\_Government%20Decree%20No%20354\\_2012.pdf](https://thb.kormany.hu/download/a/ec/a0000/13_Government%20Decree%20No%20354_2012.pdf) (17.07.2019.)

Type of institution	Member States where these institutions participate in the NRM
Labour inspectorates (institutions mandated to monitor labour relations & employers' compliance with labour law), if involved in the NRM	AT, BE, BG, DK, EE, ES, FI, FR, HU, HR, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SI, SK, UK/23
Migration and asylum-related services (excl. law enforcement) (e.g. asylum or immigration offices, reception centre workers), if involved in the NRM	AT, BE, BG, CY, CZ, DE, DK, EL, ES, FI, FR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE, SI, SK, UK/26
Any other actors directly involved in the NRM	BE, CY, FI (municipalities, Association of Finnish Local and Regional Authorities), HU (CSOs as "voluntarily collaborating body"), HR (Croatian Journalists' Association, Croatian Employment Service), IT (phone operators, intercultural mediators), PT (Associação Portuguesa de Apoio à Vítima, APAV – Portuguese Victim Support Service), RO, SE (country administrative boards, Crime Victim Compensation and Support Authority)

Source: Own elaboration based on country fiches prepared by country researchers during the study.

### 3.4. Victim detection and identification

#### 3.4.1. Detection

**Effective detection and consequent formal identification of THB victims was identified as a challenge in a number of Member States<sup>155</sup>.** In general, challenges to detection and initial identification include the lack of language abilities, poor awareness of front-line staff, as well as limited capacities of the police. Detection of children presents its own unique set of challenges as “children often do not realise they are being abused, as they have developed feelings of attachment and do not consider themselves victims”<sup>156</sup>. Further, children who are in need of protection, for example as runaways, may not want to get in contact with any authority for fear of being sent home.

**All Member States have developed procedures and mechanisms for detection of potential victims of THB within their NRMs.** Examples include THB indicators<sup>157</sup>, guidelines for identification of specific categories of victim<sup>158</sup>, instructions and algorithms for law enforcement officers on identifying and assisting potential victims (DK, FI, PL), joint investigations carried out by labour inspectorates and police/immigration services (for example in FI, MT, PL, SL). In **Ireland**, An Garda Síochána use the DELPHI indicators to assist with identifying victims of THB. In **Italy**, where the IOM is largely involved in the detection phase for foreign victims, the organisation uses its own guidelines and indicators<sup>159</sup>.

Figure 12. Good practice - Training for officials in Latvia

#### Good practice:

##### Latvia, Training for officials in the Riga municipality

Employees of the Riga municipality have access to regular (annual) training for identification of cases of THB. Since 2010, the Riga municipality implements the project “Preventive measures for elimination of trafficking in human beings”, through which the training for employees of local government authorities is offered each year. Approximately 3,500 EUR are granted for the above-mentioned purpose from the budget of the Riga municipality annually. For example, in 2015, 20 municipal police officers and 85 social employees and social teachers of schools participated in training.

Source: Ombudsman of the Republic of Latvia (2017), *The Role of Local Governments' Social Services, Orphan's and Custody Courts and Branch Offices of the State Employment Agency of Latvia in the Process of Identification of Victims of Trafficking in Human Beings*, p. 12, available at: [www.tiesibsargs.lv/uploads/content/publikacijas/trafficking\\_in\\_human\\_beings\\_in\\_latvia\\_1496389389.pdf](http://www.tiesibsargs.lv/uploads/content/publikacijas/trafficking_in_human_beings_in_latvia_1496389389.pdf)

<sup>(155)</sup> E.g. BE, IE, HU, PL, SK, SL, RO.

<sup>(156)</sup> FRA (2019), Children deprived of parental care found in an EU Member State other than their own A guide to enhance child protection focusing on victims of trafficking. Available at [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2019-children-deprived-of-parental-care\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-children-deprived-of-parental-care_en.pdf) (accessed 11.10.2019)

<sup>(157)</sup> E.g. BE, DE, DK, IE, FI, FR, LU, LT, MT, NL, PL, RO, SK, IT.

<sup>(158)</sup> For instance, Slovakia has three separate documents: *Identification of Victims of Trafficking in Human Beings in International Protection and Forced Return Procedures in the Slovak Republic*; *Identification of Victims of Trafficking in Human Beings among the Migrants in Slovak Republic*; *Basic Information on the Trafficking in Human Beings*.

<sup>(159)</sup> Interview IT02.

In several of the Member States, outreach materials have been developed with useful information about how to spot a potential victim of THB and what to do next (BE, DK, FI, LU, NL, PT). Member States also published materials in multiple languages addressed to victims, containing information about the available services and protection (BE, FI.). Such materials take the form of widely disseminated leaflets, videos and websites. In Belgium, for instance, the Circular imposes a duty on all frontline services involved in the detection of THB victims to inform the presumed victim about the relevant procedure and the available assistance and protection. This information is contained in a brochure available in 28 languages<sup>160</sup>. A CSO from Denmark argues that providing information about contact points and available assistance through outreach work is the effective way to prepare victims for eventual identification.

While frontline staff (asylum and immigration staff, police, social workers, health workers, CSO workers) are provided with training on identification of potential victims<sup>161</sup>, several Member States still report low levels of awareness of THB and the procedure to follow when a presumed victim is detected by frontline agents (BE, EL, FI, PL). Ferry workers employed at passenger ferries operating in the Baltic Sea, for instance, reported a need for training in detecting potential victims of THB<sup>162</sup>. Several Member States implement projects and training aimed at increasing detection abilities among professionals who are most likely to encounter victims. In the Netherlands, for example, the Human Trafficking Academy run by the national coordinator of the NRM offers a portfolio of training and online training modules for various groups of professionals (municipality workers, aid workers, hospitality workers, police investigators)<sup>163</sup>. In Denmark, CMM provides regional authorities involved in the detection of potential victims with capacity-building and guidelines for recognising THB indicators<sup>164</sup>. They carry out regular evaluations to see if other relevant actors should be included in such education. As a result, the trade union 3F, and the Veterinary and Food inspectors are new collaborators in the detection phase. There is, however, a need for adequate training being included in the core curricula at professional academies (BE, UK, FI). In terms of awareness regarding specific forms of THB, a study<sup>165</sup> revealed the lack of understanding and on the absence of information on the indicators of exploitation and THB in connection with sham marriages, especially in smaller cities and more rural areas. Further, the need to ensure appropriate training and capacity building of all relevant actors, including the law enforcement and judiciary, was highlighted as key to ensuring appropriate referral, as well as adequate budgeting and human resources (BE, CY, PL, RO, FI).

In several cases, self-identification was mentioned (for example BE, EL, FI, PL, SK). It takes the form of victims showing up in person at specialised centres, using online referral forms or calling hotlines. Finland reports an increase in cases of self-referral following the launch of a dedicated website where anonymous and easy contact options are available<sup>166</sup>. There are potential victims who present themselves to the authorities, e.g. law enforcement etc. who are the first ones to come into contact with them. In this context, language barriers have been identified as a challenge which cannot be resolved until an interpreter is provided for, which often does not happen until they are referred to a specialised centre<sup>167</sup>. At the same time, for example in Denmark, despite extensive outreach work carried out by civil society and aimed, among others, at building trust among potential victims, self-identification is reported as very rare<sup>168</sup>.

Rapid technological development and the use of Internet both in recruitment and in the exploitation of THB victims<sup>169</sup> was reported as a factor increasing the difficulties faced by law enforcement authorities working on detection and identification of victims. Such developments require new investigative skills and capacities on the side of the police, which are often lacking (FI). In Denmark, CSOs carry out daily screenings of the Internet in order to make contact if anything looks suspicious.

<sup>(160)</sup> Belgium, Myria - Belgian Federal Migration Centre (2019), Multilingual brochure for victims of trafficking, available at: <https://www.Myria.be/en/publications/multilingual-brochure-for-victims-of-human-trafficking>

<sup>(161)</sup> BE, DK, EL, FI, LU, MT, PL, SK, UK.

<sup>(162)</sup> Natalia Ollus and Anni Lietonen (2016), Addressing Human Trafficking in the Baltic Sea. Publication Series No. 83 European Institute for Crime Prevention and Control, affiliated with the United Nations, available at [https://iom.fi/sites/default/files/news/HEUNI\\_IOM%20report.pdf](https://iom.fi/sites/default/files/news/HEUNI_IOM%20report.pdf)

<sup>(163)</sup> The NL country fiche.

<sup>(164)</sup> Interviews DK01, DK02, DK03.

<sup>(165)</sup> Minna Viuhko, Anni Lietonen, Anniina Jokinen and Matti Joutsen (eds.) (2016), Exploitative sham marriages: exploring the links between trafficking in human beings and sham marriages in Estonia, Ireland, Latvia, Lithuania and Slovakia. European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI) p. 46, available at <https://www.heuni.fi/material/attachments/heuni/reports/ci5Y5cgbB/Nettiin.pdf>

<sup>(166)</sup> Interview FIO1.

<sup>(167)</sup> Interview BE03

<sup>(168)</sup> Interviews DK01, DK05, DK06, DK07.

<sup>(169)</sup> SWD(2018) 473 final. available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181204\\_swd-2018-473-commission-staff-working-document\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181204_swd-2018-473-commission-staff-working-document_en.pdf)

### *Detection of trafficking for sexual exploitation:*

Trafficking for sexual exploitation accounts for 56% of the victims in the EU, of whom around 95% are women and girls. The sectors in which it occurs include sex and entertainment industry, including street prostitution, prostitution in private flats and through escort agencies and internet platforms<sup>170</sup>.

The European Commission's Second progress report (2018) indicates that, while the majority of Member States' reports mention trafficking for sexual exploitation as the most frequent form, information on the actions taken demonstrate a tendency to focus on other forms of exploitation. Further, civil society raised concerns on the normalisation of the crime<sup>171</sup>.

In the vast majority of the Member States, there are no public institutions and/or national action plans addressing specifically trafficking for sexual exploitation. Detection of victims depends largely on investigative work of law enforcement authorities and outreach carried out by CSOs. In some cases, high-risk groups and high risk sectors are targeted by specific actors, with a view to enhancing detection. The examples include: civil society targeting the sex industry in DK, FI, DE and FR; law enforcement authorities targeting massage parlours in MT and SL as well as streets known for prostitution and brothels (EL, PL). Nigerian women and girls are recognised as a high-risk group in five Member States (BE, FI, IT, NL, UK). In Belgium, specialised investigative police teams focus on trafficking for sexual exploitation of women and girls from Nigeria and Eastern Europe, other focus on trafficking for sexual exploitation in street prostitution, prostitution in apartments, hotels or online, and child sexual abuse and exploitation. In Greece, the majority of victims are detected by CSOs working in particular on THB, sexual violence and violence against women. In HU, IE, FI and DK detection is mainly carried out by CSOs.

Figure 13. Good practice - Recognition of trafficking as a form of VAW

#### **Good practice:**

##### **Spain**

In Spain trafficking of women and girls for sexual exploitation is recognised as a form of violence against women and girls. Resources for tackling this phenomenon can, therefore, be used to detect and assist women and girls who are victims of THB. Specific action plans address trafficking for sexual exploitation both at national and regional level (such as the Comprehensive plan to combat trafficking in women and girls for sexual exploitation 2015-2018<sup>172</sup> [es. *Plan Integral de Lucha contra la Trata de Mujeres y Niñas con Fines de Explotación Sexual 2015-2018*]). Further, there are specific entities focusing on combating this form of crime<sup>173</sup>.

Figure 14. EIGE publication on gender-specific measures in anti-trafficking

#### **Report on Gender-specific measures in anti-trafficking actions – European Institute for Gender Equality**

The Report<sup>174</sup> was developed by the European Institute for Gender Equality implementing an action set forth in the 2017 European Commission Communication stepping up EU action to address THB, under Priority B – improving access to and the realisation of the rights of the victims.

The report recalls that the EU recognises trafficking for sexual exploitation as violence against women and girls, and aims at providing guidance to Member States on specific measures to better identify, help and support victims. Among other things, the report indicates that in the operationalisation of anti-trafficking efforts, specificities such as the gendered nature and scope of trafficking for sexual exploitation are overlooked. The report also highlights that national strategies to address trafficking for sexual exploitation are rarely an integral part or aligned with a broader strategy on combating violence against women.

<sup>(170)</sup> European Commission (2018), Stepping up action towards the eradication of TRAFFICKING IN HUMAN BEINGS, available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181204\\_agenda-on-security-factsheet-report-thb\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181204_agenda-on-security-factsheet-report-thb_en.pdf)

<sup>(171)</sup> SWD(2018) 473 final.

<sup>(172)</sup> Spain, Ministerio de Sanidad, Servicios Sociales e Igualdad [Minister of Health, Social Services and Equality] (2015), cit.

<sup>(173)</sup> Interviews ES01, ES06.

<sup>(174)</sup> EIGE (2018), Gender <https://eige.europa.eu/publications/gender-specific-measures-in-anti-trafficking-actions>

***Detection of trafficking for labour exploitation:***

Trafficking for labour exploitation accounts for 26% of the victims in the EU<sup>175</sup>. The main sectors where it occurs include construction, agriculture and forestry, manufacturing, the catering industry, care services, cleaning services and domestic work, entertainment, fishing, hospitality, retail and transportation.

In its Second progress report 2018, the European Commission highlighted that it is encouraging to witness progress in identifying victims of trafficking for labour exploitation, especially given the funding allocated by the Commission for this form<sup>176</sup>.

Indeed, detection of victims of trafficking for labour exploitation involves multiple actors within the NRMs in an organised manner. Malta, for instance, together with the IOM developed a practical tool for identifying the signs of forced labour and THB in day-to-day work<sup>177</sup>. The Danish Centre against Human Trafficking (CMM) published guidelines which serve as a quick guide for companies and employers at risk of becoming associated with forced labour.<sup>178</sup> In some Member States, labour inspectorates, tax offices as well as offices issuing work permits to foreigners receive specific training and joint investigations are carried out by the police and labour inspectors (e.g. MT, FI, PL, SI). France appointed THB contact points at regional branches of the Labour Inspectorate to facilitate local-level detection. In Belgium, the Thematic Directorate of the Labour Inspectorate annually identifies high risk sectors based on the practice and experience of specialised inspectors and monitors foreign labour. A distinction is made between national and regional risks. For instance, THB in nail bars<sup>179</sup> has been detected at a regional scale only, whereas trafficking in hotels, restaurants and the catering sector is recognised nationally<sup>180</sup>. Where a risk sector is identified, then specialised teams for labour exploitation and social fraud working in regional directorates prioritise and direct resources accordingly<sup>181</sup>. The Greek Labour Inspectorate monitors sectors where presumed cases took place, such as agricultural units<sup>182</sup>. In Slovenia, joint inspections by labour inspectors and the police target agricultural and construction sites, transport industry and restaurants, while in Poland Border Guard and labour inspectors jointly inspect entities employing foreign workers. The CSOs receiving funding from the new action plan in Denmark commit to expanding their outreach work to a broader spectrum of potential victims, e.g. by targeting beggars and bottle collectors<sup>183</sup>.

***Detection of victims in the context of migration and asylum:***

In Slovakia, service organisations do outreach work that focuses on reception centres and refugee facilities. In Germany, Guidelines for the identification of especially vulnerable persons amongst refugees in Berlin have been published in 2018 for staff of the social service at the Berlin State Office for Refugee Matters (*Landesamt für Flüchtlingsangelegenheiten*), which contain a short chapter on THB. In Luxembourg, officers of the Asylum Unit of the Directorate of Immigration use a specific checklist to detect victims of THB, considering that in some cases applicants for international protection may not be aware that they are potential victims of THB and consequently may not say so explicitly. In Finland, the majority of victims are referred to assistance by immigration and asylum officers and, in fact, the National Assistance System for THB Victims is located within the Immigration Services. For the purpose of identifying victims of THB among asylum seekers, an expert on THB has been appointed to the Asylum Unit of the Immigration Service. The local branches of the Asylum Unit also have liaison officers specialised in THB who advise case workers conducting asylum interviews and making decisions on asylum applications<sup>184</sup>. However, in Malta, research carried out among women and children in reception centres did not reveal spe-

<sup>(175)</sup> European Commission (2018), Stepping up action towards the eradication of TRAFFICKING IN HUMAN BEINGS.

<sup>(176)</sup> COM(2018) 777 final.

<sup>(177)</sup> Ministry of Home Affairs and National Security and IOM (2019), *CHECKLIST FOR PRIVATE SECTOR STAKEHOLDERS: A practical tool for identifying the signs of forced labour and trafficking in persons in your day to day work. On file with the author.*

<sup>(178)</sup> Denmark, Danish Center against Human Trafficking (2014), *Managing the Risk of Hidden Forced Labour – A Guide for Companies and Employers*, available at: [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/guidelines\\_risk\\_management\\_en.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/guidelines_risk_management_en.pdf)

<sup>(179)</sup> Nail bars were also mentioned as a risk sector by the Federal Public Prosecutor's Office, as well as other parts of the legal economy including car washes, massage parlours and casinos.

<sup>(180)</sup> Le Vif (2019), *La face obscure des salons de manucure en Belgique*, 5 July 2019, available at: [www.levif.be/actualite/belgique/la-face-obscur-des-salons-de-manucure-en-belgique/article-normal-1162399.html](http://www.levif.be/actualite/belgique/la-face-obscur-des-salons-de-manucure-en-belgique/article-normal-1162399.html)

<sup>(181)</sup> Interviews BE07, BE08.

<sup>(182)</sup> Interview EL07.

<sup>(183)</sup> Denmark, Ministry of Foreign Affairs of Denmark (2018), *Action Plan to Combat Trafficking in Human Beings 2019-2020*, available at: [www.um.dk](http://www.um.dk), p. 10

<sup>(184)</sup> Council of Europe, GRETA (2019), *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Finland*, paragraph 100, p.20 available at: <https://rm.coe.int/report-concerning-the-implementation-of-the-council-of-europe-conventi/168094c77b>.

cial concerns about potential cases of THB<sup>185</sup>. While research in **Ireland** revealed legal and institutional obstacles for identification of victims among the asylum seekers and EEA citizens<sup>186</sup>. Information published in the European Commission Staff Working Document<sup>187</sup> accompanying the Second progress report further indicates that, in **Italy**, Territorial Commissions use guidelines developed in 2016 with UNHCR for identifying and granting victim status.

Figure 15. EASO work

#### European Asylum Support Office

Building on the 2018 EU Agencies Joint Statement of commitment to address trafficking in human beings, EASO continues the work on the asylum and trafficking nexus<sup>188</sup>, and organises meetings on THB with thematic foci on common challenges and possible practical responses to the current situation of asylum-seeking victims of THB with an emphasis on the migratory crisis, as well as on THB in mixed migration flows.

#### *Detection of EU victims, including trafficked within their own Member State:*

As many as 44% of the registered victims in the EU are EU nationals, and nearly one out of four of the registered victims overall is trafficked within her/his own Member State. This pattern was also highlighted by Member States in their contributions to the European Commission Second progress report<sup>189</sup>. In the research for this review, specific challenges in the identification of victims among their own citizens were mentioned in the case of **BE**, **FI** and **FR**. Information indicates that the detection system is especially tailored to identify foreign victims and not effective in helping national victims, especially children.

<sup>(185)</sup> Interview MT01

<sup>(186)</sup> Interview IE01

<sup>(187)</sup> SWD(2018) 473 final.

<sup>(188)</sup> EASO (2016), Annual report on the situation of asylum in the EU, available at: <http://publications.europa.eu/webpub/easo/annual-report-2016/en/>

<sup>(189)</sup> SWD(2018) 473 final.

Figure 16. FRA guide on children deprived of parental care

**Children deprived of parental care found in another EU Member State other than their own. A guide to enhance child protection focusing on victims of trafficking. – EU Agency for Fundamental Rights (2019)<sup>190</sup>**

The guide recalls that girls and boys continue to be trafficked within the EU. They are trafficked for sexual exploitation, including for the production of child sexual abuse material (particularly girls), forced begging, forced criminal activities and for other purposes. The guide targets professionals who may come into direct contact with children who are deprived of parental care and found in need of protection in an EU Member State other than their own, including child victims of THB. Typically, these children have EU Member State nationality and, therefore, enjoy the right to free movement within the EU<sup>191</sup>. Professionals who may benefit from this guide include law-enforcement authorities, social workers, health professionals, child protection officers, guardians, judges, lawyers, civil society organisations working on child protection, consular staff or staff of the Central Authorities appointed under the Brussels IIa Regulation (Council Regulation (EC) No 2201/2003), as well as others who may come into contact with child victims of THB. The guide aims also at supporting relevant actors working on laws, procedures and protocols and/or developing cooperation frameworks within an EU Member State, or between different EU Member States. The guide takes into account tasks and responsibilities of a whole range of actors. It suggests how to enhance cooperation within an EU Member State and across different EU Member States. It also identifies support that relevant EU agencies can provide.

The guide also recalls that:

While the Commission has no available statistical data on victims of THB based on ethnic background, reports from EU Member States have highlighted the heightened vulnerability of people from Roma communities, especially women and children with traffickers exploiting kinship. As reported by Europol, the European Union Law Enforcement Agency, in its situation report on Criminal networks involved in the trafficking and exploitation of under-age victims in the EU<sup>192</sup> (2018), children from Roma communities are particularly vulnerable. Also, the European Commission's study on high-risk groups for THB<sup>193</sup> mentions an increased prevalence of child marriages, while victims and perpetrators are predominantly from some groups within the Roma community.

**3.4.2. Identification**

**Potential victims of THB detected on the territory of a given Member State are generally provided with emergency assistance and protection, and offered reflection and recovery periods.** Sometimes, in order to continue receiving assistance and protection within the NRM, and to regulate their residence status as non-EU nationals, presumed victims need to be formally identified as victims of THB. Such formal identification of a person as a victim of THB is carried out by law enforcement (BE, EL, IE, MT, PL, RO, SK), border police (FI, RO) and/or specialised institutions (FI, IE, UK).

<sup>(190)</sup> FRA (2019), Children deprived of parental care found in an EU Member State other than their own. A guide to enhance child protection focusing on victims of trafficking. Developed implementing an action set forth in the 2017 Commission Communication stepping up EU action to address THB (Priority B), and building on the 2018 EU Agencies Joint Statement of commitment to address trafficking in human beings.

<sup>(191)</sup> The guide recalls that: *while EU law to protect victims of crime and to prevent and combat trafficking in human beings applies to everyone, regardless of their nationality, there is no uniform approach to address cases of children found in need of protection in an EU Member State other than their own. However, many other EU law measures, which protect children, apply only to persons who are not EU nationals, nationals of a state which forms the European Economic Area or Swiss nationals. There is therefore a gap.*

<sup>(192)</sup> EUROPOL (2018), Criminal networks involved in the trafficking and exploitation of under-age victims in the EU. Situation Report, available at <https://www.europol.europa.eu/publications-documents/criminal-networks-involved-in-trafficking-and-exploitation-of-underage-victims-in-eu>

<sup>(193)</sup> European Commission (2015), Study on high risk groups for trafficking in human beings.

Figure 17. Good practice - Victim identification in Finland

**Good practice:**

The following actors may formally identify a person as a victim of THB in **Finland**, allowing them access to NRM services, particularly within the National Assistance System:

1. The police / border guard or a prosecutor formally identifies a victim by initiating investigations into (aggravated) trafficking in human beings, where the victim is the claimant.
2. The Finnish Immigration Agency (FIS) formally identifies a victim by granting him/her a residence permit as an especially vulnerable victim of THB. There is no requirement for the victim to cooperate with law enforcement to receive this type of residence permit.
3. The National Assistance System for Victims of Human Trafficking may identify a person, if:

the pre-trial investigation authority or the prosecutor has decided not to institute a pre-trial investigation into trafficking in human beings in Finland, but where there are reasonable grounds to believe that the person admitted to the NAS has become a victim of trafficking in human beings abroad;

or if

the decision to interrupt or terminate pre-trial investigation indicates that the person shall be deemed to have been subjected to the offence of trafficking in human beings, but the matter cannot be referred to the prosecutor for handling as it is not possible to bring charges against anyone.

Source: *Law on reception of persons seeking international protection and on identifying and assisting victims of trafficking in human beings (Reception Act) 38 §*

In **Malta**, formal identification can be carried out exclusively by the police unit specialised in investigation of THB, while in **Finland**, identification might be carried out by law enforcement, immigration service or the National Assistance System for THB Victims. In the **UK**, identification is done by the Single Competent Authority (SCA) which sits within the Serious and Organised Crime directorate of the Home Office. In **Romania**, both police and border police may formally identify the victim (the latter in case of Romanian citizens expelled or returned from the territory of other states). Identification may take place before or after the reflection and recovery period.

Figure 18. Institutions carrying out formal identification of victims of THB<sup>194</sup>

Institutions carrying out formal identification of victims of THB <sup>194</sup>	
Institutions tasked with formal identification	Member states
Police	AT, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IE, LU, LV, MT, NL, PT, RO, SI
Prosecutor	BE, BG, EE, EL, FI, LV, PL, PT
Border police	FI, HU, RO
Immigration office	DK, FI
Specialised entity	DK, FI, LV, UK

Formal identification is carried out in accordance with set guidelines and algorithms in a number of Member States. In the **UK**, the SCA was provided with specific guidance<sup>195</sup> to facilitate detection of victims of trafficking in human beings, as well as a broad range of different phenomena. The document specifies that the SCA makes decisions on all NRM cases, regardless of the nationality or immigration status of the individual. The formal identification is carried out in a two-stage NRM process, involving the reasonable grounds test, which acts as an initial filter to identify potential victims, and a substantive conclusive grounds decision as to whether the person is, in fact, a victim. In **Denmark**, the social worker from CMM or one of the regional CSOs, who conduct the identification interview, fill out a form (A1 form). On the basis of this form CMM can formally identify citizens with legal residence as victims of THB, and the Danish Immigration Service can formally identify citizens without legal residence, or where residence is questioned<sup>196</sup>.

<sup>(194)</sup> Some country codes are missing from the table as data gathered was not conclusive.

<sup>(195)</sup> UK, Home Office (2019), Victims of Modern Slavery – Competent Authority Guidance. Version 8.0, available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/828756/victims-modern-slavery-competent-auth-v8.0.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/828756/victims-modern-slavery-competent-auth-v8.0.pdf)

<sup>(196)</sup> Interview DK03.

Figure 19. Good practice - Identification of THB victims in Roma communities in Slovakia

**Good practice:****Slovakia, Methodological Guidance for the Identification of Victims of Trafficking in Roma Communities**

The Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities in cooperation with the Ministry of the Interior prepared the publication 'Methodological Guidance for the Identification of Victims of Trafficking in Roma Communities'.

The aim of this handbook is to address prevention and raise awareness by working with this vulnerable group in order to improve the identification of victims of trafficking and to participate in a specialized programme as well as to strengthen preventive activities by raising awareness of this vulnerable group. This Methodological Guidance was distributed to all field social workers within the Field Social Work national programme.

Source: Commission Staff Working Document(2018) 473 final.

In some Member States, formal identification of THB victims is necessary for accessing state-funded services and support offered through the NRM ( HU, LU, LV, PL). Other states provide for low threshold for entry to their NRMs and subsequent services and these are not conditional on formal identification (e.g. AT, IE, MT, FI). However formal identification is still crucial for legalisation of a foreign victim's stay on the MS territory (in case of non- EU/EEA citizens) and as such lack of formal identification *de facto* limits a person's access to services beyond the reflection period.

Risks and needs assessment are carried out in a number of Member States<sup>197</sup> with the aim of identifying the potential risks related to physical and emotional security of the presumed or identified victim, as well as the specific protection and assistance needs. In Romania, risk assessment covers two aspects – personal security assessment (with police support) and physical, psychological health, and assistance needs assessment (by the assistance provider, in collaboration with partners with responsibilities in the protection and assistance to victims)<sup>198</sup>. In some states this leads to elaboration of individual risk management/action plans (e.g. EL, RO, UK). In Romania, this plan helps in selecting the place of referral, choosing a service provider to assist the child victim according to the risks and needs or choosing the type of emergency service<sup>199</sup>. In Italy, a preventive risk evaluation is included in the "preliminary identification" subphase within the identification phase starting immediately after the provision of first support and information to the presumed victim, when the presumed victim is in a secure situation and expresses agreement. Risk evaluation cannot be developed, if there is any risk to the privacy or if an urgent health assistance is needed. The actors that may be involved include security forces, CSOs, judicial authorities, a translator or a cultural mediator and, if the victim is a minor, a social services operator<sup>200</sup>. In SI and CZ, risk assessment is carried out at the beginning and then throughout subsequent phases in which it is supplemented with potential new information. This allows for the determination a possible threat level and, on that basis, planning of potential activities by the police or service provider/victim, all with the intent to ensure the victim's safety<sup>201</sup>. In the Czech Republic, risk assessments are carried out at several levels. The police usually carries out risk assessment, describing and identifying locations and persons that present risks and danger to the victim, while a CSO does the same during their first interview with the person. These risk assessments are carried out to make sure that safe accommodation, location of CSO offices and other places are not dangerous to the person. Both actors usually cooperate in risk assessment and inform each other on any justifiable concern when it comes to the safety of THB victims. In France, individual risk assessment is performed primarily by specialised CSOs at their own initiative and within their own individual capacity, while Poland reports only needs assessment carried out by civil society organisations, while no risk assessment is implemented.

<sup>(197)</sup> Identified in: AT, BE, DK, EL, FI, LU, MT, UK, RO, SK, IT

<sup>(198)</sup> Romania, Draft National Identification and Referral Mechanism, ISF01 Project - "Human trafficking - a victim-centred approach", pg. 13, ANITP; available at: <http://anitp.mai.gov.ro/docs/Proiecte/ISF01/MNIR%20Lb%20Romana.pdf>

<sup>(199)</sup> Romania, Draft National Identification and Referral Mechanism, ISF01 Project - "Human trafficking - a victim-centred approach", ANITP; available at: <http://anitp.mai.gov.ro/docs/Proiecte/ISF01/MNIR%20Lb%20Romana.pdf>

<sup>(200)</sup> Italian fiche.

<sup>(201)</sup> Slovenian fiche.

### 3.4.3. Detection and identification of child victims of trafficking

Data for the period 2015–2016 show that girls and boys, both EU and non-EU nationals, were almost one quarter (23%) of all the registered victims of THB, overwhelmingly girls. Nearly one out of four victims of trafficking for sexual exploitation is a girl<sup>202</sup>.

In Belgium, the evaluation of the multidisciplinary Circular of 2008 revealed that many frontline services were not aware of the procedure for assessing children in terms of the NRM and, similarly, the indicators for THB were not well-known. In addition, professionals noted a lack of awareness of the guardianship system and the specificity of the victim status. A conflation of THB and child abuse was also noted among local police, teachers and youth care workers<sup>203</sup>, and of child trafficking and smuggling of migrants with respect to prosecutors (those who are on call or juvenile public prosecutors)<sup>204</sup>. There is a leaflet, developed by the Federal Public Service of Justice for prosecutors who are on call so that they know who to contact in case of a potential victim of THB being intercepted. However, the document needs to be updated as it does not include information on the specific indicators regarding children<sup>205</sup>. An algorithm for the identification of and conduct towards minor victims of THB for Police and Border Guard officers was developed in Poland<sup>206</sup>. However, further research in Poland revealed that there is no institution or organisation dedicated to serving child-victims of THB in the country. In Hungary, CSOs play a vital role in provision of training on THB to social workers and professionals in child protection services. In Denmark, the Screening Project conducted under the previous Danish action plan included training of asylum workers and resulted in screenings being carried out for every unaccompanied minor<sup>207</sup>. Spain has an annex to the Framework protocol for the protection of victims of trafficking in human beings dedicated to detection and care of child victims (Actions for the detection and care of victims of trafficking in human beings (THB) who are minors [es. *Actuaciones para la detección y atención de víctimas de trata de seres humanos (TSH) menores de Edad*])<sup>208</sup>. Health care services, in particular, need support with identifying victims of THB as many victims go through health care services, but they are still frequently not identified (FI)<sup>209</sup>. Active engagement of healthcare services was considered especially important in case of children trafficked for domestic work in the Netherlands. These children often have very little contact with the 'outside world' and, hence, have limited opportunities to be identified. One of such rare opportunities presents itself precisely through contact with medical professionals<sup>210</sup>. To this end, the IOM developed guidelines for identifying victims in health care and for referring them to appropriate services<sup>211</sup>.

<sup>(202)</sup> SWD(2018) 473 final.

<sup>(203)</sup> ECPAT (2016), *La traite des enfants en Belgique, identification et protection des victimes*, 2016, available at: <http://ecpat.be/wp-content/uploads/2016/06/Etude-2016-La-traite-des-enfants-en-Belgique.pdf>

<sup>(204)</sup> These findings largely corroborate results of the study on high-risk groups for trafficking in human beings, which identified Insufficient knowledge and awareness within the judicial system and among institutions and professionals as one of the enabling factors in trafficking of children. See, European Commission (2015), *The Study on high-risk groups for trafficking in human beings*. :

[https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study\\_on\\_children\\_as\\_high\\_risk\\_groups\\_of\\_trafficking\\_in\\_human\\_beings\\_0.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_children_as_high_risk_groups_of_trafficking_in_human_beings_0.pdf)

<sup>(205)</sup> Interview BEOS.

<sup>(206)</sup> See: Best practices and challenges of the system for identification of child victims of trafficking in human beings in Poland, Warsaw 2017, p. 11, available at: <https://handelludzmi.eu/download/91/13168/Raportntnajlepszychpraktykiwyzwansystemuidentyfikacijaloletnichofiarhandluludzm.pdf>.

<sup>(207)</sup> Interview DK01.

<sup>(208)</sup> Observatorio de la Infancia [Spanish Childhood Observatory] (2017), *Actuaciones para la detección y atención de víctimas de trata de seres humanos (TSH) menores de Edad* [Actions for the detection and care of victims of trafficking in human beings (THB) under age] available at: [http://www.observatoriodelainfancia.mscbs.gob.es/productos/pdf/Anexo\\_Protocolo\\_Marco\\_Menores\\_Victimas\\_TSH\\_aprobado\\_por\\_Pleno1\\_12\\_2017.pdf](http://www.observatoriodelainfancia.mscbs.gob.es/productos/pdf/Anexo_Protocolo_Marco_Menores_Victimas_TSH_aprobado_por_Pleno1_12_2017.pdf)

<sup>(209)</sup> Elna Kervinen and Natalia Ollus (2019), *Trafficking in children and young persons in Finland*. Publication Series No. 89b European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI) available at: [https://www.heuni.fi/material/attachments/heuni/reports/E4MxmMBN/TRAFFICKING\\_IN\\_CHILDREN\\_AND\\_YOUNG\\_PERSONS\\_IN\\_FINLAND.pdf](https://www.heuni.fi/material/attachments/heuni/reports/E4MxmMBN/TRAFFICKING_IN_CHILDREN_AND_YOUNG_PERSONS_IN_FINLAND.pdf)

<sup>(210)</sup> Netherlands, National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children (2016), *Vulnerability up Close. An exploratory study into the vulnerability of children to trafficking in human beings*, available at:

[https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/vulnerability\\_up\\_close\\_interactive\\_national\\_rapporteur\\_on\\_trafficking\\_in\\_human\\_beings\\_and\\_sexual\\_violence\\_against\\_children\\_tcm24-128353.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/vulnerability_up_close_interactive_national_rapporteur_on_trafficking_in_human_beings_and_sexual_violence_against_children_tcm24-128353.pdf)

<sup>(211)</sup> Ibid.

Figure 20. Good practice - Recognition of girls' vulnerabilities in Belgium

**Good practice:****Belgium, Recognition of particular vulnerabilities of girls**

In Belgium, the authorities recognised that girls are particularly vulnerable to falling victim to sexual exploitation through the so-called “lover boy” method. The National Action Plan 2015-2019 was updated to include an Addendum on Child Trafficking Victims, which outlines existing regional initiatives and includes a number of actions to be taken with regards to this group of THB victims, including the problematic of lover boys and the organisation of an operational approach to tackling this phenomenon. The Addendum requires that all specialised centres gather information on identified victims of lover boys and record how many were given the THB victim status. The College of Public Prosecutors seeks to determine the best way to improve the communication between specialised THB and juvenile prosecutors.

Two working groups were established by the Inter-departmental Coordination Platform (one with the French Community and one with the Flemish Community) to discuss the coordination of the approach to identifying child-victims of THB. The Flemish Minister for Well-being, Health and the Family has adopted an action plan concerning the victims of lover boys, as a particular form of THB. One of the points in this action concerns protecting these girls by providing suitable care.

Source: Service Public Fédéral Justice (2016), *Addendum au Plan d'action national « Lutte contre la traite des êtres humains 2015-2019 » Victimes mineures de la traite des êtres humains*, available at: [www.dsb-spc.be/doc/pdf/Addendum-plan-action-teh-FR.pdf](http://www.dsb-spc.be/doc/pdf/Addendum-plan-action-teh-FR.pdf) (accessed 17.07.2019)

**The information concerning a few Member States<sup>212</sup> indicates limited capacity building/training on child trafficking among frontline staff (BE, DK, HU, NL, PL).**

In **France**, where the same identification process is used for all trafficking victims, including children, in cases where the victim is a child, the police or gendarmerie services must notify the public prosecutor, who then decides on protection measures appropriate to the victim's situation<sup>213</sup>. In **Belgium**, statements given by children are audio- and video-recorded to avoid multiple interviews. The same method can be applied when a potential victim presents significant vulnerabilities, e.g. learning difficulties or drug addiction<sup>214</sup>. In the **UK**, national measures indicate<sup>215</sup> that “where there is reason to believe a victim could be a child, the individual must be given the benefit of the doubt and treated as a child until an assessment is carried out”<sup>216</sup>, with the involvement of specialised stakeholders. In **IE** and **IT**, in case of minors, risk assessment cannot be carried out without the presence of a guardian and, for **Ireland**, the involvement of social services (a psychologist or a social worker)<sup>217</sup>.

**The phenomenon of girls trafficked by the so-called “lover boys” was indicated in some Member States (BE, NL, RO) as posing challenges with respect to appropriate referral and detection, as well as due to the specific level of control and manipulation to which victims are subjected<sup>218</sup>. In the Netherlands, a number of CSOs offer support to girls who fell victim to this crime through this *modus operandi*.**

Europol indicates that child trafficking for sexual exploitation is particularly profitable for the criminal networks involved “as clients are generally prone to pay more to have sex with a child”<sup>219</sup>. Nigerian girls are a group of special concern as the majority of non-EU criminal networks reported to Europol involved Nigerian organised crime groups which traffic young girls to be sexually exploited<sup>220</sup>. While the European Commission has no available sta-

(212) As indicated in country fiches elaborated for this project.

(213) Council of Europe, GRETA (2017), Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by France: Second Evaluation Report, GRETA(2017)17, available at: <https://rm.coe.int/greta-2017-17-fgr-fra-en/16807454bf>

(214) Interview BE03.

(215) United Kingdom, Modern Slavery Act 2015 for child victims of trafficking in England and Wales.

(216) (Home Office, 2019, pg. 8).

(217) Italy, Consiglio dei Ministri (2017), Allegato 1, cite, page 20.

(218) Interview BE03.

(219) EUROPOL (2018), *Situation Report on Criminal networks involved in the Trafficking and Exploitation of Underage Victims in the European Union*, available at: [www.europol.europa.eu/publications-documents/criminal-networks-involved-in-trafficking-and-exploitation-of-underage-victims-in-eu](http://www.europol.europa.eu/publications-documents/criminal-networks-involved-in-trafficking-and-exploitation-of-underage-victims-in-eu)

(220) Ibid.

tistical data on victims of trafficking based on ethnic backgrounds, several EU Member States' reports highlight the heightened vulnerability of people from Roma communities, especially women and children<sup>221</sup>.

**In regards to Roma children, the problem of arranged marriages poses a number of challenges in terms of identification.** A report published by the Dutch Rapporteur on Trafficking in Human Beings and Sexual Violence against Children revealed that although the impending marriage of children from Roma families living permanently in the Netherlands could be recognised early on it does not always happen<sup>222</sup>. The report further recommended to enforce the Compulsory Schooling Act when children remain absent from school as a measure helpful in identification of child marriages. Municipalities should consult the Dutch Centre of Forced Marriage and Abandonment, which can advise them on the most appropriate approach each time there are indications that a child is being forced to marry. A number of pilot municipalities took part in the Programme to combat the exploitation of Roma children in 2014 which provided subsidies for a number of projects designed to address the exploitation of Roma children from a different perspective<sup>223</sup>.

**Appropriate detection and referral of child victims of THB for exploitation in criminal activities was indicated as a challenge in a few Member States (FR, RO and SL).** The challenge in identifying children trafficked for exploitation in criminal activities (petty crime) as victims of THB is magnified by the gaps in training of appropriate actors<sup>224</sup>. **France** reports specific outreach by CSOs targeting minors at risk of trafficking, often for the purpose of forced begging or criminality. Some Member States report child-friendly techniques and premises used by the police in the process of identifying child victims (e.g. **CY, FI, NL, MT**). Efforts are made to record testimonies given by children so that secondary victimisation is avoided. In **Cyprus**, police officers dealing with child victims of THB undergo specialised training to take video-recorded statements.

Specific measures applying to children arriving in the EU in mixed migration flows provide relevant elements with respect to referral of potential child victims of trafficking. **Italy** opened a dedicated first reception centre for unaccompanied children arriving in mixed migration flows<sup>225</sup>. Several Member States appoint guardians to unaccompanied children in migration flows (e.g. **DK, EL, LU**). In **Spain**, Framework Protocol on certain actions related to unaccompanied foreign children<sup>226</sup> dictates specific measures related to the protection of unaccompanied children who are potential victims of THB. There are differences in this protocol with regard to EU citizens, as in their case international cooperation procedures can be used to determine the child's age. In **Portugal**, special joint teams from the Immigration and Borders Service (SEF) investigation headquarters (Lisbon) and the airport of Lisbon act on potential victims of THB initially detected at first line controls<sup>227</sup>. These teams have lately engaged in a higher number of interventions on child victims of THB and have been extending their actions to regional directorates<sup>228</sup> and borders in the rest of the country. The current national Plan against trafficking in human beings<sup>229</sup> foresees signing a protocol between the General Directorate of Health and the Immigration and Borders Service to implement an identification and monitoring mechanism for children identified in the National Health Service, under the National child and youth health programme and the Health action for children and youth at risk. Other specific challenges emerge with respect to potential child victims of THB in transit<sup>230</sup>. In **Belgium**, Myria recom-

<sup>(221)</sup> European Commission (2018), Staff Working Document accompanying the document Report from the Commission to the European Parliament and the Council Second report on the progress made in the fight against trafficking in human beings (2018) as required under Article 20 of the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, SWD(2018) 473 final.

<sup>(222)</sup> Netherlands, National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children (2016), Vulnerability up Close. An exploratory study into the vulnerability of children to trafficking in human beings, available at [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/vulnerability\\_up\\_close\\_interactive\\_national\\_rapporteur\\_on\\_trafficking\\_in\\_human\\_beings\\_and\\_sexual\\_violence\\_against\\_children\\_tcm24-128353.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/vulnerability_up_close_interactive_national_rapporteur_on_trafficking_in_human_beings_and_sexual_violence_against_children_tcm24-128353.pdf)

<sup>(223)</sup> Ibid.

<sup>(224)</sup> Slovenia, Interview with CSO.

<sup>(225)</sup> European Commission (2018), Staff Working Document accompanying the document Report from the Commission to the European Parliament and the Council Second report on the progress made in the fight against trafficking in human beings (2018) as required under Article 20 of the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, SWD(2018) 473 final.

<sup>(226)</sup> Presidency Minister (2014), Protocolo Marco sobre determinadas actuaciones en relación con los Menores Extranjeros No Acompañados [Framework Protocol on certain actions related to unaccompanied foreign children], signed on 22 July 2014 by the Ministers of Justice, Employment and Social Security, Health, Social Services and Equality, the General Public Prosecutor, the State Secretariat for Security of the Ministry of the Interior and the Under-Secretary of the Ministry of Foreign Affairs and Cooperation, available at: <https://www.boe.es/boe/dias/2014/10/16/pdfs/BOE-A-2014-10515.pdf>

<sup>(227)</sup> See the public interview with the current director of the Investigation Headquarters of SEF, also about the creation of the teams at the airport of Lisbon ("20 detentions in 2017 for trafficking in human beings" and "the perception of children coming from Africa to be trafficked at the airport"), available at: [www.rtp.pt/noticias/pais/sef-deteve-em-2017-vinte-pessoas-envolvidas-em-traffic-humano\\_v1081981](http://www.rtp.pt/noticias/pais/sef-deteve-em-2017-vinte-pessoas-envolvidas-em-traffic-humano_v1081981)

<sup>(228)</sup> See [www.sabado.pt/portugal/detalhe/sef-cria-equipas-para-proteccao-das-vitimas-de-traffic-de-seres-humanos](http://www.sabado.pt/portugal/detalhe/sef-cria-equipas-para-proteccao-das-vitimas-de-traffic-de-seres-humanos)

<sup>(229)</sup> See <https://www.cig.gov.pt/wp-content/uploads/2018/06/0254602552.pdf>

<sup>(230)</sup> Interview BEO2.

mended<sup>231</sup> the establishment of a rapid tailor-made reception service, suggesting that a short-stay transit centre could offer these children a solution: an appropriate referral when the exploitation took place abroad and if the victim has turned eighteen (FI); specific contexts, such as detection of potential victims of THB in transit zones<sup>232</sup> at the Hungary's border with Serbia.

#### Report Gender-specific measures in anti-trafficking actions - European Institute for Gender Equality (2018)

*Developed implementing an action set forth in the 2017 Commission Communication stepping up EU action to address THB (Priority B), and building on the 2018 EU Agencies Joint Statement of commitment to address trafficking in human beings.*

With respect to **girl victims of THB for sexual exploitation**, the section on identification addresses a presumption in favour of defining/identifying potential victims as a child and stresses the importance of including child protection services into NRMs as these are well placed to identify and assist girls trafficked for sexual exploitation. Through their formal involvement, CSOs could contribute towards an early identification and ensuring equal access to services for girl victims of THB.

#### Study on high-risk groups for trafficking in human beings - European Commission (2015)

The Study<sup>233</sup> was published as a deliverable of the EU Strategy towards the eradication of trafficking in human beings 2012–2016 and includes a section on “Groups of children most at risk of THB: a typology based on risk profiles”.

#### Vega handbook: Children at airports, Children at risk on the move, guidelines for border guards - European Border and Coast Guard Agency (2015)

The handbook<sup>234</sup> includes guidelines for border guards for the protection of children at airports. The handbook contains practical tips, such as what to pay attention to at border crossings, possible questions to use with children, checks at first and second lines, and referral. The Agency is developing a similar handbook for land and sea borders.

### 3.5. Referral to appropriate services

**The majority of Member States have some central, coordinating institution which overlooks provision of services at the national level.** Such roles might be entrusted to social welfare agencies (e.g. CY, MT, EL), specialised centres for victims of THB (BE), or coordinating units based within executive branches of government (in the UK, this is the Single Competent Authority which sits within the Serious and Organized Crime directorate of the Home Office). In Finland, it is an independent governmental institution – the National Assistance System coordinated by the Joutseno Reception Centre. In Poland, coordination is carried out in practice by two CSOs working together as the National Consulting and Intervention Centre for the Victims of Trafficking (NCIC), albeit in practice officers who detected potential victims may directly contact local welfare services requesting assistance and are not obliged to inform NCIC<sup>235</sup>. In the Netherlands, coordination of referral is done by civil society. ANITP coordinates referral in Romania and the Centre Against Human Trafficking performs this function in Denmark. Central (national) coordinating institutions are absent in DE, IT or FR. In Italy, there is a provision to refer the potential victim to a reference centre (national institution/judicial authorities/security forces/assistant services by CSOs, social services), but there is no provision in the NRM on a coordination entity in the strict sense. In France, Decree no. 2007-1352 of 13 September 2007 stipulates that law enforcement agencies will refer people identified as victims of THB to specialised CSOs. However, the CSOs stressed that referral hinged either on co-operation systems that might be established at local level, but were still rare, or on the links forged between the specialised CSOs and certain members of the investigation services<sup>236</sup>. In Germany, prevention, identification of victims, provisions of assistance and the prosecution of THB offences falls within the remit of 16 German *Länder*. In 13 of the *Länder*,

<sup>(231)</sup> Belgium, Myria (2018), pp. 50–51.

<sup>(232)</sup> Hungarian country fiche

<sup>(233)</sup> European Commission (2015), Study on high risk groups for trafficking in human beings.

<sup>(234)</sup> Frontex (2015), <https://frontex.europa.eu/publications/vega-handbook-children-at-airports-5Us7Ba>

<sup>(235)</sup> Polish country fiche

<sup>(236)</sup> Council of Europe, GRETA (2017) Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by France: Second Evaluation Report.

co-operation agreements have been concluded between the relevant authorities and specialised counselling centres for victims of THB, which describe the procedures and responsibilities of different stakeholders. Further, most *Länder* have set up co-ordination bodies comprising relevant stakeholders, usually in the form of round tables on THB<sup>237</sup>.

Several NRMs also incorporate first responders who are the institutions making the initial referral of potential victims (MT, EI, EL, UK, IT, RO). The Maltese Trafficking in Persons Referral System involves a list of entry points, i.e. agencies other than the anti-trafficking unit at the police, which may come into contact with potential victims and refer them for further assistance and investigation. The agencies listed include CSOs, labour inspectorates, district police, institutions dealing with refugees or health care. The Greek SOP contains a list of 21 “identification actors”, which includes public institutions, service providers (such as hospitals), diplomatic units, national and international organisations and law enforcement. The Romanian NRM includes a first notification point for each organisation/institution involved. The first notification/focal point is the specialist/person who will act as the central communication point with ANITP for all cases that require crisis or long-term collaboration for information, guidance and assistance to the presumed/identified victims. In Denmark, an individual contact person from CMM is appointed for every identified victim of THB, ensuring individual consideration of every single case, involvement of relevant actors, as well as a clear channel for the victim to voice any special needs<sup>238</sup>.

Referral to appropriate services is voluntary, requiring the consent of the victim in some Member States<sup>239</sup>. Information indicated in one case girls and young women potential victims having declined assistance<sup>240</sup>. There are different phases and steps of referral designed in a number of NRMs. These are described in Standard Operating Procedures (SOPs) (e.g. MT, EL), protocols (as in HR) or NRM documents (e.g. BE, BG, CY, SE).

Figure 21. Example of a referral system procedure (informal NRM): Ireland

#### Example of a referral system procedure (informal NRM): Ireland

Following the identification of a victim of THB by the Garda National Immigration Bureau, a member of An Garda Síochána (AGS) will notify the Minister for Justice. The Minister will then issue a notice confirming that an individual has been granted permission to stay in the country for a 60-day recovery and reflection period. This is the procedure set down in the document called the ‘Statement of Roles and Responsibilities’ which dictates that the AGS must then take the following steps: inform the Health Service Executive (HSE) that potential or suspected victims of THB have come to their attention; advise the individual of accommodation support with the Reception and Integration Agency (also for Irish and EEA nationals); inform the individual about the availability of legal services provided by the Legal Aid Board; inform the individual about care-planning services provided by the HSE; provide a copy of the Victim’s Charter and guide to the criminal justice system; provide information to the Minister for Justice.

Source: Country fiche for Ireland

The requirement of informing the police or interior ministries about the provision of services to victims of THB differs across the Member States. In Poland, shelters, both those run by the National Consulting and Intervention Centre for the Victims of Trafficking (NCIC) and by municipal social assistance centres, do not have to inform the Ministry of Interior and Administration about each victim of THB that has been received to the shelter, because there is no such legal obligation. At the same time, the NCIC is obliged to report to the Ministry of Interior about any victim to whom such support was provided in order to get funding or remuneration for a specific victim, and not because of the NRM as such. In general, victims decline being reported to the police due to fear. In Malta, notification of the specialised anti-trafficking unit at the police is mandatory, so it is in Ireland where access to the NRM is conditional on formal identification by the police in the first place. In FR and EL, the notification to the police/gendarmerie forces (FR) and prosecutor (EL) is obligatory only for minors. In Luxembourg, all stakeholders are obliged to refer cases to the Organised Crime Unit of the Judicial Police.

<sup>(237)</sup> Council of Europe (2019), 2nd Evaluation Round. Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Germany, p. 10, paragraph 30, available at [https://www.coe.int/en/web/anti-human-trafficking/-/greta-publishes-second-report-on-germany?fbclid=IwAR1bb4nD9fnRmWjtNtholyeuCqn8gu\\_\\_\\_3oLvolkXkbP8NizToeQYd-nn6j4](https://www.coe.int/en/web/anti-human-trafficking/-/greta-publishes-second-report-on-germany?fbclid=IwAR1bb4nD9fnRmWjtNtholyeuCqn8gu___3oLvolkXkbP8NizToeQYd-nn6j4)

<sup>(238)</sup> Danish fiche.

<sup>(239)</sup> For example AT, BE, CZ, EI, EL, ES, FI, HU, PL, UK.

<sup>(240)</sup> Interview BEO2.

Figure 22. Example of a referral system procedure (formal NRM): Romania

**Example of a referral system procedure (formal NRM): Romania**

In Romania, there is an obligation to notify ANITP irrespective of the institution or organisation with which the victim comes into contact for the first time. The Romanian Police through DCCO and Border Police contacts the ANITP's regional representative in order to assess the victim's individual assistance needs. A representative of ANITP Regional Centre performs the victim's initial assessment to identify the victim's special assistance needs and, with the consent of the person, provides immediate referral for emergency assistance. A case officer is then appointed to monitor victim's assistance and keep in touch with the victim in order to prepare him/her for all stages necessary to conduct the criminal proceedings. The name of the case officer from the ANITP Regional Centre will be communicated to the institutional partners. He/she will notify the provider of social services and, with the consent of the person, provide the information necessary to prepare the case intervention and also provide the victim with the necessary support for the hearings by the judicial bodies. Representatives of ANITP's regional centres will contact the Romanian Immigration Office when the victim is a foreign citizen, in order for the victim to be granted a form of protection in Romania. The specialised structures of the Border Police and the Romanian Police will provide tactical counselling necessary to safely transport the victim to the shelter which assists foreign victims. At the request of the representative of the ANITP Regional Centre, these specialised structures will carry out risk assessment within 72 hours from the referral of the case to establish the necessary protection measures.

Source: Country fiche for Romania

**When it comes to referral of children, the issue of consent differs across the Member States.** In Romania, for children, referral to service is done with the consent of the guardian or legal representative. In the UK, child victims do not have to consent to referral. First responders who are not part of Children's Services department should immediately notify specialised child Local Authorities Children's Services, or Social Services in Wales and Health and Social Care Trust Children's Services in Northern Ireland, if they encounter a potential case of child trafficking. In Belgium, entering the NRM is the same for children as for adults – voluntary and conditional upon collaboration with the police. Challenges emerge in this respect concerning the particular vulnerability of children who are often afraid or – when exploited by their families<sup>241</sup> – caught up in a conflict of loyalty<sup>242</sup>. Competent national authorities in Belgium emphasised the importance of providing protection and support to children at an early stage. In Slovenia, if a child is a Slovenian citizen, s/he would be first placed at emergency accommodation and afterwards transferred to one of the institutions for children who, for different reasons, cannot live at home or in a foster family. For children who are not Slovenian citizens (EU or non-EU), this automatic solution does not apply. They would be placed in emergency accommodation and a multidisciplinary team would be convened to find the most appropriate solution for a specific case.

**Some interviews conducted during the Study showed that not all potential victims detected are referred to appropriate services** (e.g. BE, DK, EI, FI). In Ireland, specialised CSOs claim that only 50% of the women and girls trafficked for sexual exploitation are actually referred to the system<sup>243</sup>. In Finland, CSOs provide services to victims who opt out of referral<sup>244</sup>. In Belgium, the lack of adequate transportation from the point of detection to service providers was reported to affect the number of referrals from places located further from THB reception centres<sup>245</sup>.

**The need for increasing trust in the system among potential victims is widely acknowledged across the Member States and several are taking active steps to address it.** Since the often prevailing lack of trust in the police is among the key factors hindering victims' referral, in Belgium the THB Unit of the Brussels Federal Judicial Police engages with potential victims of sexual exploitation on a weekly basis, which has reportedly helped build a relationship of trust. As part of this process, the authorities inform potential victims about support and assistance offered in the NRM on a voluntary basis<sup>246</sup>. In Finland as of 2018, the National Assistance System ceased

<sup>(241)</sup> Interview BE 02

<sup>(242)</sup> Belgian Federal Migration Centre (2018), *Rapport annuel traite et trafic des êtres humains 2018: Mineurs en danger majeur*, available at: <https://www.Myria.be/fr/publications/rapport-annuel-traite-et-traffic-des-êtres-humains-2018-mineurs-en-danger-majeur>

<sup>(243)</sup> Interview IE 03

<sup>(244)</sup> Interview FI 01, FI03, FI 04

<sup>(245)</sup> Interview BE 01, BE 04

<sup>(246)</sup> Interview BE 06

to automatically inform the police about its new clients (potential victims of THB), which is hoped to increase trust on the side of undocumented foreign victims<sup>247</sup>, encouraging them to self-identify and access services within the NRM. In **Ireland**, An Garda Síochána/the police are the sole body responsible for formally and legally identifying victims of trafficking. This solution was judged to hinder early identification of victims and possibly exclude a large number of women and girls victims of trafficking for sexual exploitation from entering the NRM. These victims are often reluctant to initially speak with An Garda Síochána for various reasons, including a concern that their families in their home countries may be threatened<sup>248</sup>.

### 3.6. Provision of appropriate assistance and protection

Member States provide a variety of assistance and support measures to victims of trafficking in human beings. The majority have a statutory basis for the provision of assistance to victims of trafficking, either in a dedicated anti-trafficking law (e.g. BG, CY, LU, RO), victim support law (e.g. EE), general social assistance legislation (e.g. LV, NL, PL, SE) or – in the case of Member States which are primarily of destination – in aliens or international protection legislation (e.g. BE, DK, FI, FR, IT, PT)<sup>249</sup>. In some cases, provision of services is based on inter-agency co-operation agreements, memoranda or protocols setting up the NRM<sup>250</sup>. The current chapter gives an overview of the assistance and support available in the context of referral. The chapter also presents the challenges, which were identified by interviewed stakeholders in relation to different services.

#### 3.6.1. Service providers

**In the majority of Member States, a mixed approach to service provision has been identified whereby assistance and protection are offered both by contracted CSOs and state authorities** (see Chapter 3.3.4.). CSOs frequently play a leading role in providing specialised services, while social assistance institutions function in a more subsidiary capacity, e.g. covering categories of victims and types of assistance beyond the specialised programmes or providing assistance once the capacity of specialised support services is depleted. However, there are also examples of Member States where assistance and support are channelled through state agencies. For example in **Malta**, assistance is provided by the state Agency Appogg. CSOs provide their own services, but those are not contracted by the government<sup>251</sup>.

**The statutory activities of CSO contractors usually focus on THB, in particular victim support.** However, some Member States also contract organisations with a wider or overlapping scope of activities, including such issues as domestic violence, violence against women, migration or social services in general. In some Member States, religious or humanitarian organisations play a significant role in providing services (e.g. HR, SK, SI).

**The division between the responsibilities of service providers may be based on age or sex of victims** (e.g. AT, BE, BG, DK, EE, FR, PT). In **Austria**, both age and sex determine the referral pathway. Women and girls above 15 are referred to a specialised CSO, which enjoys an official service provider status under the Special Police Act, while men are referred to another specialised CSO, which however, does not have the same legal status. Girls below 15 and boys, however, obtain services from social assistance institutions, including in particular Drehscheibe Wien, the government-run centre for children-victims of THB funded by the City of Vienna. In **Estonia**, the Social Insurance Board contracted one CSO to assist adult victims and another – child victims. However, it needs to be noted that, based both on desk review and stakeholder feedback, there are significant challenges when it comes to availability of services for children and men. These have been further addressed in Section 3.6.2.

<sup>(247)</sup> Interview FI 01, FI 02

<sup>(248)</sup> Interview IE01, IE03

<sup>(249)</sup> Based on country fiches prepared by country researchers as part of the study. See also, Council of Europe, GRETA (2019), 8<sup>th</sup> General Report on GRETA's activities covering the period from 1 January to 31 December 2018, available at: [https://rm.coe.int/8th-/168094b073?fbclid=IwAR3F\\_Bu3Bt28hA\\_-NjIRAty9JOerVc9ghgmm804Headu7U8b0fEKHiT640E](https://rm.coe.int/8th-/168094b073?fbclid=IwAR3F_Bu3Bt28hA_-NjIRAty9JOerVc9ghgmm804Headu7U8b0fEKHiT640E)

<sup>(250)</sup> Council of Europe, GRETA (2019), 8<sup>th</sup> General Report on GRETA's activities covering the period from 1 January to 31 December 2018, available at: [https://rm.coe.int/8th-/168094b073?fbclid=IwAR3F\\_Bu3Bt28hA\\_-NjIRAty9JOerVc9ghgmm804Headu7U8b0fEKHiT640E](https://rm.coe.int/8th-/168094b073?fbclid=IwAR3F_Bu3Bt28hA_-NjIRAty9JOerVc9ghgmm804Headu7U8b0fEKHiT640E)

<sup>(251)</sup> Malta, country fiche.

### ***Adequate budgeting at national level – accessibility and sustainability***

Funding has been identified during the research as one of the challenges with respect to service provision, especially where CSOs are contracted to provide assistance<sup>252</sup>. The problems pertain to the amount of resources available, continuity and stability of financing, as well as the lack of clarity as to funding responsibilities.

**Insufficient level of funding poses problems in a number of Member States<sup>253</sup>.** In **Bulgaria and Ireland**, funding was assessed as insufficient by CSOs<sup>254</sup>. In the **Czech Republic**, the inflexibility of unit prices for particular services was repeatedly noted as a challenge by interviewed stakeholders<sup>255</sup>. As reported, the unit prices do not reflect inflation and changes in prices over longer periods of time. In **Denmark**, some interviewed CSO stakeholders are concerned that their funding decreases for every action plan and that, as a result, the resources they have received under the 2019-2021 action plan are inadequate for the work they feel is necessary<sup>256</sup>. In **France**, desk review and the interviews held confirm that the specialised CSOs to whom assistance and support have been devolved by the state do not receive adequate and systematic funding to always assure the meeting of victims' rights and their best interest. Consequently, CSOs are in need of securing their own funding for large proportion of activities. CSOs report to continuously raise additional funding from local authorities and private donors. The two GRETA evaluation reports on France also highlighted these issues and urged the French authorities to allocate sufficient funding to address the needs. In **Latvia**, the cost reimbursement amount per victim per day (26 EUR) is a non-changeable maximum, which may prove insufficient for victims with more specific needs, in particular medical. On the other hand, the flexibility allowed to service providers in choosing which specific services to fund with this amount was seen as a good practice.

Country research in **Latvia** also revealed that, under contracts, there are **limitations regarding service providers' administrative costs** which could negatively impact their ability to maintain the programme financially, when the number of clients is variable or low. CSOs have administrative costs incurred every month to carry out the rehabilitation programme, including overheads and salaries of the administrative personnel. Regardless of the number of clients in the rehabilitation programme, there are tasks that have to be performed by employees. However, the procurement requires that the administrative costs do not exceed 10% of the total costs incurred. This means that if there are less than a specific number of clients in the programme at any given time, it is impossible to cover all the administrative costs from its funds.

**In Member States where shelters for victims of trafficking are run by CSOs, sustainable funding should be provided in order to ensure the continuity of victims' assistance, subject to quality controls and periodic evaluation<sup>257</sup>.** However, the current research shows that funding issues impact not only the scope but also continuity of services in Member States<sup>258</sup>. The constant need to re-apply for funding, short funding periods as well as the unknown future prospects make continuous service provision difficult in practice. For example, a problem with continuity of funding for service providers was reported by civil society, and confirmed by other stakeholders, in **Lithuania** where it also relates to the annual cycle of resource disbursement and delays in the tendering process<sup>259</sup>. As a result, CSOs do not receive financial support from the beginning of the year. In 2019, the results of the tender were announced at the end of June, which meant that half of the year CSOs provided support without knowing whether they will receive funds from the Ministry of Social Security and Labour.

**Good practices have, however, been identified in Member States with contracts signed for more than one year, which allows service providers more stability** (e.g. AT, BE, HR, UK). For instance, in **Austria**, the specialised CSO offering support to women and girls over 15 who are victims of trafficking has had a permanent contract with the government since 2014. In **Croatia**, the contract for the operation of a shelter for victims of THB

<sup>(252)</sup> See also, European Commission (2018), Staff Working Document accompanying the document Report from the Commission to the European Parliament and the Council Second report on the progress made in the fight against trafficking in human beings (2018) as required under Article 20 of the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, SWD(2018) 473 final.

<sup>(253)</sup> Identified e.g. in: BG, CZ, DK, IE, LV, FR, PL, PT, RO, UK

<sup>(254)</sup> Interview BG01, IE01, IE03

<sup>(255)</sup> Interviews CZ03, CZ04, CZ05, CZ07.

<sup>(256)</sup> Interviews DK05, DK07.

<sup>(257)</sup> Council of Europe, GRETA (2019), 8<sup>th</sup> General Report on GRETA's activities covering the period from 1 January to 31 December 2018, available at: [https://rm.coe.int/8th-/168094b073?fbclid=IwAR3F\\_Bu3Bt28hA\\_-NjIRAty9J0erVc9ghgmm804Headu7U8b0FEKHt640E](https://rm.coe.int/8th-/168094b073?fbclid=IwAR3F_Bu3Bt28hA_-NjIRAty9J0erVc9ghgmm804Headu7U8b0FEKHt640E)

<sup>(258)</sup> Identified e.g. in: AT, BE, CZ, IE, LT, LV, NL, PL, RO, UK

<sup>(259)</sup> Interviews LT01, LT02, LT03, LT05.

is signed for 3 years<sup>260</sup>. In **Belgium**, the contracts of three specialised centres (each run by a different CSO) were renewed in 2018 for a period of 5 years<sup>261</sup>. But, despite their longer temporal perspective, serious funding problems were identified e.g. in GRETA reports.

**In some Member States, stakeholders pointed to the lack of clarity as to which actors should finance specific services.** For example, in **Bulgaria**, it is not clear which institution should cover the expenses of returning Bulgarian nationals victims of trafficking<sup>262</sup>. Similarly, financing of medical help is not clearly laid out in specific cases. Medical help and support is fully covered when victims are accommodated in a shelter or a crisis centre; but it can become an issue when victims do not want to be clients of the services (when they refuse to be consulted or accommodated)<sup>263</sup>.

**In some Member States (e.g. PT, SK), financing is provided as reimbursement of costs with the annual maximum specified by the contract with a given CSO.** In **Slovakia**, a maximum yearly limit<sup>264</sup> is defined by the contract with the CSO, but the amount spent depends on real expenses and the expenses are reimbursed ex post on a monthly basis.

### 3.6.2. Forms and extent of assistance

Member States provide a wide array of services to victims of THB. Figure 11 below presents the availability of various types of assistance and support. Throughout Member States, different conditions are applied to allow varying levels of access to these services, ranging from a reasonable grounds decision (identification of reasonable grounds), formal identification, cooperation with law enforcement bodies, agreement to participate in the programme of assistance, regularity of residence etc. The applied conditions may vary during the reflection and recovery period and at further stages of assistance. Some differences in conditionalities were observed in relation to various types of services, although consistency dominates. The services and conditions for accessing them are summarised below, together with related challenges.

**In quite a number of Member States<sup>265</sup>, a certain level of assistance and support is accessible for all persons who are referred to the service provider irrespective of formal identification as a victim.** The extent of this unconditional or minimum-condition (e.g. reasonable grounds decision; severing ties with perpetrators) support may vary in terms of the types of support available and the periods for which it is provided by specific Member States. Such support is more likely to be available immediately after being detected and during the recovery and reflection period available in all Member States. Sometimes the non-conditional support offered in the country stems from the decision of particular CSOs to provide support from other resources than those officially earmarked for support by governments. This is, for example, the case in the **Czech Republic** where CSOs offer the same service for persons that refused to cooperate with law enforcement bodies or to persons that were identified by CSOs as victims of THB in contradiction to the stance of the police.

Some Member States require formal identification for accessing services from the governmental support programme (e.g. DK, LV, RO). In **Latvia**, services may be offered before formal identification; however, reimbursement of their costs rests on this condition.

<sup>(260)</sup> Croatia, Information received for the HR country fiche from the Croatian Ministry for Demography, Family, Youth and Social Policy.

<sup>(261)</sup> Belgium, Arrêté royal du 22 juin 2018 relatif à l'octroi de reconnaissance aux centres spécialisés dans l'accueil et l'accompagnement des victimes de traite et de certaines formes aggravées de trafic des êtres humains et à l'agrément pour ester en justice, *Belgian Official Gazette*, 5 July 2018.

<sup>(262)</sup> Interview BGO3.

<sup>(263)</sup> Interview BGO3.

<sup>(264)</sup> 746 760 Euro without TVA (Ministerstvo vnútra, Slovenská katolícka charita, 2018).

<sup>(265)</sup> e.g. AT, BE, BG, LT, EE, ES, IE, IT, MT, PT, PL, UK

Figure 23. Type of assistance and support offered in Member States as part of cooperation within NRMs

Type of support	Country code
Appropriate and safe accommodation (e.g. shelter)	ALL MS AT, BE, BG, CY, CZ, DE, DK, EE, EL, ES, FI, FR, HR, HU, IE, IT, LV, LT, LU, MT, NL, PL, PT, RO, SE, SI, SK, UK
Material assistance, including:	
- Money allowance	23 MS AT, BE, BG, CY, CZ, DK, EE, ES, FI, FR, HR, HU, IE, IT, LU, MT, NL, PL, PT, SE, SI, SK, UK
- Food, clothing or other in-kind support	25 MSAT, BE, BG, CY, CZ, DK, EE, ES, FI, FR, HR, HU, IE, IT, LV, LT, (LU), MT, NL, PL, PT, RO, SE, SI, SK, UK
Medical assistance (e.g. general, psychiatric, gynaecological)	ALL MS AT, BE, BG, CY, CZ, DE, DK, EE, EL, ES, FI, FR, HR, HU, IE, IT, LV, LT, LU, MT, NL, PL, PT, RO, SE, SI, SK, UK
Psychological assistance (e.g. one-off consultation, regular counselling, specific forms of therapy, etc.)	ALL MS AT, BE, BG, CY, CZ, DE, DK, EE, EL, ES, FI, FR, HR, HU, IE, IT, LV, LT, LU, MT, NL, PL, PT, RO, SE, SI, SK, UK
Translation and interpretation services	ALL MS AT, BE, BG, CY, CZ, DE, DK, EE, EL, ES, FI, FR, HR, HU, IE, IT, LV, LT, LU, MT, NL, PL, PT, RO, SE, SI, SK, UK
Legal counselling and/or legal representation (e.g. one-off consultation, support during proceedings, legalisation of stay, asylum application etc.)	ALL MS AT, BE, BG, CY, CZ, DE, DK, EE, EL, ES, FI, FR, HR, HU, IE, IT, LV, LT, LU, MT, NL, PL, PT, RO, SE, SI, SK, UK
Support for integration, which aims at preventing re-victimisation (e.g. vocational training, support in job seeking, access to education, languages courses, psychosocial and health services, legal assistance, family support)	24 MS AT, BE, BG, CY, CZ, EE, ES, FI, FR, HR, IE, IT, LV, LT, LU, MT, NL, PL, PT, RO, SE, SI, SK, UK
Specific support to children:	
- <i>Individual assessment of specific circumstances of each particular child (including, if applicable, best interests assessment and/or best interest determination)</i>	22 MS AT, BE, BG, CY, CZ, DK, EE, ES, FI, (FR), HR, IE, IT, LV, LT, LU, MT, NL, PL, PT, RO, (SE), SI, SK, UK
- <i>Appointment of a guardian</i>	25 MS AT, BE, CY, CZ, DK, EE, EL, ES, FI, FR, HR, HU, (IE), IT, LV, LT, LU, MT, NL, PL, PT, RO, SE, SI, SK, UK
- <i>Access to education</i>	20 MS AT, BE, BG, CY, CZ, DK, EE, ES, (FI), FR, HR, (HU), (IE), IT, LV, (LT), LU, (MT), NL, PL, PT, RO, SE, SI, (SK), UK
Specific support for victims with special needs	11 MS (BG), (CY), (CZ), DK, ES, (FI), FR, HR, (IE), IT, LV, (MT), NL, PL, PT, RO, SE, (SK),
Specific support for particularly vulnerable groups, women and children, victims from the Roma community, etc.	13 MSAT, BG, (CY), (CZ), DK, ES, (FI), FR, HR, (IE), IT, LU, (MT), NL, PL, (PT), RO, SE, (SK), UK
Other support	

Source: Own elaboration based on country fiches prepared by country researchers during the study. Note: Country codes in brackets were inserted for Member States where no answer was provided.

### Appropriate and safe accommodation

**Accommodation (e.g. shelter) is provided to victims of THB by all Member States for which research results are available.** The services are mostly offered by CSOs (e.g. AT, BE, BG, EE, PL, PT, SK, SI, UK), but can also be obtained from state social assistance institutions (e.g. PL, BG, RO). Victims who are in asylum proceedings may sometimes be housed in specialised asylum facilities. **Ireland** is a unique case in that all victims are accommodated in integration and reception centres for a period of 60 days based on an initial decision by An Garda Síochána that it has reasonable grounds to believe that the person is a victim of THB. Only after a criminal investigation and when the authorities have attained conclusive evidence of trafficking will an individual gain access to mainstream accommodation.

Different types of accommodation are available for victims of THB, but in the majority of Member States specialised centres or shelters are available. While some Member States have had dedicated services for a longer period of time, others have recently introduced accommodation dedicated to victims of THB. For instance, as of 2018 shelters dedicated to victims of THB are also available in Malta.

Sometimes, victims of trafficking are accommodated in shelters which cater to a wider group of victims, e.g. victims in general, victims of exploitation, domestic violence, violence against women, sexual violence, etc. In Luxembourg, for instance, there are no shelters solely for victims of THB, but places are reserved for such victims in other shelters which provide regular assistance<sup>266</sup>. In addition to shelters or centres, some Member States make use of assisted accommodation, supervised apartments, safehouses, hostels and hotels. In terms of other categories of accommodation, in Slovenia, CSOs provide *crisis* accommodation which runs for up to 30 days and is unconditional, and *safe* accommodation which is provided for the length of criminal proceedings and requires cooperation in proceedings.

Figure 24. Good practice - Specialised centres in Belgium

**Good practice:**

**Belgium, specialised centres**

The Circular of 23 December 2016 which is the basis for the Belgian NRM refers to the three specialised centres run by CSOs which are mandated by the Royal Decree to provide residential support in shelter houses whose locations are secured, where necessary. The three specialised centres all have the ability to provide for families or single parents, with rooms adapted to children.

Concerns have been voiced by civil society over accessibility, availability, and appropriateness of accommodation<sup>267</sup>. The results of the current review echo some of those concerns.

**Provision of specialised accommodation**

The information gathered for this Study indicates that specialised accommodation – taking into account the sex, age and the specific consequences of different forms of exploitation that victims have experienced – is to a large extent unavailable.

Women and girls are around two-thirds of all victims registered in the EU, and nearly all victims of trafficking for sexual exploitation. While they remain persistently the majority of the victim, there are no specialised institutions in many Member States.

In some Member States, there exists specialised institutions or services which provide specialised accommodation to women and girls victims of THB and/or female victims in general<sup>268</sup>. For example, in Austria, a specialised CSO provides services for women and girls above 15. In Cyprus, a specialised state shelter aiming at securing a safe space during the initial period is among the options provided. Additionally, a specialised CSO within the NRM offers support, housing and assistance to victims of sexual exploitation. In Luxembourg, two CSOs run shelters for adult female victims with or without children<sup>269</sup>. While not specifically designed for female victims of THB, but more generally for female victims of violence, they have specific places reserved for female victims of THB<sup>270</sup>.

At the same time, while in some Member States the NRMs appear to be gender-neutral, i.e. the services are not explicitly targeted either for female or male victims, they are in fact more often tailored or available to women and girls (e.g. BG, FI, IT). For example, in Bulgaria, the NRM does not explicitly foresee establishing shelters specifically for male or female victims of THB. In practice, however, crisis centres have provided support only to women and children, while male victims have been accommodated in other establishments, including in social

<sup>(266)</sup> Interview LU01.

<sup>(267)</sup> European Commission (2018), SWD(2018) 473 final.

<sup>(268)</sup> Identified e.g. in: AT, CY, CZ, DE-Berlin, DK, EL, FI, FR, HU, LU, NL, PL, PT, UK.

<sup>(269)</sup> GRETA (2018), Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Luxembourg, GRETA(2018)18, paragraphpara 96, available at: <https://rm.coe.int/greta-2018-18-frg-lux-en/16808ee46c> <https://rm.coe.int/greta-2018-18-frg-lux-en/16808ee46c> (accessed: 02.08.2019).

<sup>(270)</sup> Interview LU01.

assistance shelters<sup>271</sup>. This is so because the Bulgarian NRM was developed as a response to the increased risk of trafficking of women for sexual exploitation<sup>272</sup>.

**One quarter of the victims of trafficking are males and, similarly, a lack of specialised facilities for male victims was noted in some EU Member States<sup>273</sup>.** Importantly, some Member States have, however, set up shelters which cater specifically to this group of victims (e.g. AT, BG, LU, NL, PT).

#### *Length of safe accommodation service*

**A variety of solutions as to the period for which accommodation is offered has been observed throughout Member States.** Accommodation can be offered for a certain minimum of time, for example in the UK this is at least 45 days. Elsewhere a maximum time is specified (e.g. BG, CZ, HR). For example, in CZ and HR, the service can be provided up to a year. In Bulgaria, shelters accommodate persons who claim to be victims of THB for up to 10 days upon their personal request. This period might be extended by another 30 days on a proposal by local commissions, pre-trial proceeding authorities or the court, as requested by the sheltered individual<sup>274</sup>. The stay in the shelter can be extended until the end of the criminal proceedings and/or depending on the needs of the victim and upon a decision of the shelter manager. There are Member States which do not set specific time limits for this type of support (e.g. AT, EE, MT) and those which have some options. Luxembourg, for once, offers accommodation ranging from short term shelters (up to a few months) to shelters in which individuals may stay longer.

#### *Material assistance – money allowance, food and other in-kind support*

**As part of assistance and protection facilitated by NRMs, the majority of Member States also provide material assistance in the form of money allowance, food, clothing or other in-kind support.** Such forms of assistance are also provided at the shelters or by the shelters, or for those in the shelters (e.g. CY, EE, NL).

**Material assistance can take the form of a money allowance, which is provided by 23 Member States.** For example, in Cyprus, if accommodated in the shelter, victims receive the amount of 17 EUR as money allowance. In Ireland, when accommodated by the Reception and Integration Agencies in a Direct Provision Centre, a victim receives a money allowance amounting to 38.80 EUR per week. This is the same amount as that received by asylum seekers<sup>275</sup>. In the UK, victims are given 65 GBP (approx. 71 EUR) a week, which is distributed by the safe-house they are living in and can be distributed in a lump sum or divided per diem. This allowance should cover the essential living needs of potential victims, including food, toiletries, clothing and other. However, many safe houses will also provide victims with clothes and starter packages (toothpaste, shower gel, toothbrush, etc.). In Malta, in addition to being provided with free accommodation and food, victims can apply for a small allowance for purchasing food and personal necessities. There is no fixed daily rate for such financial support, but it corresponds to that given to asylum seekers<sup>276</sup>. Money allowance was not reported as an available support option in the DE-Berlin, LV, LT and RO. In Latvia, a money allowance is not provided separately, since social rehabilitation entails financing of the client's basic needs.

**In addition to a separate form of allowance, victims of trafficking can also benefit from social assistance schemes available in Member States and other forms of financial assistance.** For example, in Belgium an array of options are in place. The Circular of 23 December 2016 provides for access to the social security system throughout the duration of the procedure in the form of the social integration income (*revenue d'integration sociale-RIS*) amounting to ca. 928 EUR per month. Additionally, the Belgian specialised centres described above have an agreement with the social security to have 25-50 EUR a month set aside, so that the victims can make

<sup>(271)</sup> Interview BG03.

<sup>(272)</sup> Interview BG01.

<sup>(273)</sup> Identified e.g. in: BG, DE, DK, FI, FR.

<sup>(274)</sup> Bulgaria, Combating Trafficking in Human Beings Act, Article 9 (2) and (3).

<sup>(275)</sup> McMahon B. (2015), Report to Government on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers, Dublin: Department of Justice and Equality, available at: <http://www.justice.ie/en/JELR/Report%20to%20Government%20on%20Improvements%20to%20the%20Protection%20Process,%20including%20Direct%20Provision%20and%20Supports%20to%20Asylum%20Seekers.pdf/Files/Report%20to%20Government%20on%20Improvements%20to%20the%20Protection%20Process,%20including%20Direct%20Provision%20and%20Supports%20to%20Asylum%20Seekers.pdf>

<sup>(276)</sup> Council of Europe, GRETA (2017), Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Malta, paragraph 90, p.19 available at: <https://rm.coe.int/greta-2017-3-fgr-mlt-en-w-cmts/1680782abd>

savings for rental deposits and the purchase of household goods when they first begin to live independently. The specialised centres can also offer a loan for rental deposits, if necessary. Recipients of social security are also entitled to governmental rental subsidies for the first one off purchases when moving.<sup>277</sup> In **Cyprus**, identified victims with pending criminal proceedings have unlimited access to the labour market and the right to apply and receive the minimum guaranteed income scheme (GMI) with monthly support of 634 EUR (for a household of one, higher for multiple-member households).

The majority of Member States also provide food to victims, often linked to residence in the shelter. This service was identified in 25 out of 26 EU Member States for which data was available at the time of writing. For example, in the **Czech Republic**, provision of food is not covered by the contract between the government and CSO service providers, but at the same time, the contract requires that the CSOs provide food from other sources. The contract on the service provision under the programme states the maximum amount of resources that can be provided. The contracts set a cap on spending for various types of support. The **Berlin NRM** does not provide food separately.

### *Medical assistance and psychological counselling*

All Member States provide some form of medical assistance to victim within their NRMs. Often, specific conditions apply to access the full range of medical services, but emergency medical care is available to all.

Figure 25. Good practice - Inclusion of victims in the public health insurance system

#### **Good practice:**

#### **Slovakia, Inclusion of victims in the public health insurance system**

In Slovakia, thanks to the work of the multidisciplinary working group, through cooperation and negotiations between SCCH, ICCHT, NUCIM, health insurance companies and the Ministry of Health, every person entering the trafficking in human beings programme automatically enters the public health insurance system and is seen as “without debt” for the purpose of healthcare expenses and their coverage. This solved a long-standing impasse, since the majority of victims of THB had some debts on health insurance which prevented them from enjoying the full coverage of health expenses. They only had the right to emergency care.

Stakeholders interviewed in some Member States noted challenges related to medical assistance (e.g. BE, BG, CZ, SI). For instance, in the **Czech Republic**, the support programme foresees reimbursement of some health-related expenses, but the limits per client and month are very strict and, in case of serious health problems, insufficient. According to the stakeholders<sup>278</sup>, the arrangement requires a systematic change, with involvement of victim in the public health insurance system being a proposed solution. In **Denmark**, one of the interviewed stakeholders noted the lack of flexibility in healthcare in the asylum system that the Centre Against Human Trafficking can contract<sup>279</sup>. The schema demands an initial counselling and only afterwards allows for a referral to specialised healthcare providers. This entails long waiting periods and frequent transportation of the victims, as well as more work for service providers. In **Slovenia**, unconditional emergency healthcare is free of charge, but this is not the case for other types of medical support. When it comes to non-emergency assistance, it depends on the nationality of the victims and on a given case. Slovenian citizens can have basic and additional health insurance arranged for and then doctor's visits and medication are mostly free of charge. This option is not available to EU and non-EU nationals with victim status. At the same time, a mechanism seems to be in place to remedy this gap. The Slovenian Ministry of Health maintains a specific fund for persons who do not have medical insurance to cover certain procedures on a case-by-case basis (e.g. gynaecological examination, dental procedures).

Even though problems with medical assistance were reported, **good practices were identified in a number of Member States, e.g. provision of specialist medical services in shelters or a more systemic inclusion of victims of trafficking in the public healthcare system.** For instance in **Denmark**, gynaecological treatment is provided in-house by three civil society organisations. In the **Netherlands**, one of the CSOs within the NRM has mental health clinics for domestic and foreign victims of THB. It also has ambulatory teams at its disposal that

<sup>(277)</sup> Belgium. Huur Subsidie, available at: [www.vlaanderen.be/de-vlaamse-huursubsidie](http://www.vlaanderen.be/de-vlaamse-huursubsidie)

<sup>(278)</sup> Interviews CZ03, CZ04, CZ05, CZ07.

<sup>(279)</sup> Interview DK05.

provide outpatient support and provides intensive treatment and in-depth support to victims in its treatment centre. The care programmes offered by this CSO are recognised as national specialised services, among others, by the Ministry of Health, Welfare and Sport and the Association of Netherlands Municipalities (VNG)<sup>280</sup>. In **Spain**, following the reform aiming at universal medical help, healthcare is guarantee to any person, including victims of THB<sup>281</sup>. One of the interviewed stakeholders confirmed that in practice healthcare is always provided also to detected victims, it is not conditioned on formal identification<sup>282</sup>. In the **UK**, medical support includes access to the National Health Service and dental services. Usually, when a victim arrives in a safehouse, they will be taken by their keyworker to a local General Practitioner (GP) to register. If there are medical issues, an appointment will be made. If a specialist is required it is up to the GP to do the referral.

**A strong involvement of state authorities responsible for healthcare in the coordination mechanism** was indicated by stakeholders in **Croatia**. A representative of the Ministry of Health participates in the work of the National Committee for the Suppression of Trafficking in Human Beings. According to Article 5 of the Protocol on the Integration/Reintegration, this representative should be available 24/7 throughout the year under a phone number available to all mobile team members, the providers of accommodation services and legal representatives of children or adults under guardianship, and the members of the Operational Team. The representative's role is to arrange medical appointments for victims<sup>283</sup>.

**Psychological support is also provided by all Member States. The extent of available services vary between Member States and the conditionalities are similar to those applied for the above-described forms of assistance.**

**Some challenges with respect to psychological support have also been identified during the Study, concerning among others its timely availability.** For example, in the **UK**, on the whole there are high levels of mental illness amongst victims of THB<sup>284</sup>. Access to psychological assistance is provided through the NHS, although some safe houses have sourced funding for a counsellor. Nevertheless, long waits and lack of funding for counselling services mean that victims of trafficking often cannot access these vital services. Those who do receive psychological support are getting too little, and often too late, to fully recover from their traumatic experiences<sup>285</sup>. In **Finland**, there appears to be a gap in regulation as to which authority should be in charge of evaluating the psychological state, as well as treatment and support needs of presumed victims. No authority appears to consider such an evaluation as their task, yet there have been cases of severely traumatised victims referred to the assistance system. Additionally, there are long waiting periods for accessing municipal mental health care<sup>286</sup>.

### *Services for child victims and specific measures for children*

To various degrees Member States also implement specific measures for children. **Assessment of specific circumstances of each particular child (including if applicable best interests assessment and/or best interest determination) takes place in the majority of Member States (23 out of 26 for which data was identified).** Such measure was not identified only in **DE** (Berlin NRM), **EL** and **HU**. Various stakeholders are involved in such an assessment, from CSOs contracted to offer services to child protection authorities at a local or national levels, guardians or especially set up institutions, as in the case of **Luxemburg**. In **Ireland**, for example, multidisciplinary assessments are overseen by a social worker, and involve medical, psychological, and educational services<sup>287</sup>.

<sup>(280)</sup> Information available at: <https://english.wegwijzermensenhandel.nl/Organisations/Fier.aspx>

<sup>(281)</sup> Spain, Royal Decree-Law 7/2018 of 27 July on the Universal Access to the National Health System Real (*Decreto 7/2018, de 27 de julio, sobre el acceso universal al Sistema Nacional de Salud*).

<sup>(282)</sup> Interview ES07.

<sup>(283)</sup> Croatia, country fiche.

<sup>(284)</sup> UK, Focus on Labour Exploitation (FLEX), (2016), Too little, too late: Psychological Support for Victims of Trafficking for Labour Exploitation in the UK, available at: [www.labourexploitation.org/news/too-little-too-late-psychological-support-victims-trafficking-labour-exploitation-uk](http://www.labourexploitation.org/news/too-little-too-late-psychological-support-victims-trafficking-labour-exploitation-uk)

<sup>(285)</sup> UK, Focus on Labour Exploitation (FLEX), (2016), Too little, too late: Psychological Support for Victims of Trafficking for Labour Exploitation in the UK, available at: [www.labourexploitation.org/news/too-little-too-late-psychological-support-victims-trafficking-labour-exploitation-uk](http://www.labourexploitation.org/news/too-little-too-late-psychological-support-victims-trafficking-labour-exploitation-uk)

<sup>(286)</sup> Council of Europe, GRETA (2019), Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Finland, paragraph 128, p.26 available at: <https://rm.coe.int/report-concerning-the-implementation-of-the-council-of-europe-convention/168094c77b>

<sup>(287)</sup> SWD(2018) 473 final.

Figure 26. Good practice – Luxembourg, Committee for the Evaluation of the Best Interest of the Child

**Good practice:****Luxembourg, Committee for the Evaluation of the Best Interest of the Child**

In Luxembourg, a collegial body was set up, called the Committee for the Evaluation of the Best Interest of the Child, which consists of members of the Public Prosecutor's Office, the National Office for Children, the OLAI and the Immigration department. The Committee delivers an opinion assessing the best interest of the child, 'in the context of his or her return', based on information in the child's file. The *ad hoc* administrator is invited for the meeting on the child whom he or she represents.

**Access to education is provided in the majority of Member States (20 out of 22 for which the data was identified). Also, arrangements for appointment of guardians are available in Member States and can be used in relation to child victims of THB.** Such a measure was identified in 25 out of 27 Member States for which the data was available. In **Bulgaria**, where it was not noted, neither the Child Protection Act nor the NRM require appointment of a guardian to unaccompanied children. In such cases, law enforcement authorities immediately notify the State Agency for Child Protection. The latter, together with the Social Assistance Agency, follows procedures and requirements specified by the Child Protection Act and the Social Assistance Act. A social worker is appointed to manage the case, but it should not be considered "a guardian" in the strict sense.

Figure 27. Good practice - Services provided to children by a specialised foundation in Bulgaria

**Good practice:****Bulgaria, Services provided to children by a specialised foundation**

The Centre provides first psychological assistance and crisis intervention to children at risk, including child victims of THB, and their families. It also redirects children to health services and Child Protection Departments, non-governmental and international organisations dealing with children's issues.

While service providers who are focused on children have been identified in a number of Member States (e.g. BE, BG, DK, EE, HR, NL, PT, UK), **the lack of availability of appropriate accommodation for children was identified in other Member States (e.g. AT, BE, CZ, FR, MT, PL, SI, UK).** In this situation, children are placed in a variety of institutions, including social assistance shelters or foster care arrangements. For example, **Austria** – where work was done on specific NRM solutions for children (see section 3.1.2.) – does not have specialised shelters for children at the central level. Support to children lies within the remit of federal states and is provided by welfare state institutions not specialised in THB, with the exception of Vienna, where a specialised organisation works with child victims. Support for girls over 15 is also provided by a specialised CSO. In **France**, there is no specialised accommodation for children, who are placed in generic social assistance shelters. In **Malta**, in turn, children are placed in foster care, while **Slovenia** does not have a systemic solution. The support programme in the **Czech Republic** does not accept children and has no provision for relatives of victims on the territory. It creates an obstacle for many victims to enter the programme. This relates especially to women with children or families. It limits the potential referral of the victim and, very often, pushes the CSO offering services to this specific group to look for other ways to support the victims and provide them with services they need, without, for example, separating the mother from the children or separating families<sup>288</sup>. In **Lithuania**, interviewed stakeholders pointed to the need for improvement of the infrastructure of assistance for minor victims<sup>289</sup>. In relation to **Italy**, the US 2019 TIP report notes that shelters for unaccompanied children were insufficient in number due to the large need<sup>290</sup>, something confirmed by an interview conducted during the Study<sup>291</sup> which outlined the reduction of standards in a number of social operators for unaccompanied children. In **Portugal**, a shelter for child victims of THB – financed mainly from EU funds – was opened by a CSO not long ago – in January 2018<sup>292</sup>.

<sup>(288)</sup> Interview CZ05.

<sup>(289)</sup> Interviews LT01, LT04.

<sup>(290)</sup> US Department of State, Office to Monitor and Combat Trafficking in Persons (2019), Trafficking in Persons Report: Italy, available at: <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/italy/>

<sup>(291)</sup> Interview IT01.

<sup>(292)</sup> Information available at: [www.akto.org/pt/o-nosso-trabalho/projecto-cap/](http://www.akto.org/pt/o-nosso-trabalho/projecto-cap/)

Figure 28. FRA publication on child protection focusing on victims of THB

**Children deprived of parental care found in another EU Member State other than their own. A guide to enhance child protection focusing on victims of trafficking. – EU Agency for Fundamental Rights (2019)<sup>293</sup>**

The Guide underlines that: “Addressing trafficking in human beings should be part of mainstream child protection services, including laws, legislation, policy and guidance. EU Member States should avoid letting trafficking cases run through parallel systems. It is thus important to refer the child to the national child protection system immediately after identification. The police, who are most likely to be the first authority in contact with a child, should make sure the case is referred to all appropriate authorities and agencies, including the child protection system, as early as possible. This would ensure a coordinated and holistic approach. To this end, law enforcement agencies should step up investigations and prosecutions of cases of trafficking in human beings as well as enhance transnational law enforcement and judicial cooperation within the EU and beyond. They should also exchange intelligence on risk profiles with other Member States.”

***Other forms of support***

In terms of other forms of assistance and support, **translation and interpretation services, as well as legal counselling and/or legal representation are provided in all Member States.** These types of services are provided both in and outside the context of criminal proceedings. If they relate to criminal proceedings, they are usually organised by other actors than support service providers (e.g. police, prosecutors, judges), although the latter may also play an active role, e.g. in motioning for legal aid, etc.

**Less data was obtained in country research on the specific support for victims with special needs and victims from particularly vulnerable groups.** With respect to both categories, measures were reported in less than a half of Member States (11 and 13 Member States, respectively). While little detail was gathered in terms of specific services for particular addresses, emphasis was placed on the fact that services are determined based on the risk and needs assessment, and are consequently tailored to the specific needs of victims. If any, specific measures were reported for women or girls, as well as children. As noted above, specialised shelters or centres for these groups of victims were identified in a number of Member States (e.g. AT, BG, CZ, DK, FI, PL, PT).

**Limited information on measures to these groups may suggest that they are not accounted for in support systems to a sufficient degree at least in some of the Member States.** As revealed by country research in the **UK**, victims of trafficking who are pregnant or have children are ‘systematically overlooked’ in the country’s anti-trafficking response. As reported in the country fiche, pregnancy and parenthood receive scant mention in UK policy and legislation on trafficking in human beings. No data is collected on rates of pregnancy and parental status at the national and UK level. When mention is made it is in the context of victim identification rather than support provision, notwithstanding that there will be significant support implications for both the parent and the child. In **Denmark**, one of the CSO stakeholders noted a problem with victims who have severe psychiatric and abuse-related problems. The CSO operates a crisis centre for women and was unsure where to accommodate such victims.

**3.7. Long-term assistance and integration, prevention of re-trafficking**

The study revealed that the distinction between short-term and long-term assistance is sometimes not clearly spelled out in Member States’ NRMs and may, in fact, be hard to make based only on the period for which services are offered. Rather, victims’ specific needs determine the scope of assistance, which finds expression in individual plans reflecting objectives achievable in shorter or longer perspectives. The services described in the previous section concentrate on responding to victim’s immediate needs, such as in particular physical safety – enabled by separation from perpetrators and provision of shelter, subsistence and/or medical assistance – and emotional recovery – facilitated e.g. by psychological consultations. These services have been identified to varying degrees in all Member States. Additionally, Member States also provide services whose objective is to support victims’ continued well-being and successful functioning in the society, meaning e.g. integration and avoidance of

<sup>(293)</sup> FRA (2019), Children deprived of parental care found in an EU Member State other than their own. A guide to enhance child protection focusing on victims of trafficking. Developed implementing an action set forth in the 2017 Commission Communication stepping up EU action to address THB (Priority B), and building on the 2018 EU Agencies Joint Statement of commitment to address trafficking in human beings.

re-trafficking. The focus of those services turns to creating conditions for long-term socio-economic solutions for the victim. They will be briefly described in the following paragraphs.

NRMs in 21 Member States offer some form of services related to long-term assistance, (re)integration and/or prevention of re-trafficking<sup>294</sup>. **EE** and **LV** provide victims with services pursuing longer-term objectives such as integration, but they are not directly part of the NRMs. During research in **BG** and **SI**, concerns were voiced by stakeholders about long-term assistance being provided on a project basis rather than a continued service. In the **UK**, where long-term assistance is not currently part of the NRM, the government conceded that victims of THB should receive long-term support that reflects their individual circumstances. Over £1 million from the Ministry of Housing, Communities and Local Government's Controlling Migration Fund has been distributed to six local authorities to test how best to support victims as they exit NRM services and move into local communities. The pilot areas are Nottingham, Leeds, Croydon, Redbridge, Derby, and Birmingham<sup>295</sup>. The Home Office Analysis and Insights team will evaluate the projects with a view to establishing best practice and informing future approach. Further, no long-term assistance was identified in the NRMs of **DE-Berlin**, **DK**, **EL** and **HU**.

While, as indicated above, the objective of a service rather than its duration seem to be better indicators of whether a service constitutes short-term or long-term assistance, the period for which it is provided holds great importance. If too short, it may not allow the service providers to even set the victim on the right path to achieving their long-term objectives, not to mention to see the actual achievement of those goals. In some Member States, concerns were raised as to the length of provided assistance (**CZ**, **HU**, **IT**, **PL**, **SK**, **SI**). Stakeholders in **Hungary** observed limited opportunities for providing long-term assistance in the Hungarian care system, as assistance can be given for a maximum of 90 days, which can be prolonged by another 90 days. Consequently, the risk of re-victimisation is high because of the lack of longer-term assistance or housing support<sup>296</sup> and victims are often re-trafficked for sexual exploitation.

**In relation to long-term assistance, (re)integration and prevention of re-trafficking, services are offered by the same specialised CSOs which coordinate provision of immediate assistance and protection. However, the involvement of public institutions specialised in labour-related matters and social assistance is more visible than in the case of immediate assistance and protection. For example, in France, victims of THB can access educational services, vocational training, employment support etc. available to the general population provided by the public institutions. Specialised CSOs act as intermediaries and support victims in accessing this offer. However, CSOs are not obliged to follow any procedures or guidelines as no such guidelines exist. In Latvia, long-term assistance is informally provided, as part of social services in the municipalities and based on their resources.**

Member States apply various conditions to access all or some of those services. To a degree, the conditions are the same as for short-term assistance, but may also be more demanding. The conditions include having legal residence status in the Member State (e.g. **AT**, **BE**) or being part of criminal proceedings (e.g. **CZ**). In some Member States (e.g. **CZ**, **SI** in case of non-EU nationals), the duration of criminal proceedings determines the duration of assistance—the solution criticised by a number of interviewed stakeholders (e.g. **CZ**). As noted in the **Czech** country fiche, with the termination of the trial, the availability of support is reduced, which may suggest that the system is not victim-centred, but rather focused on criminal justice. Dependence of assistance on the length of proceedings, which cannot be predicted from the outset, also makes it harder to plan assistance in time. In the case of financial assistance offered as part of social services, the conditionality for accessing them is the same as for nationals of a given Member State (e.g. **BG**).

**Within the available assistance options, various services focused on victim's finding and securing employment are visibly the most common**<sup>297</sup>. The services offered to improve employment opportunities include general counselling about the labour market and law to avoid repeat victimisation, support in job seeking, etc. For example, in **Romania**, victims can benefit from income generating programmes. While in the **Netherlands**, the clients of one of the CSOs within the NRM may make use of the transition programme, in which they receive support in finding trainings and education (vocational training or language classes), work placements or volunteer work. In order to ensure that victims do not become isolated, they are paired up with a buddy<sup>298</sup>.

<sup>(294)</sup> Identified in: **AT**, **BE**, **BG**, **CY**, **CZ**, **EE**, **ES**, **FI**, **FR**, **HR**, **IE**, **IT**, **LT**, **LU**, **MT**, **PL**, **PT**, **RO**, **SK**, **SI**, **SE**.

<sup>(295)</sup> Interview UK04.

<sup>(296)</sup> Interviews HU02, HU03, HU05.

<sup>(297)</sup> Identified in: **AT**, **BE**, **BG**, **CY**, **CZ**, **EE**, **ES**, **FI**, **IT**, **LT**, **MT**, **NL**, **PL**, **PT**, **RO**, **SK**, **SI**.

<sup>(298)</sup> Information available at: <https://english.wegwijzermensenhandel.nl/Organisations/expertisecentrum-seksualiteit-sekswerk-en-mensenhandel-essm> (accessed 13.01.2020).

Figure 29. Good practice - Partial relief on social security payments for employers in Spain

**Good practice:****Spain, Partial relief on social security payments for employers**

In 2015, Spain introduced a fiscal benefit for employers who employ victims of various crimes, including THB. The relief can amount to 125 EUR a month (1,500 EUR per year) and can be claimed for a period of two years. While the results of this measure are still to be examined, the measure represents a concrete effort to create tangible incentives to employ victims of THB.

Source: Website of the Spanish Government

While an important and necessary element of successful social integration, inclusion into the labour market often remains a challenge (indicated by respondents in e.g. AT, BE, HU). The challenge stems both from the factors related to victims themselves, e.g. low level of education, lack of language skills or high expectations towards employment, as well as factors external to victims, including e.g. difficulties or delays in regularising victims' residence, lack of employment opportunities in the labour market in general or prejudices against migrants, etc.

Some specific challenges related to employment have been identified by stakeholders in Finland where certain legal provisions hinder access of victims of THB to employment. Refusal of an asylum application equals discontinuation of the right to work, even if another asylum application has been submitted. With the residence permit process pending, children do not usually receive municipal day care which, in turn, hinders their parents' access to employment.

Figure 30. Good practice - Work of CSOs in Finland

**Good practice:****Finland, Work of Finnish CSOs**

One of the CSOs in Finland runs a mentorship programme for women in cooperation with different partners, including the cities of Helsinki's and Vantaa's unemployment office, as well as private companies which provide women with jobs.

Another CSO facilitated the work to form local networks against trafficking in human beings in Turku, Vaasa, Kuopio, Oulu and Tampere to improve the level of awareness on THB in different parts of Finland, to share experiences and to better coordinate the local work against trafficking in human beings.

Source: Interview F105

**Other frequently offered services aim at increasing victims' level of education**<sup>299</sup>. These may include identification of suitable vocational training or requalification opportunities, as well as providing victims with information about those and supporting them in participation. Some Member States also offer language courses<sup>300</sup>. Education-related services often include efforts to integrate victims into the labour market. Some challenges in relation to education were identified during country research in **Finland**, where lack of certificates or education training for low skilled jobs were noted. Additionally, it was observed that in the case of children it might be difficult to find a suitable educational pathway, if their education level is insufficient, or when they are illiterate or have low language competences.

**Some Member States also provide long-term counselling for victims which can take the form of consultations or guidance of psychological (BG, LV, RO, SI) and social nature**<sup>301</sup>. During such guidance victims will be provided with information on social norms and customs which can help them in daily life, especially if they are migrants. In some Member States, victims may receive such services as personal training (e.g. FI), coaching or empowerment (e.g. BG).

<sup>(299)</sup> Identified in: AT, BG, CY, CZ, EE, FI, IT, NL, RO, SK, SI.

<sup>(300)</sup> Identified in: AT, BE, BG, FI, IT, PL, RO, SK, SI.

<sup>(301)</sup> Identified in: BE, BG, CZ, FI, PL, SK, SI.

Some country report also note that Member States offer financial support and/or financial counselling (CY, CZ, IT, LV, SK). This mostly means, however, that victims can access social assistance schemes which are available to country nationals, if they fulfil the general criteria for such services.

Services addressing the victim's relations with their families are also offered in some Member States (BG, CZ, EE, IT, RO). In **Bulgaria**, these include counselling for victim's relatives, while in **Italy** – family mediation.

Other types of support identified in the course of country research included **assistance in finding accommodation** (AT, CZ, EE, ES, SI), legal services or continued medical support. In relation to accommodation, for example in **Belgium**, as part of the support programme, one of the specialised centres offers transition housing thanks to an EU-funded project. In **Bulgaria**, a long-term reintegration shelter is available. In **Latvia**, a challenge was identified in ensuring affordable housing, with long waiting periods for housing offered by the municipalities being observed by stakeholders<sup>302</sup>.

In addition to educational challenges faced by child-victims, country research in **Austria** revealed that long-term assistance of this victim group is generally a challenge, one of the reasons being children's disappearing from the protection system. This problem has been noted before e.g. by **Luxemburg**<sup>303</sup>. In relation to **Bulgaria**, Council of Europe's GRETA noted the lack of effective monitoring of children's reintegration in the country.

Figure 31. Most common types of long-term assistance identified during research

Types of assistance identified	Country code
Assistance in finding employment	AT, BE, BG, CY, CZ, EE, ES, FI, IT, LT, MT, NL, PL, PT, RO, SK, SI
Assistance in improving education – general and vocational education, vocational training and requalification	AT, BG, CY, CZ, EE, FI, IT, NL, RO, SK, SI
Assistance in improving education – language courses	AT, BE, BG, FI, IT, PL, RO, SK, SI
Social counselling or guidance services	BE, BG, CZ, FI, PL, SK, SI
Financial support and financial counselling	CY, CZ, IT, LV, SK
Assistance in finding accommodation	AT, CZ, EE, ES, SI
Family reintegration and other family-related measures	BG, CZ, EE, IT, RO
Psychological counselling	BG, LV, RO, SI
Legal services	AT, CZ, IT

Source: Own elaboration based on country fiches prepared as part of the study.

### 3.8. Assistance and protection in criminal proceedings

In some Member States, the right of victims of THB to obtain legal aid is reiterated in the designated NRM documents (BG, CZ, IT). Informing the victim about their rights to legal assistance lies within the remit of the authorities responsible for victim identification. Legal aid itself is provided by legal aid lawyers in most Member States<sup>304</sup>. In **AT** and **BE**, the provision of legal aid has been delegated to specialised services of CSOs and specialised reception centres, respectively. Specialised CSOs are often engaged in providing complementary legal advice and representation<sup>305</sup>, in some Member States focusing exclusively on legal counselling (EE). In **LV** and **SK**, however, specialised CSOs are the primary actors providing legal assistance and representation to victims of THB within the state-funded victims assistance and support programme. Some other actors playing a considerable role in providing legal information and advice on relevant judicial and administrative procedures include counselling centres in **Germany**, Assistance System bodies in **Finland**, the Social Insurance Board in **Estonia**, law firms financially supported by the state in **Finland** and **Sweden**, as well as the General Secretariat for Gender Equality subordinated to the Ministry of the Interior and Administrative Reconstruction in **Greece**.

<sup>(302)</sup> Interviews LV04 and LV05.

<sup>(303)</sup> SWD(2018) 473 final.

<sup>(304)</sup> Identified in: BG, CY, CZ, DE, DK, EE, EL, ES, FI, FR, HU, IE, IT, LV, LT, LU, MT, NL, PL, PT, UK.

<sup>(305)</sup> Identified in: BG, CZ, EE, EL, FI, FR, IE, LV, PL, SK.

As indicated in reports by the European Commission<sup>306</sup>, civil society raised concerns on challenges in ensuring the realisation of the rights of victims with respect to protection during criminal proceedings, including limited provision of counselling, information and free legal aid, as well as complexity of procedures, and limited support and protection offered to the victim. Some contributions indicate the role played by CSOs in these areas, both with respect to legal aid and counselling, as well as support throughout the process. **The research confirmed the existence of several challenges<sup>307</sup> relating to accessing free legal aid<sup>308</sup> by victims of THB, such as:** the insufficient and unsystematic provision of information on availability and access to legal aid in a language that the victim understands; shortages of adequately qualified and appropriately trained professionals; tying the provision of free legal aid to the financial situation of the victim has been reported as hindering access to legal representation for many victims who do not qualify for the particular income category, but who are nevertheless in a precarious situation<sup>309</sup>. In this light, entitlement to free legal aid for victims of THB irrespective of their financial situation should be regarded as a good practice. While all Member States report having measures for training or informing the judiciary and the police on how to handle THB cases in place, these initiatives are not necessarily regular<sup>310</sup>. In addition, coordination between the actors involved in the investigation, on the one hand, and the organisations providing care for the victims, on the other hand, can sometimes be challenging<sup>311</sup>. As a result of these challenges, as the GRETA reports also note, instances of cross-examinations of victims in the presence of the defendant take place (BE, RO, SK) and secrecy provisions are rarely used (DE, ES, SE). The research conducted for this Study showed that victim protection and provision of legal assistance, in general, is also rarely monitored, further hindering improvements and increased accountability in this field.

### 3.9. Return to the country of origin or country of residence

**Foreign victims of THB accessing assistance within the NRM may return to their countries of origin or previous residence independently, through voluntary assisted procedures or, if they are applicants for international protection, through the processes stemming from the Dublin regulation<sup>312</sup>.** Victims who choose to return to their countries of origin without any assistance from the NRM reportedly do so as they have sufficient financial means and/or fear that information on their horrific experiences will be passed onto stakeholders in their countries<sup>313</sup>. Several EU Member States report few to no cases of voluntary return of foreign victims detected on their territories, either because very few foreign victims have been formally identified or due to the fact that identified victims preferred to remain in destination states (BG, DK, SK, FI, HU, IT, MT, PL). Research also revealed concerns about instances when voluntary assisted returns are, in fact, not truly voluntary, when non-EU victims are left with no options for legal residency. In such cases, victims agree to a voluntary assisted return even though they would prefer to remain in the country of destination<sup>314</sup>. Application of the Dublin Regulation may also sometimes lead to overlooking of victims' rights and the principle of non-refoulement in the case of international protection applicants who have been trafficked<sup>315</sup>. When accelerated asylum procedures are applied, NRM stakeholders managing return of victims had little time to verify information concerning possible trafficking cases. Some cases

<sup>(306)</sup> SWD(2018) 473 final.

<sup>(307)</sup> See for instance the latest GRETA reports on Estonia, France, Poland, Belgium, Croatia.

<sup>(308)</sup> Further information is available in the Transposition report adopted in 2016 by the European Commission: "Article 12(2), requiring Member States to provide victims of trafficking in human beings with access without delay to legal counselling and legal representation, including for the purpose of claiming compensation, and free of charge where the victim does not have sufficient financial resources, is reflected in national laws of most Member States (BG, CZ, EE, EL, ES, FR, HR, CY, LV, LT, MT, AT, PT, SI, SK, FI, SE and UK). Most Member States provide for the possibility of a legal aid free of charge in cases where a person does not have sufficient financial resources. EL, HR, LV and SE go further as such aid is granted for free regardless of the resources of the victim. Regarding the provision of legal representation and legal counselling 'without delay', EE, ES, MT and UK (Gibraltar) reflect this condition in an explicit manner in their respective laws. Moreover, regarding the scope of access of legal representation the information concerning IT and LU is not conclusive and might require further examination.", available at: [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/report\\_on\\_member\\_states\\_compliance\\_with\\_directive\\_2011-36\\_en.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/report_on_member_states_compliance_with_directive_2011-36_en.pdf)

<sup>(309)</sup> See, for instance, the latest GRETA reports on Italy.

<sup>(310)</sup> See, for example, the latest GRETA reports on HR and FR.

<sup>(311)</sup> BG and FR country fiches.

<sup>(312)</sup> Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, available at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?jessionid=jHNITp3HLjqw8mqGbQSpZh1VWpjCyVQq14Hgcztw4pbfSQZffnm!557467765?uri=CELEX:32013R0604>

<sup>(313)</sup> Interviewees FIO4, FIO1 talking specifically about African victims and stating that European victims are eager to return to their countries.

<sup>(314)</sup> Interview FIO4.

<sup>(315)</sup> Interviews DK 07 and ES07.

were reported where Nigerian women were returned under the Dublin Regulation to Italy despite suspicions that they had been exploited there<sup>316</sup>.

**Overall, all the Member States envision some sort of assistance to victims of THB expressing a wish to return to their countries of origin. This assistance includes providing information to the victim about the assistance available upon return and establishing contacts with receiving institutions.** Provisions for assistance in return are stipulated as part of the core NRM documents in some of the Member States (e.g. BG, IT, RO) or protocols and laws defining the rights and duties of foreign victims of THB (e.g. CR, ES, FI, PL)<sup>317</sup>. While procedures vary across the Member States, in the majority of cases, they begin with the victim expressing their desire to return to their country of origin, followed by a risk and needs assessment, provision of information about services available in the country of origin, issuance of travel documentation and logistical travel arrangements, and assistance provided upon arrival, sometimes including re-integration programmes and prevention of re-trafficking. Ideally, the procedure should also include monitoring of the victim's progress in the country of origin.

**When it occurs, an assisted voluntary return is managed by a number of stakeholders and these mainly include: law enforcement bodies, immigration officers and border guards, specialised institutions tasked with provision of services to victims of THB, CSOs or the IOM. With regard to the first step, the UK guidelines stipulate that victims of THB should be free from any pressure and that their consent must be sought and re-confirmed continuously throughout the process<sup>318</sup>. In the Netherlands, assisted voluntary returns are managed in accordance with the Safe Future Methodology – a comprehensive methodology developed for assistance in return and reintegration to foreign victims of THB for whom it is difficult to get a residence permit in the Netherlands<sup>319</sup>. Austria developed a handbook on Quality standards of risk assessment and monitoring for safe return and reintegration, which is the basis of return counselling and return assistance<sup>320</sup>. In Spain, according to the Framework Protocol the assisted return shall include an evaluation conducted prior to the departure of the risks and security issues, transportation, and the support at the points of departure, transit and destination. Moreover, organisations and specialised entities may propose inclusion of the victim under the social support voluntary return programme for migrants funded by the Ministry of Employment<sup>321</sup>. Overall, across the Member States procedures and scope of assistance available may vary according to the victim's citizenship and age (EEA or non-EEA citizen, adult or child).**

**In the majority of the Member States, assisted voluntary return of non-EEA citizens who are within the NRM for victims of THB is managed by or in cooperation with the IOM.** The role and scope of collaboration with the organisation is defined through memoranda of understanding, conventions or circulars stipulating mutual obligations<sup>322</sup>. In IE and IT, for example, the IOM is an integral part of the NRM, albeit in Italy it currently participates only in the identification phase – not in assisted voluntary return<sup>323</sup>. In Poland, owing to the amendment to the agreement which was implemented in 2011, all foreigners (including EU-citizens) who are officially identified as victims of THB by Polish law enforcement agencies are entitled to an assisted voluntary return organised by the IOM<sup>324</sup>. Overall, the IOM prepares the victim of THB for the return to the country of origin, including through provi-

<sup>(316)</sup> Germany: Council of Europe, GRETA (2019), Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Germany, available at: <https://rm.coe.int/greta-2019-07-fgr-deu-en/1680950011>, p.46, para. 217 and 218; Finland: Maija Koskenoja, Natalia Ollus, Venla Roth, Minna Viuhko and Laura Turkia of HEUNI and the National Rapporteur's office (2018) "An unknown future: A report on the effectiveness of legislation concerning assistance for victims trafficking in human beings", published by the Prime Minister's Office, 16 March 2018.

On the general problem of forced return procedures of THB victims in the EU see European Migration Network (2014) *Identification of victims of trafficking in human beings in international protection and forced return procedures*. European Migration Network Study March 2014. Available at <https://www.refworld.org/pdfid/5326b50a4.pdf> ().

<sup>(317)</sup> Examples include Protocol on Voluntary Return in Croatia,

<sup>(318)</sup> Human Trafficking Foundation (2018) *Trafficking Survivor Care Standards*, pg. 74. Available at <https://www.humantraffickingfoundation.org/policy>

<sup>(319)</sup> Safe Future. A complementary methodology for social workers providing assistance to foreign victims of trafficking and victims of domestic violence, who remain uncertain about whether they can stay in the Netherlands, available at [www.opvang.nl/files/Safe\\_Future\\_Methodology.pdf](http://www.opvang.nl/files/Safe_Future_Methodology.pdf) ().

<sup>(320)</sup> LEFÖ-IBF (2018), *Safe return and reintegration of Trafficked Persons: Quality Standards for Risk Assessment and Monitoring*, available at: [www.lefoe.at/tl\\_files/lefoe/Sichere%20R%C3%BCckkehr\\_Englisch\\_September2018.pdf](http://www.lefoe.at/tl_files/lefoe/Sichere%20R%C3%BCckkehr_Englisch_September2018.pdf).

<sup>(321)</sup> See Ministerio de Justicia, del Interior, de Empleo y Seguridad Social y de Sanidad, Servicios Sociales e Igualdad, la Fiscalía General del Estado y el Consejo del Poder Judicial [Spanish Ministers of Health, Social Services and Equality, of the Interior, of Justice, of Employment and Social Security, Public Prosecution Office, and the General Council of the Judiciary] (2011), part. xiii.f, page 16

<sup>(322)</sup> Examples include: Poland, Czechia,

<sup>(323)</sup> IOM's roles in the Irish NRM is defined in *the Statement of roles and responsibilities for State Organisations, Non-Governmental Organisations and International Organisations in Ireland* defined in cooperation regarding the prevention, protection of victims and prosecution of trafficking in human beings, available at <http://www.blueblindfold.gov.ie/en/BBF/Statement%20of%20Roles%20and%20Responsibilities.pdf/Files/Statement%20of%20Roles%20and%20Responsibilities.pdf> ; Italy IT 02

<sup>(324)</sup> [https://ec.europa.eu/anti-trafficking/member-states/poland-3-implementation-anti-trafficking-policy\\_en](https://ec.europa.eu/anti-trafficking/member-states/poland-3-implementation-anti-trafficking-policy_en)

sion of information about the services and assistance in the country of origin, facilitation of contacts with service providers in the country of origin, brokering of the services for the victim. While NRM actors are involved in the planning phase and activities evolving within the country, once the victim has arrived to their country of origin, it is the IOM that manages assistance. When an assisted voluntary return is managed by the IOM, it follows established guidelines, such as the Framework for assisted voluntary return and reintegration<sup>325</sup>. Collaboration with the IOM offers access to the organisation's wide international network of offices and collaborating partners, which greatly facilitates the return process. Generally considered effective, IOM's work could be further improved as it was reported that the extent to which there is engagement with relevant actors in the country of origin or previous country of residence is very limited<sup>326</sup>. The pace of work and a bureaucratic approach adopted by the organisation is also considered a challenge<sup>327</sup>, especially given that the work is halted for three to four months with every negotiation of a new contract<sup>328</sup>.

**When it comes to the return of EU/EEA citizens, the processes are often managed on a case-by-case basis and assistance provided varies according to the victim's needs (EE, BE, PT, FI, UK).** Member States such as AT, DK or SK apply the same procedures to EU and non-EU citizens, while the **Bulgarian NRM** foresees different return procedures for EU/EEA or non-EU/EEA nationals<sup>329</sup>. PT and LU provide financial schemes to EU victims to cover the costs of the return process and possibly of resettlement, while several EU Member States of origin assist their returning citizens through diplomatic and consular services (EE, LT, SK, RO). These include issuance of travel documents free of charge (LT), logistical and in-kind support as well as funding of victim's travel (in case of **Estonia** this takes the form of a loan which is to be re-paid by the victim)<sup>330</sup>. Special arrangements and projects developed between individual Member States are described in the section of this report dealing with the TRMs.

Figure 32. Update on the implementation of Directive 2004/81/EC

#### Update on the implementation of the Directive 2004/81/EC

Directive 2004/81/EC regulates the granting of a temporary residence permit to third-country national victims of THB or who have been the subject of an action to facilitate illegal immigration, who cooperate with the authorities for the investigation and prosecution of the alleged traffickers. Annex 1 to the Commission Staff Working Document provides update on the implementation of the Directive, including a list of first permits issued for victims of THB by Member States, information on targeted consultations and inputs provided through the Eighth Meeting of the EU Civil Society Platform.

For more information, see European Commission (2018), Staff Working Document 473 final, available at [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181204\\_swd-2018-473-commission-staff-working-document\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181204_swd-2018-473-commission-staff-working-document_en.pdf)

**Laws and regulations in all Member States provide for a reflection period for non-EU nationals illegally residing on their territories identified as potential victims of THB.** Council Directive 2004/81/EC<sup>331</sup> defines the reflection period as the "time determined according to national law granted to third-country nationals officially identified as victims of trafficking in human beings allowing the victim to recover and escape the influence of the perpetrators of the offences so that they can take an informed decision as to whether (or not) to cooperate with the competent authorities." In **BG** and **IT**, the NRM documents envision reflection periods, but these are not guaranteed by

<sup>(325)</sup> International Organisation for Migration (2018), A Framework for Assisted Voluntary Return, available at <https://publications.iom.int/books/framework-assisted-voluntary-return-and-reintegration> (accessed 14.01.2020)

<sup>(326)</sup> Interview BE 04

<sup>(327)</sup> Ibid

<sup>(328)</sup> Interview DK 04 and DK 07

<sup>(329)</sup> National Mechanism for Referral and Assistance to Victims of Trafficking in Human Beings (Национален механизъм за насочване и подпомагане на жертви на трафик на хора); available (in Bulgarian) at: <http://www.animusassociation.org/wp-content/uploads/2014/03/Nacionalen-mechanizum-za-nasochvane-na-jertvi-na-trafik-Bg.pdf>

<sup>(330)</sup> Estonia country fiche

<sup>(331)</sup> Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, available at <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32004L0081>

the laws<sup>332</sup>. During the reflection period not only are the presumed victims entitled to remain in the country legally and without the need to cooperate with law enforcement bodies, but they are also entitled to assistance and support measures, such as shelter, medical and psychological help, as well as financial aid in some cases. However, submissions by the civil society to the Commission Staff Working Document (2018) revealed concerns regarding the practice of issuing reflection periods, highlighting lack of respect to the obligation to proceed to an identification based on “reasonable-grounds indication”<sup>333</sup>. Research for this review similarly revealed that while granting of the reflection period should be in no way dependent on the victim’s willingness to cooperate in investigation and proceedings, in some Member States the two are linked<sup>334</sup>. In **DE’s and DK’s** relevant provisions, the reflection period is referred to as the period of preparation for leaving the country<sup>335</sup>. Some NRM’s account for circumstances upon the occurrence of which the reflection period is terminated, in particular, when: the trafficked person, on their own accord and initiative, comes into contact with individuals suspected of THB; their behaviour presents a threat to his/her own safety and to public order; and he/she was wrongfully identified as such (e.g. BG, MT, FI). While such provisions are in accordance with the Council Directive 2004/81/EC, the possibility for termination of the reflection period on the grounds that the victim has actively renewed contacts with the perpetrators raises concerns<sup>336</sup>.

Several Member States offer reflection and recovery periods also to foreigners legally residing on their territories (including EU citizens) as well as their own citizens.

Figure 33. Access to the reflection period in Member States

Access to the reflection period	Member States <sup>337</sup>
Available only for third-country nationals	AT, CZ, ES, EL, HU, IE, LU, LV, MT, NL, PL, SI
Available only for foreigners	DE, DK, EE, EL, HR, FR,
Available for third-country nationals and UE/EEA citizens.	BE, BG, CY, FI, LT, RO, SE, SK, UK

Source: Own elaboration based on country fiches prepared by country researchers during the Study.

The length of the reflection period across the EU ranges from 30 to 90 days, with **Finland** offering up to six months. In **Denmark** the initial period of 30 days can be extended up to 120 days, based on the victim’s special needs or their cooperation on assisted voluntary return<sup>338</sup>.

Figure 34. Determination of the length of the reflection period in Member States

Reflection periods in EU Member States	
Length of the reflection period	Country
Minimum numbers of days but without maximum defined	AT, CY, DE, IT, UK (England, Wales, Northern Ireland)
Maximum number of days defined but no minimum set	BE, BG, HR, CZ, DK, EL, ES, FR, HU, IE, MT, NL, LT, LU, LV, PL, SI, RO, SE
Minimum and maximum periods defined	EE, FI, PT, SK
Possibility for extension of reflection period	DE, DK, ES, IT, SK, SI, SE, UK (Scotland)
Special conditions for children	BE, BG, HR, CY, EL, IE, PL, PT, RO

<sup>(332)</sup> Italy: GRETA, Group of Experts on Action Against Trafficking in Human Beings (2019), cit., paragraphs 193 and Bulgaria: National Mechanism for Referral and Assistance to Victims of Trafficking in Human Beings (Национален механизъм за насочване и подпомагане на жертви на трафик на хора); available in Bulgarian at: <http://www.animusassociation.org/wp-content/uploads/2014/03/Nacionalen-mechanizum-za-nasochvane-na-jertvi-na-trafik-Bg.pdf> (accessed on: 28.06.2019).

<sup>(333)</sup> European Commission (2018), Commission Staff Working Document Second report on progress made in the fight against trafficking in human beings (2018) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting victims, SWD(2018) 473 final, available at: [SWD\(2018\) 473 final](https://ec.europa.eu/commission/presscorner/detail/en/swd_2018_473)

<sup>(334)</sup> For instance, the Council of Europe repeatedly urged the Maltese authorities (in its first and second country reports) to “(...) remove the need to co-operate with the authorities as a pre-condition for being granted a recovery and reflection period”. See Council of Europe, GRETA (2017), Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Malta: Second Evaluation Report, paragraph 110, p.23 available at: <https://rm.coe.int/greta-2017-3-fgr-mlt-en-w-cmts/1680782abd>

<sup>(335)</sup> Council of Europe, GRETA (2019), Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Germany, available at: <https://rm.coe.int/greta-2019-07-fgr-deu-en/1680950011>

<sup>(336)</sup> Council of Europe (2017) Report concerning the implementation of Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings by Malta. Second evaluation round. Available at <https://www.coe.int/en/web/anti-human-trafficking/malta>

<sup>(337)</sup> Some country codes are missing from the table as data gathered was not conclusive

<sup>(338)</sup> Home Office, (2019), Victims of modern slavery – Competent Authority guidance Version 7.0, 29 April 2019, available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/797903/victims-modern-slavery-competent-auth-v7.0-ext.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/797903/victims-modern-slavery-competent-auth-v7.0-ext.pdf)

In **Slovenia**, a 90-day-long reflection period can be extended by further 90 days. In **Scotland** for example, 90 days are envisioned or until a conclusive grounds decision is made, whichever comes earlier. In some cases, support may be offered beyond 90 days where a conclusive grounds decision has not yet been made<sup>339</sup>.

**A number of Member States envision longer reflection periods for children**<sup>340</sup>. By way of example, in **Poland** the reflection period lasts for 3 months for an adult, but 4 months in the case of a child. Similarly, **Belgium** grants 45 days to an adult but three months for children, and **Bulgaria** one month for adults but up to two months for children<sup>341</sup>. The **Romanian** NRM establishes that the period of recovery and reflection given to the presumed/identified child victim takes into account the degree of vulnerability of the victim<sup>342</sup>.

**Concerns have been raised regarding the small number of reflection periods being granted in several Member States (FI, EL, PL)**. As the research has shown, provision of information on the reflection period to victims may be a challenge. In **Germany** stakeholders noted that possible victims of THB are often not informed about the existence of the recovery and reflection period. The police does not explain this to trafficked women if the latter are not accompanied by a lawyer or a social worker<sup>343</sup>. Some of the relevant investigation authorities do not know of the possibility of granting the reflection period in the first place<sup>344</sup>. Concerns have also been raised in **Finland**, where in the opinion of CSO representatives, the legal provisions on reflection and recovery periods and their application did not allow for genuine reflection and recovery<sup>345</sup>. This was because, until 2018, the information concerning the victim admitted to the Assistance System was passed on to the criminal investigation authorities automatically, regardless of whether or not the victim decided to collaborate with the police in the criminal investigation<sup>346</sup>. In **Belgium**, sometimes a statement is already taken by the police upon interception rather than waiting for the reflection period to end<sup>347</sup>. Research in **Denmark** revealed that in practice, no reflection period or voluntary assisted return is generally offered to victims with legal residence, as the reflection period is in practice a postponement of deportation<sup>348</sup>.

**Some sort of risk assessment is envisioned as part of the assisted voluntary return in the majority of the NRMs**. It is carried out with the purpose of ensuring that the victim, their family, as well as friends will be safe upon arrival in the country of origin. Member States either specifically incorporate formal risk assessment as a step in their NRM documents<sup>349</sup> and carry it out within the scope of consultations with the victim prior to their return (BE) or depend on collaboration with the IOM in this matter (CZ, EL, HU). Four Member States lack any established measures for individual risk assessment (FR, LV, LT, SI).

**Risk assessment includes different elements and scope but largely covers potential imminent and long-term risks to the victim and their family in the country of origin, evaluation of social context with regard to stigma and overall safety in the country**. In **Cyprus**, it includes health assessment of the victim. In **Denmark**, the Danish Centre against Human Trafficking and the IOM have collaborated on the development of a form which includes the information the IOM usually request in connection to the return of victims to their country of origin or residence, and the form includes a risk and needs assessment. The return should be individually coordinated on the basis of this form<sup>350</sup>. In **Romania**, the assessment of individual risks and special needs is done by an interdisciplinary team from which a representative of IOM and/or General Inspectorate for Immigration and the interview

<sup>(339)</sup> Home Office, (2019), Victims of modern slavery – Competent Authority guidance Version 7.0, 29 April 2019, available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/797903/victims-modern-slavery-competent-auth-v7.0-ext.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/797903/victims-modern-slavery-competent-auth-v7.0-ext.pdf)

<sup>(340)</sup> BE, BG, HR, EL, IE, PL, PT, RO

<sup>(341)</sup> National Mechanism for Referral and Assistance to Victims of Trafficking in Human Beings, art.22 (Национален механизъм за насочване и подпомагане на жертви на трафик на хора); available in Bulgarian at: <http://www.animusassociation.org/wp-content/uploads/2014/03/Nacionalen-mechanizum-zan-asochvane-na-jertvi-na-trafik-Bg.pdf> (accessed on: 28.06.2019).

<sup>(342)</sup> Data received for the present research, Recovery and Reflection Period, National Agency against Trafficking in Persons, 17 July 2019

<sup>(343)</sup> Council of Europe, GRETA (2019), Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Germany, p. 38, paragraph 180-181, available at: <https://rm.coe.int/greta-2019-07-fgr-deu-en/1680950011>

<sup>(344)</sup> GRETA Germany 2019, p. 38, para 180-181, The Non-Discrimination Ombudsman (2018) The Report of the Non-Discrimination Ombudsman to the Parliament. Chapter 4: Justice for victims of trafficking in human beings – the Non-Discrimination Ombudsman as the National Rapporteur on Trafficking in Human Beings (pp.80-105)

<sup>(345)</sup> Interview FI 04

<sup>(346)</sup> The Non-Discrimination Ombudsman (2018) The Report of the Non-Discrimination Ombudsman to the Parliament. Chapter 4: Justice for victims of trafficking in human beings – the Non-Discrimination Ombudsman as the National Rapporteur on Trafficking in Human Beings (pp.80-105)

<sup>(347)</sup> Interview BE 05, possibly also GRETA Belgium

<sup>(348)</sup> DK03

<sup>(349)</sup> AT, BG, HR, CY, DK, ES, FI, MT, RO, IT, SE, SK, UK, DE.

<sup>(350)</sup> Interview DK01

is conducted in a language that is understood by the victim<sup>351</sup>. Overall, when the return is managed by the IOM, it is usually this organisation that carried out the risk assessment. In **BE, BG, IT** and the **UK**, risk assessment leads to elaboration of an individual risk management plan which, in case of victims returning from the UK, should be updated for at least six months following the return<sup>352</sup>. Only few Member States report making some sort of contact with stakeholders in the victim's country of origin, and these usually involve contacts between CSOs.

**Availability of reintegration and support in the Member States of origin indeed vary depending both on the country of destination and country of origin.** Some NRMs envision elaboration of individual reintegration plans based on the needs and expectations of the victim (AT, BG, DK, EE, UK), while others report lack of adequate reintegration measures as key downfall of the return process (CZ). Reintegration programmes are often run by IOM offices in the countries of victims' origin.

**When it comes to gender-specific measures with reference to women and girls applied in the course of assisted voluntary return of victims, the majority of the Member States do not report any specific approaches.** Rather, gender sensitivity is meant to be streamlined in general procedures and reflected in individual approaches taken with each victim. As such, in **Spain** the Framework Protocol establishes as a general provision the adaptation of actions with a gender perspective, and to guarantee an integral perspective and adequate measures attending to the sex, age, and vulnerabilities of the victim, such as the pregnancy, health conditions and disability<sup>353</sup>. In **Estonia**, on the other hand, gender sensitive measures ought to be applied as part of individual reintegration plans developed for each returning victim<sup>354</sup>. **The Austrian** NRM stakeholder, a CSO tasked with the provision of services to girls and women, provides assistance for a safe and voluntary return for trafficked women and girls from non-EU countries through FROM (Voluntary Return for Victims of Trafficking, *de. Freiwillige Rückkehr für Opfer des Menschenhandels*). Risk analysis involved looks at the linkage of the woman's/girl's vulnerability due to the trafficking story and in the context of the societal environment, intersecting with other vulnerabilities. There is a strong emphasis on the ownership of the return process by the victim so as to prevent re-trafficking.

**In the UK**, as part of the Modern Slavery Innovation Fund project, 237 girls in Ethiopia were provided with accommodation and holistic support, including psychosocial support, catch up education, life skills sessions and health-care. It also reintegrated 189 girls into a family context, assisting care-givers with the transition, and conducting follow-ups to ensure the girls' on-going well-being, and that reintegration is successful and sustainable<sup>355</sup>.

**Voluntary return of children is governed by involvement of additional stakeholders and procedures in the majority of the Member States.** The best interest of the child is the guiding principle of return in a number of states<sup>356</sup> and it translates into child welfare and child protection departments being involved in risk assessment and overall assistance during the return process<sup>357</sup>. As an example, in the **Czech Republic**, if the returning victim is a child, several actors outside of the NRM are involved, among others the Office of the International Protection of Children, Authority for Social and Legal Protection of Child, Ministry of Foreign Affairs, Ministry of Labour and Social Affairs, Asylum and Migration Office. In **Spain**, the Annex to the Framework Protocol – Actions for the detection and care of victims of trafficking in human beings sets, among others, to guarantee that the assistance and protection of child victims of THB is made with the minimum intervention with specialisation and efficiency, to adapt the mechanism to the sex and age of the child, to provide information to the child and the legal guardian on the measures and rights in a comprehensible language, to guarantee the confidentiality, to adopt long-term measures, to attend to the special needs of the child, to prevent re-victimisation of the child, to facilitate geographical mobility for children in the territory to move them away from the victimisation environment<sup>358</sup>.

<sup>(351)</sup> Romania country fiche

<sup>(352)</sup> Human Trafficking Foundation (2018) Trafficking Survivor Care Standards, pg. 76, available at <https://www.humantraffickingfoundation.org/policy>

<sup>(353)</sup> Spain country fiche

<sup>(354)</sup> Estonia country fiche

<sup>(355)</sup> UK country fiche

<sup>(356)</sup> AT, DE, HU, IT, MT, RO, ES, UK

<sup>(357)</sup> AT, BG, CR, CZ, DE, RO, SK, SL, FI, MT

<sup>(358)</sup> Observatorio de la Infancia [Spanish Childhood Observatory] (2017), Actuaciones para la detección y atención de víctimas de trata de seres humanos (TSH) menores de Edad [Actions for the detection and care of victims of trafficking in human beings (THB) under age], cit. pages 9-11, available at: [www.observatoriodelainfancia.mscbs.gob.es/productos/pdf/Anexo\\_Protocolo\\_Marco\\_Menores\\_Victimas\\_TSH\\_aprobado\\_por\\_Pleno1\\_12\\_2017.pdf](http://www.observatoriodelainfancia.mscbs.gob.es/productos/pdf/Anexo_Protocolo_Marco_Menores_Victimas_TSH_aprobado_por_Pleno1_12_2017.pdf)

Verifying the ability of the child's family to provide care is an essential part of the return from AT, DE, DK, EL and the UK, especially if there is a risk that family members were part of the trafficking chain<sup>359</sup>. Return of children also calls for additional cross-country cooperation and as such the guidelines of the Austrian child NRM emphasise the need for transnational cooperation with child and youth welfare services of the competent country of origin so as to assess educational and integration opportunities and the family situation<sup>360</sup>. In Denmark, for instance, collaboration with Romania on the return of children goes beyond the AVR managed by the IOM. Several Member States establish that if the victim is a child or adult under guardianship, a guardian will be provided during the return procedure (HR, DK, DE, SK, SL).

Concerns were raised about the application of the best interest of the child principle in practice in a number of Member States (HU, RO, AT, DE, UK). These include relevant authorities often lacking practical guidance to ensure child victims' safe return to their country of origin (DE)<sup>361</sup>; lack of an integration programme for children whose best interests require remaining in the country of destination (AT)<sup>362</sup> or of pressure from the embassy of the country of origin on the child in question to repatriate (UK)<sup>363</sup>. A challenge of carrying out an effective risk assessment for children placed within the asylum system was also raised (DK). Research in the UK further revealed anecdotal evidence from civil society that many children are repatriated and instantly re-trafficked<sup>364</sup>. Steps have been taken to address some of the challenges. In Germany, effective implementation of the Federal co-operation guidance on protecting and supporting child victims of trafficking and exploitation is expected to contribute to rectifying the gaps<sup>365</sup>. The UK introduced mechanism of an Independent Child Trafficking Guardian (ICTG) tasked with providing specialist, independent, one-to-one support for trafficked children who have no one with parental responsibility for them in the UK (including asylum-seeking children). They are also responsible for advocating on behalf of the child to ensure that their best interests are reflected in decisions made by public authorities.

<sup>(359)</sup> Respective country fiches

<sup>(360)</sup> Austria, Federal Ministry for Families and Youth (2016), Handlungsorientierungen zur Identifizierung von und zum Umgang mit potenziellen Opfern von Kinderhandel, available at: [www.bmeia.gv.at/fileadmin/user\\_upload/Zentrale/Aussenpolitik/Menschenrechte/Handlungsorientierungen\\_zur\\_Identifizierung\\_und\\_zum\\_Umgang\\_mit\\_potenziel...pdf](http://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Menschenrechte/Handlungsorientierungen_zur_Identifizierung_und_zum_Umgang_mit_potenziel...pdf) (accessed: 18.07.2019).

<sup>(361)</sup> Germany: GRETA 2019, p.45, para 215 and 216.

<sup>(362)</sup> Council of Europe (2015), Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Austria Second Evaluation Round

<sup>(363)</sup> Interview UK06.

<sup>(364)</sup> Interview UK06.

<sup>(365)</sup> Council of Europe, GRETA (2019), Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Germany, p.45, para 215 and 216, available at: <https://rm.coe.int/greta-2019-07-fgr-deu-en/1680950011>



## Chapter 4. Overview of the functioning of the TRMs in the EU

### 4.1 Introduction

As set out above in the previous chapter, in order to ensure that victims of THB can access their rights within each Member State, Member States have established a formal and informal NRMs. However, when more than one Member State is affected with a trafficking case, or an Member State and a non-EU country, cross-border cooperation on the referral of victims of THB to appropriate services in order to access their rights is still a challenge. According to the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016, a model for an EU Transnational Referral Mechanism would link “*national referral mechanisms to better identify, refer, protect and assist victims,*” and the EU Strategy noted in 2012 that, at that time, problems were “*generally solved bilaterally on an ad hoc basis. This is often time-consuming and inefficient*”<sup>366</sup>.

According to the research conducted for this study, though an EU-wide TRM Model is not in place, all Member States report transnational cooperation through other means, such as bilateral communication and coordination, multilateral agreements, key stakeholder meetings and other policy and operational instruments. Nevertheless, many of these instruments are not strictly relevant to this Study, as they are not focused specifically on ensuring victims' access to rights. However, they will be briefly outlined in this chapter, as in some cases they may contribute to facilitating and/or improving victim identification, assistance, protection, referral and safe return and reintegration.

As the overall transnational cooperation on trafficking cases is based on various instruments, portraying a comprehensive picture of the transnational cooperation landscape in the EU is rather challenging. Therefore, this chapter will provide information on the mechanisms identified during the desk research and stakeholder interviews conducted for the purposes of this Study, without attempting to recreate a complete review of TRMs in the 28 EU Member States. Emphasis is placed on those mechanisms that are active and have some history of cooperation in which the procedures have been tested in practice.

### 4.2 Existing TRM Models

In recent years, a number of contributions were made to the development and understanding of TRMs by relevant EU-funded interventions. **HU, BE and NL**, for instance, benefited from the project RAVOT-EUR – Referral and assistance for victims of trafficking in human beings in Europe, implemented in the period 2014-2016.<sup>367</sup> The project developed a TRM among the three Member States, for referral, assistance and safe return of victims trafficked for the purpose of sexual and labour exploitation. The Transnational Action (TACT) project (2012-2016)<sup>368</sup> focused in particular on safe and sustainable return and reintegration for victims of THB returning from **FR, EL, IT, PL, ES** to their countries of origin and addressed victims' access to rights throughout the whole cross-border referral process. Several countries<sup>369</sup> benefited from the project Coordinated Approach for the Reintegration of Victims of Trafficking (CARE), implemented between 2013-2015. In the course of this action, a coordinated approach in pre-departure, post-arrival and reintegration assistance for trafficked people was established.

Moreover, in the period 2006-2016, Guidelines for developing transnational referral mechanisms, including Standard Operating Procedures, were elaborated for eight targeted EU Member States<sup>370</sup>. These Member States

<sup>(366)</sup> European Commission (2012), The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016, COM(2012)286 final, available at: [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu\\_strategy\\_towards\\_the\\_eradication\\_of\\_trafficking\\_in\\_human\\_beings\\_2012-2016\\_1.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_strategy_towards_the_eradication_of_trafficking_in_human_beings_2012-2016_1.pdf)

<sup>(367)</sup> More info about the project: [www.ravot-eur.eu/en/presentation-of-the-projects](http://www.ravot-eur.eu/en/presentation-of-the-projects)

<sup>(368)</sup> More info about the project: [www.iomfrance.org/tact/the-tact-project.html](http://www.iomfrance.org/tact/the-tact-project.html)

<sup>(369)</sup> AT, FR, EL, IT, PL, PT, ES, UK

<sup>(370)</sup> AT, FR, EL, IT, PL, PT, ES, UK

benefited from several internationally funded projects/programmes<sup>371</sup> aiming to provide practical measures and recommendations for transnational referrals, according to a victim-centred approach and taking into consideration all necessary steps as part of the NRMs. The outcome of the EU-funded project, Guidelines for Developing Transnational Referral Mechanisms in Europe (TRM-EU)<sup>372</sup>, shape and put into practice wide-ranging local, national, and transnational instruments existing in the EU Member States.

### 4.3 Functioning of TRMs in EU Member States

The research conducted in all EU Member States reveals little evidence on the current functioning of TRMs. Anti-trafficking professionals from just four EU Member States (BG, FR, RO, SE) reported for the purposes of this Study some kind of coherent implementation framework for a TRM. For instance, **France** reports informal functioning of the TRM instruments as a result of the above-mentioned TACT project, without specifying whether the transnational cooperation is relevant to all or only to specific phases of handling trafficking cases<sup>373</sup>.

**In Bulgaria**, a TRM was established as a result of the above-mentioned actions, with the National Commission for Combating Trafficking in Human Beings (NCCTHB) appointed as TRM coordinator, tasked with maintaining contact with the coordinating actors in other countries, in order to ensure victims' access to rights at all phases of assistance provision<sup>374</sup>. Another important and functioning instrument in the TRM context in Bulgaria is the Coordination Mechanism for Referral, Care and Protection of Repatriated Bulgarian Unaccompanied Minors and Child Victims of Trafficking Returning from Abroad<sup>375</sup>. This mechanism facilitates comprehensive and effective support and assistance, as well as follow-up of each case of a trafficked Bulgarian child, either abroad or within Bulgaria. The mechanism includes a system of national and local bodies that carry out the repatriation, reception, identification, family placement, rehabilitation and reintegration of the child.

**The NRM in Romania** contains specific TRM measures relevant for prevention, protection and assistance of trafficked persons, prescribing that the measures should be tailored for each individual case, according to the victim-centred and human rights-based approach.<sup>376</sup>

The National Referral Mechanism Protecting and Supporting Victims of Trafficking in Human Beings in **Sweden** (2016)<sup>377</sup>, which is currently being revised, includes a transnational component within the Standard Operating Procedures on protecting and supporting victims, including a formal procedure for identifying and evaluating the risks associated with the trafficked person prior to return to the country of origin, developing a support for a reintegration plan for the future, and granting access to specialised support programmes.

The results of the above-mentioned projects and actions being taken form a coherent framework for the implementation of TRMs, supported by developed guidelines, activity reports and a network of professionals working in the field. According to the Study on the comprehensive policy review of anti-trafficking projects funded by the European Commission, these *“projects delivered a series of key findings which will support the guidance for future developments of referral pathways at both the national and transnational levels”*<sup>378</sup>. Accordingly, several good practices and case examples have been identified in the research.

<sup>(371)</sup> Programme to Support the Development of Transnational Referral Mechanisms for Trafficked Persons in South-East Europe (TRM-SEE), funded by United States Agency for International Development (USAID), implemented in 2006-2009; *Enhancing Transnational Cooperation on Trafficking Cases in South-Eastern Europe (TRM-II)* (2010-2012); *Development of Transnational Referral Mechanisms for Victims of Trafficking between Countries of Origin and Destination (TRM-EU)*, co-funded by the European Union (2008-2010); *Development of a Transnational Referral Mechanism for Sweden (SE-TRM): Targeted support to County Administrative Board of Stockholm (CABS)* (2014-2016). More info: [www.icmpd.org/our-work/capacity-building/programmes/anti-trafficking-programme/completed-projects/](http://www.icmpd.org/our-work/capacity-building/programmes/anti-trafficking-programme/completed-projects/)

<sup>(372)</sup> ICMPD (2010). *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU*. Available at: [www.icmpd.org/our-work/capacity-building/thb-and-related-forms-of-exploitation/publications/guidelines-for-the-development-of-a-transnational-referral-mechanism-for-trafficked-persons-in-europe-trm-eu/](http://www.icmpd.org/our-work/capacity-building/thb-and-related-forms-of-exploitation/publications/guidelines-for-the-development-of-a-transnational-referral-mechanism-for-trafficked-persons-in-europe-trm-eu/)

<sup>(373)</sup> IOM France, available at: [www.iomfrance.org/tact/the-tact-project.html](http://www.iomfrance.org/tact/the-tact-project.html)

<sup>(374)</sup> BG03

<sup>(375)</sup> Government of R. Bulgaria (2016). Coordination Mechanism for Referral, Care, and Protection of Repatriated Bulgarian Unaccompanied Minors and Child Victims of Trafficking Returning from Abroad (Координационен механизъм на рефериране и обгрижване на случаи на непридружени български деца и деца-жертви на трафик, завръщащи се от чужбина); available in Bulgarian at: <https://antitrafic.government.bg/uploads/UsefullInfo/Law/1263815210.doc>

<sup>(376)</sup> Draft National Identification and Referral Mechanism, ISF01 Project - “Human trafficking - a victim-centred approach”, ANITP; available at: <http://anitp.mai.gov.ro/ro/docs/Proiecte/ISF01/MNIR%20Lb%20Romana.pdf>

<sup>(377)</sup> Länsstyrelsen Stockholm (2016). *National Referral Mechanism – Protecting and supporting victims of Trafficking in Human Beings in Sweden*, available at: <https://www.nmtsverige.se/publikation/national-referral-mechanism>

<sup>(378)</sup> European Commission (2016), Study on comprehensive policy review of anti-trafficking projects.

Figure 35. Examples of functioning TRMs in Member States

**Examples of functioning TRMs in EU Member States:****Romania**

A Romanian adult, who has been identified as trafficked on the territory of another country and is to be repatriated to Romania, is interviewed by the relevant stakeholders in the country of destination prior to return. The interview is conducted in order to assess the risks and the special needs for assistance and protection in Romania. For a foreign victim who is to be repatriated from Romania to their country of origin, the overall risks in the country of origin are also considered, in coordination between the National Agency against Trafficking in Persons (ANITP) and IOM (both official TRM actors in the country).

For a Romanian child victim who is to be repatriated, the case notification is made by the country of destination both to ANITP and to the National Authority for the Protection of Child's Rights and Adoption (ANPDCA). Both actors are involved in the assessment of the needs/risks child protection.

**Sweden**

Upon the return of a foreign trafficked person to their country of origin, IOM Helsinki (as the TRM actor responsible for Sweden) monitors the return process through visits to the countries of origin. Returnees can get support for up to two years after their return.

Source: Interview SEO1

Figure 36. Good practice examples within projects related to TRMs

**Good practices:**

In the framework of the implemented projects related to establishment of TRMs, BG, HR, CZ, HU, IT, PT and RO produced a "TRM contact list" – a database with the contact information of key anti-trafficking stakeholders, listed by country and SOP, for informal communication during the daily work of professionals in handling trafficking cases. The main outcome of the RAVOT-EUR project is the online platform and a training manual for professional and academic purposes, to support and enable the identification, referral and assistance of trafficked persons, particularly Hungarian nationals, who are often trafficked to Belgium and the Netherlands.

The TACT project produced a TRM online platform, a unique tool for gathering a variety of resources, providing professionals from EL, ES, FR, IT and PT with standards and hands-on guidelines on direct assistance to victims of THB. The platform contains four key elements (SOPs for the Safe Return and Reintegration of victims of trafficking, Counter-Trafficking Directory dedicated to consular and diplomatic staff, containing profiles of the trafficking situation in 50 countries, a resources database, hosting over 60 documents covering broad range of thematic areas, and a tools application, containing eight practical tools for practitioners.

#### 4.4 Other frameworks for transnational cooperation on the realisation of the rights of victims of THB in EU MS

While THB does not require the crossing of borders, the crime has a cross-border dimension. As set out in the Priority C of the 2017 Commission Communication Reporting on the follow-up to the EU Strategy towards the Eradication of trafficking in human beings and identifying further concrete actions, "*The Commission will continue to encourage the national authorities and EU agencies to address trafficking as a form of organised crime that does not stop at national or EU borders, and cooperate with non-EU countries*"<sup>379</sup>.

Transnational cooperation, according to the research in the Member States, is a vital part of a number of activities related to trafficking, such as identification processes, prevention, protection and assistance of trafficked persons, investigation measures, criminal justice matters and prosecution. As mentioned above, the majority of the Member States do not report evidence on the current functioning of formal transnational mechanisms, however many of them use a broad range of tools that serve to foster international cooperation on trafficking cases.

<sup>(379)</sup> COM(2017) 728 final.

This section provides an overview of the main international instruments and frameworks of cooperation between the EU Member States as well as those between EU Member States and non-EU countries. A country-by-country description is not provided, but rather the existing international and bilateral legal and operational instruments that include norms and tools for cross-border cooperation are described. Emphasis is placed on the instruments relevant for facilitating victims' access to rights and/or victim protection and referral seen through the prism of the primary elements relevant for transnational cooperation: (a) measures and procedures for effective and safe transnational assistance and referral of victims of THB to a range of adequate services; and (b) formal international co-operative agreement(s) between anti-trafficking stakeholders on safe and supported movement of trafficked people between countries of destination, transit and/or origin. The good practices on transnational cooperation identified in the course of the research in the Member States are also included.

Figure 37. Example

**Children deprived of parental care found in another EU Member State other than their own. A guide to enhance child protection focusing on victims of trafficking. – EU Agency for Fundamental Rights, 2019<sup>380</sup>**

Through a set of “10 actions”, the guide provides practical suggestions on how to identify, refer and support children, elaborating on how to implement principles, such as the right of the child to be heard and how to ensure their best interests when deciding on a durable solution. The guide provides practical information to enhance national and transnational cooperation within the EU and on the support relevant EU agencies can provide, including for countering the impunity that fosters child trafficking. Professionals, such as law enforcement and judicial authorities, social workers, health professionals, child protection officers, guardians, judges, lawyers, or Central Authorities established under the Brussels IIa Regulation, but also authorities defining procedures and protocols, can benefit from this guidance.

The research revealed that there is wide range of other existing instruments for international cooperation on trafficking cases within the EU Member States, including bilateral, regional and multilateral platforms, key stakeholders meeting mechanisms, instruments for formal and *ad hoc* cooperation on assistance provision and protection of trafficked persons, cooperation mechanisms with international organisations on the return procedures, etc. The broad range of instruments reported for the purposes of the Study can be distinguished between those that require **formal actions** (for example, when the responsible authority from one country makes an official request to another country to provide information and/or evidence for investigation or prosecution purpose); and those that are **informal** (such as, for example, cooperation between the anti-trafficking actors in order to exchange information or coordinate the assistance provision).

Informal, *ad hoc* coordination between two or more countries, both at intra-EU level and between EU and non-EU countries, is the most commonly reported form of cooperation with regard to facilitating victims' access to and realisation of rights. In the country fiches produced for the purposes of this Study, 21 Member States<sup>381</sup> report this kind of cooperation, which includes, *inter alia*, cross-border cooperation among the anti-trafficking actors on assessment of risks and safety of victims of trafficking before and upon the return, as well as provision of adequate services in the countries of origin and destination<sup>382</sup>. This has been described in detail in section 3.9 above. The CSOs working in this field mostly use their networks to establish contacts with the other countries, but the state actors in the above mentioned countries use these informal channels as well.

Furthermore, in the country fiches for the purposes of this study, 16 Member States<sup>383</sup> have reported cooperation with international organisations (particularly with IOM) in regards to the return procedures of non-EU citizens, including risk assessment prior to return, provision of services during and upon return, as well as re-integration measures according to the needs of the trafficked person and the conditions in the country of return. This is also described in detail in section 3.9 above.

<sup>(380)</sup> FRA (2019), Children deprived of parental care found in an EU Member State other than their own. A guide to enhance child protection focusing on victims of trafficking. Developed implementing an action set forth in the 2017 Commission Communication stepping up EU action to address THB (Priority B), and building on the 2018 EU Agencies Joint Statement of commitment to address trafficking in human beings.

<sup>(381)</sup> AT, BE, BG, CY, DE, DK, EE, ES, FI, HR, IT, LT, LV, LU, MT, PL, PT, RO, SI, SK, UK Source: Own elaboration based on country fiches prepared by country researchers during the study.

<sup>(382)</sup> Three more EU MS (IE, CZ, SK), according to the elaboration based on country fiches prepared by country researchers during the research, have also reported this kind of cooperation for investigation purposes, which is outside the scope of this study.

<sup>(383)</sup> CY, CZ, DK, EE, FI, FR, HU, IE, LT, LU, PL, PT, RO, SE, SK, UK

Significant importance relevant for transnational cooperation is given by the Member States to the existing **regional organisations and/or specific frameworks**<sup>384</sup> as further contributing to cross-border cooperation in handling trafficking cases, including in the framework of EU-funded projects.

AT, CZ, FR, LT and SK<sup>385</sup> also highlight the benefits of **participation in CSO platforms/networks** or similar. Establishing fast and effective cross-border communication on assistance provision to victims of THB with counterparts in the other EU Member States is particularly emphasised.

**Bilateral agreements and other forms of bilateral communication** are other commonly used forms of transnational cooperation on trafficking cases between the EU Member States, as well as between EU and non-EU countries. However, the majority of the Member States<sup>386</sup> report cooperation for law enforcement and investigation purposes (outside the scope of this Study), while only few report formal cooperation on facilitating access to victims' rights based on bilateral agreements (AT, BG, MT, UK).

**The overview of the forms of transnational cooperation reported by the Member States for the purposes of the Study is available in an annex of this report.**

### *Key findings*

The 2017 Communication notes that inadequate access to information about victims' rights and ineffective referral mechanisms at national and transnational level, coupled with a failure to identify all those who fall victim to trafficking continue to prevent victims of THB from actually accessing the rights they are entitled to. Identifying victims efficiently and at an early stage is the first step towards making sure they are treated as rights holders, have access to their rights and can exercise them effectively, which includes receiving appropriate assistance and protection.

The European Commission's second progress report (2018) indicates shortcomings in the functioning of NRMs, in particular the need to ensure: a multidisciplinary approach and involvement of civil society (as relevant), appropriate training and capacity building for all relevant engaged actors, equal implementation of the mechanism in the whole national territory, envisage specific protection measures for child victims, include a mechanism for reviewing negative decisions.

### *The overall findings of this study are as follows:*

- confirm that referral mechanisms have been set up in the Member States, as indicated in the European Commission's second progress report (2018). All but one Member State have referral mechanisms in place at national level, to improve early identification, assistance and support to victims of trafficking. In two cases similar mechanisms are also available at the local level. The scope, functioning and level of formalisation vary. Several MS have adopted documents specifically on referral mechanisms, either formal/binding, or less or not formal.
- indicate that all Member States have in place measures, procedures aiming at improving identification (e.g. indicators, guidelines focused on specific high-risk groups, joint initiative of law enforcement, labour inspectors, migration services, etc.). Overall, formal identification of child victims normally involves additional actors, adjustment of procedures and, generally, application of the principle of the best interest of the child. In addition to law enforcement, police and border authorities, and civil society organisations (CSOs), others who play a role, although to a lesser extent, include: migration officers, labour inspectors and diplomatic services. With respect to EU victims trafficked within their own Member State (nearly one in four victims registered in the EU overall), there is a gap with respect to specific measures.

<sup>(384)</sup> As examples, the Joint declaration between Benelux countries, CBSS and others.

<sup>(385)</sup> Source: Own elaboration based on country fiches prepared by country researchers during the study.

<sup>(386)</sup> BG, HR, CY, FR, EL, HU, IT, LT, RO, MT, UK, SK, SI, ES, SE

***This study further indicates the following in relation to those involved:***

- in most Member States, ministries of home affairs/interior play a significant role as coordinating institutions, including in technically guiding the implementation of NRMs.
- in a few cases, other ministries engaged are those dealing with social assistance, welfare and employment or foreign affairs. In half of the Member States, inter-ministerial committees are formally responsible for co-operation between different national authorities.
- specific institutions/authorities are tasked with the coordination of referral in all but three Member States, although to varying degrees. In all but five EU Member States, the appointed national rapporteurs or equivalent mechanisms are tasked with monitoring.
- all referral mechanisms reviewed adopt a multidisciplinary approach and include the cooperation of a wide range of actors. Law-enforcement authorities are always involved in the referral, often with specialised units, while state social services and CSOs are involved in the vast majority, and are at the core of providing assistance and support. Labour authorities as well as migration and asylum services are also normally involved in the referral.
- in several Member States, referral mechanisms include first responders, i.e. institutions making the initial referral of potential victims. In some Member States, there is no obligation to inform law-enforcement authorities or the ministries of interior/home affairs about referral to assistance and support, which creates challenges especially where there are particularly vulnerable victims.
- the information reviewed reveals challenges in the coordination of different actors, combined with those posed by the limited trust of the victims, both of which negatively affect effective referral.

***In relation to assistance and support, this study concludes the following:***

- all NRMs reviewed encompass identification processes and short-term support and protection measures for victims of THB in general.
- some Member States provide assistance and support unconditionally. In other cases, conditions for accessing support range from 'reasonable grounds' indication, cooperation with law-enforcement authorities, to formal identification. Application of these conditions may be different during and after the reflection period. In some cases, formal identification is a precondition for providing assistance and protection beyond emergency/immediate support, as well as for regularising the stay of non-EU nationals.
- assistance and support is generally provided by CSOs or both CSOs and state authorities. CSOs are often the main actors, with state institutions having a subsidiary role.
- all Member States provide safe accommodation, medical assistance, psychological support, translation and interpretation services, legal counselling and/or legal representation. Most Member States also provide material assistance, such as e.g. money allowances or food and other in-kind support.
- all Member States have in place some measures to prevent secondary victimisation. However, limited specific training and capacity building for law enforcement and the judiciary on such measures/procedures constrains the extent to which these are used in practice.
- in most Member States, lawyers provide legal advice and representation, with specialised services and specialised CSOs being the primary actors in some Member States. In this context, the key challenges emerge when victims cannot prove that they have insufficient financial resources or when there is a need for adequate information in a language that the victim understands.
- across the Member States, and especially where CSOs are directly/mainly involved, availability, accessibility and sustainability of funding pose significant challenges. As examples, with respect to: medical assistance

other than emergency assistance and waiting period; specialised shelters and systematic measures that take into account the age, sex, consequences of the specific form of exploitation, and special needs of victims.

- across the Member States, challenges are posed by language barriers; limited resources, including human resources; limited specific training and capacity building for front-line staff and law enforcement; limited coordination among different actors or uneven implementation of the mechanism in the whole national territory (e.g. when services are concentrated in specific areas, such as large urban centres).
- in the vast majority of the Member States, referral mechanisms for victims of THB are generally not tailored around the main identified patterns of the phenomenon.
- in around half of the Member States the measures in place take into account the sex of the victims and the consequences of the specific form of exploitation they have been subjected to. While trafficking of women and girls for sexual exploitation remains the main form, in the vast majority of the Member States there are no public institutions and/or national actions plans specifically addressing this pattern.
- a few Member States have separate procedures or mechanisms for child victims. Risks and needs assessment are carried out in several Member States, focusing on physical and emotional security, as well as specific protection and assistance needs.

*With respect to transnational referral (within the EU and with non-EU countries), the study finds the following:*

- overall, the Member States have in place a wide range of instruments for transnational cooperation that contribute to referral of victims of THB. Support to transnational cooperation is also provided by EU agencies, according to their mandates. Cooperation frameworks range from bilateral/regional/multilateral platforms, networks or other similar fora, to meetings of key actors, formal and/or ad hoc cooperation on provision of assistance and support, cooperation mechanisms that include relevant international organisations, especially in return procedures, etc.
- all the Member States provide some sort of assistance in cases of voluntary return to the country of origin. All Member States ensure reflection periods for non-EU nationals who are potential victims of THB, which vary from 30 to 120 days for adults, and up to 150 days for children. In most Member States, assisted voluntary return of non-European Economic Area (EEA)<sup>387</sup> citizens is managed by or conducted in cooperation with the International Organisation for Migration (IOM). Most of the referral mechanisms reviewed integrate some sort of risk assessment in the procedures for assisted voluntary return. The availability of reintegration and support in the countries of origin vary depending both on the Member State of destination and the country of origin. Returns of EU/EEA citizens generally take place on a case-by-case basis, and assistance provided varies according to the victim's needs.

### ***Better access to and realisation of the rights of the victims***

The Commission systematically reiterates that victims must be treated as rights holders and that they must have access to appropriate, gender-specific and child-sensitive assistance and support.

Taking into account the extensive available information from relevant reports, studies and project results, the research carried out identifies specific areas where improvement is needed. These include the following:

1. **Effective early identification:** This is the key first step to appropriate referral of all victims, EU and non-EU nationals, including victims trafficked within their own Member State. For this to happen, appropriate, focused and targeted capacity-building measures for all relevant actors likely to come into contact with victims of THB must be ensured. Such measures include appropriate training and information on the main identified patterns of THB, including the main forms of exploitation, in order to facilitate early identification/detection of potential victims (including taking into account the 'reasonable grounds' indication).

<sup>(387)</sup> EU plus Iceland, Liechtenstein and Norway.

2. **Equal focus on all victims and on all forms of exploitation:** No victim of THB must be left behind, with the need for equally and appropriately focusing on all forms of exploitation. This includes, crucially, ensuring appropriate and tailored assistance and support, taking into account the sex, age and consequences of the specific form of exploitation that victims have been subjected to.
3. **Close cooperation of all actors at all levels:** Multidisciplinary approaches and involvement of civil society in all relevant phases of referral must be enhanced; synergies and complementarities between different relevant systems/mechanisms in specific areas (such as child protection, asylum, violence against women, etc.) and referral mechanisms for victims of trafficking should be built; cooperation and information sharing at national and transnational level (within and outside the EU, between all relevant actors, including law enforcement and the judiciary, making full use of the support of relevant EU agencies) should be strengthened.
4. **Monitoring access to and the realisation of victims' rights:** Victims of THB are rights holders, and ensuring their rights remains the ultimate objective of all relevant actions. Appropriate mechanisms/processes must be put in place in order to monitor the impact and results of measures in all phases of referral, as well as across the national territory, including with respect to the possibility to review negative decisions.
5. **Availability, accessibility and sustainability of funding:** Access to appropriate assistance and protection relies on adequate budgeting at national level for assistance and support in all phases of referral and for all actors involved, including national authorities and civil society.

# Annex 1 – List of desk review sources

## *Core sources:*

1. Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims.
2. Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities;
3. Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals;
4. Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, OJ L 101, 15.4.2011.
5. Directive 2011/92/EU of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography.
6. Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime.
7. European Commission (2012), EU Strategy towards the Eradication of trafficking in human beings 2012-2016, COM(2012) 286 final.
8. European Commission (2015), Study on case-law relating to trafficking in human beings for labour exploitation.
9. European Commission (2015), Study on high risk groups for trafficking in human beings.
10. European Commission (2016), Report assessing the extent to which Member States have taken the necessary measures in order to comply with Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims in accordance with Article 23(1).
11. European Commission (2016), Report assessing the impact of existing national law, establishing as a criminal offence the use of services which are the objects of exploitation of trafficking in human beings, on the prevention of trafficking in human beings, in accordance with Article 23(2) of the Directive 2011/36/EU.
12. European Commission (2016), Study on comprehensive policy review of anti-trafficking projects funded by the European Commission.
13. European Commission (2016), Study on gender dimension of trafficking in human beings.
14. European Commission (2018), Second report on the progress made in the fight against trafficking in human beings (2018) as required under Article 20 of Directive 2011/36/EU on preventing and combatting trafficking in human beings and protecting victims, COM(2018) 777 final.
15. European Commission (2018), Commission Staff Working Document Accompanying the Report from the Commission to the European Parliament and the Council Second report on the progress made in the fight against trafficking in human beings, SWD(2018) 473 final.
16. European Commission (2018), Data collection on trafficking in human beings in the EU.
17. European Commission (2018), Report on the progress made in the fight against trafficking in human beings, COM(2016)267 final.
18. European Parliament (2016), Trafficking in Human Beings from Gender Perspective Directive 2011/36/EC. European Implementation Assessment.
19. EUROPOL (2016), Situation Report. Trafficking in human beings in the EU.
20. Eurostat Report on Trafficking

**Other sources:**

1. ICMPD (2012). *The Way Forward in Establishing Effective Transnational Referral Mechanisms in Trafficking Cases. A Report Based on Experiences in South-Eastern Europe.*
2. ICMPD (2018). *Trafficking Along Migration Routes: Bridging the Gap between Migration, Asylum and Anti-Trafficking.*
3. IOM (2007), *The IOM Handbook on Direct Assistance for Victims of Trafficking.*
4. IOM (2014), *An overview of national integration schemes accessible to victims of trafficking and successful practices.*
5. IOM (2015), *Enhancing the Safety and Sustainability of the Return and Reintegration of Victims of Trafficking. Lesson learnt from the CARE and TACT projects.*
6. IOM (2017), *Human trafficking through the central Mediterranean route: data, stories and information collected by the International Organization for Migration.*
7. IOM (2017), *National Referral Mechanisms for Victims of Human Trafficking: Deficiencies and Future Development.*
8. OSCE (2004), *National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook.*
9. OSCE (2011), *Trafficking in Human Beings: Identification of Potential and Presumed Victims: A Community Policing Approach.*
10. OSCE (2014), *Guiding Principles on Human Rights in the Return of Trafficking Persons.*
11. OSCE (2017), *From Reception to Recognition: Identifying and Protecting Human Trafficking Victims in Mixed Migration Flows. A Focus on First Identification and Reception Facilities for Refugees and Migrants in the OSCE Region.*
12. OSCE (2019), *Uniform Guidelines for the Identification and Referral of Victims of Human Trafficking within the Migrant and Refugee Reception Framework in the OSCE Region.*
13. UN General Assembly (2015), *Resolution adopted by the General Assembly on 17 December 2015 on improving the coordination of efforts against trafficking in persons.*
14. UN General Assembly (2016), *Resolution adopted by the General Assembly on 19 December 2016 on trafficking in women and girls, A/RES/71/167*
15. UN OHCHR (2014), *Human Trafficking and Human Rights, Factsheet no. 36.*
16. UNHCR (2008), *Guidelines on Determining the Best Interest of the Child.*
17. UNODC (2016), *Global report on trafficking in persons 2016.*
18. UNODC (2018), *Global report on trafficking in persons 2018.*
19. UNODC, *Human trafficking indicators.*
20. ECtHR judgment of 7 January 2010, *Rantsev v. Cyprus and Russia*, application no. 25965/04. ICMPD (2010), *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU, Department for Equal Opportunities – Presidency of the Council of Ministers and International Centre for Migration Policy Development (ICMPD).*
21. ECtHR judgement of 30 May 2017, *Chowdury and Others v. Greece*, 21884/15.

## Annex 2 – Selected documents pertaining to trafficking in human beings and NRMs at MS level

Country code	Document name in EN
AT	Order of the Federal Ministry of Interior of November 2018 (not public)
BE	Circular of 23 December 2016 relating to the implementation of a multidisciplinary cooperation concerning victims of trafficking in human beings and/or certain aggravated forms of smuggling of migrants
BG	Rules for temporary accommodation and protection centres and for provision of help to victims of trafficking in human beings Minimum Standards for Shelters for Temporary Placement and Centres for Victims of Human Trafficking, operated by the National Commission for Combating Trafficking in Human Beings; Order to Validate the Rules for Development, Usage and Archiving of the Documentation in the Shelters for Temporary Accommodation and the Centres for Protection and Support of Victims of Human Trafficking; Order to Validate the Minimal Standards for the Number and Professional Qualification of the Personnel in the Shelters for Temporary Accommodation and the Centres for Protection and Support of Victims of Human Trafficking.
CZ	Guidelines of the First Deputy of the Minister of Interior No. 1 of 7 June 2010 on the Functioning of the Program for Support and Assistance to the Victims of Trafficking in Human Beings and its Institutional Management Order of Police President No. 201/2017 of 27 July 2017 on Activities in the Field of Trafficking in Human Beings
ES	Annex to the Framework Protocol on Actions for the detection and care of victims of trafficking in human beings (THB) who are minors ( <i>Actuaciones para la detección y atención de víctimas de trata de seres humanos (TSH) menores de Edad</i> ) approved by the Spanish Childhood Observatory in December 2017 Instruction 6/2016 on the action of State Security Forces in the Fight against Trafficking in Human Beings and in the Collaboration with Organizations and Institutions with accredited experience in assisting victims Institutional Declaration Against Trafficking in Human Beings, approved on 20 October 2017 by the Spanish Government Press Cabinet
FI	Instructions Association of Finnish Local and Regional Authorities (ALFRA) issued in August 2016 (circular letter) to all its member organizations regarding identification of victims of trafficking in human beings and services provided to victims of trafficking in human beings
FR	Circular of the Minister of the Interior of 19 May 2015 on conditions for allowing foreign nationals who are victims of trafficking in human beings or pimping to stay in the country Decree no. 2007-1352 of 13 September 2007 which stipulates that the law enforcement agencies will refer people identified as trafficking victims to specialised CSOs which provide assistance and support services
HR	Protocol on Identification, Assistance and Protection of Victims of Human Trafficking (2017) Protocol on Procedures during Voluntary return of Victims of Human Trafficking (2017) Protocol on The Integration/Reintegration of Victims of Trafficking in Human Beings (2019)
HU	Operational order of the Informal Roundtable for cooperation between the National Coordinator against Trafficking in Human Beings and the CSOs contributing to the fight against Trafficking in Human Beings
IE	Statement on Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking <sup>387</sup>
IT	Annex no. 1 to the National Action Plan Against Trafficking and Severe Forms of Exploitation 2016-2018 is in fact a description of the NRM (it. Allegato 1 Meccanismo Nazionale di Referral per le Persone Trafficate in Italia) Decree of the Presidency of the Council of the Ministers of 16 May 2016 on Definition of the consolidated programme of emersion, assistance and social integration in favour of foreigners and citizens
LV	Regulations Regarding the Procedures, by Which Victims of the Trafficking in Human Beings Receive Social Rehabilitation Services, and the Criteria for the Recognition of a Person as a Victim of the Trafficking in Human Beings Cabinet Order No. 29 of 21 January 2014 Guidelines for the Prevention of Trafficking in Human Beings 2014-2020 <sup>388</sup>

<sup>(388)</sup> Ireland, available at: <http://blueblindfold.gov.ie/en/BBF/Administrative%20Immigration%20Arrangements%20for%20the%20Protection%20of%20Victims%20of%20Human%20Trafficking%20-%20March%202021.pdf/Files/Administrative%20Immigration%20Arrangements%20for%20the%20Protection%20of%20Victims%20of%20Human%20Trafficking%20-%20March%202021.pdf>

<sup>(389)</sup> Latvia, available at: <https://likumi.lv/ta/en/en/id/263902>

Country code	Document name in EN
LT	Recommendations regarding the Identification of Victims of Trafficking, Criminal Investigations and Interagency Co-operation approved by the Prosecutor General, the Minister of the Interior and the Minister of Social Security and Labour on the 17 of December 2015 <sup>389</sup>  Resolution on Coordination of the Fight against Trafficking in Human Beings <sup>390</sup>
LU	Grand Ducal Regulation of 10 March 2014 on the composition, organisation and operation of the Committee for monitoring the fight against trafficking
MT	Subsidiary legislation (S.L.) 217.07 on "Permission to reside for victims of trafficking or Illegal Immigration who co-operate with the Maltese Authorities' Regulations"
PL	Algorithm of Conduct of Law Enforcement Officers in Case of Revealing a Crime Consisting in Trafficking in Human Beings
PT	Protocol that creates the RAPVT (Network for Assistance and Protection to THB victims)
SK	Decree of the Minister of Interior of the Slovak Republic No. 47 of 30 June 2008 on Ensuring the Program of Support and Protection for Victims of Human Trafficking  Instruction No. 13/2012 of the Director of MO MoI SR of 31 May 2012 on issuing a guide to ensure the identification of potential victims of trafficking in human beings under the competence of the MO MoI SR  Instruction No. 5/2011 of the Director of BBAP PFP of 12 December 2011 on issuing a guideline for members of the Border Police Service and Aliens Police Service and members of the National Unit to Combat Irregular Migration of the BBAP PFP to ensure common identification of potential victims of trafficking in human beings

*Source: Own elaboration based on country fiches prepared by country researchers as part of the research. Note: For some Member States no additional documents have been listed in the table, as all relevant sources of regulations have been described in the text of the report.*

<sup>(390)</sup> Lithuania, Prosecutor General of the Republic of Lithuania, the Minister of the Interior of the Republic of Lithuania, the Minister of Social Security and Labour of the Republic of Lithuania (2015), Order on the Approval of Recommendations regarding the Identification of Victims of Trafficking, Criminal Investigations and Interagency Cooperation, no. I-327/1V-1015/A1-758, available at: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/7a3026a0a8ae11e59010bea026bdb259>

<sup>(391)</sup> Lithuania, Government of the Republic of Lithuania (2016b), Resolution on Coordination of the Fight against Trafficking in Human Beings, no. 785, available at: [www.e-tar.lt/portal/lt/legalAct/19730980609211e68abac33170fc3720/asr](http://www.e-tar.lt/portal/lt/legalAct/19730980609211e68abac33170fc3720/asr)

## Annex 3 – Overview of forms of transnational cooperation

Instrument for transnational cooperation on access to and realisation of victims' rights	EU MS involved	Description / good practices/case examples
<b>Cooperation platforms/mechanisms</b>		
Multidisciplinary platforms, regular key stakeholder meetings	AT, CZ, LU, MT, NL, SE, SI, SK	<p>Multidisciplinary platforms exist in a form of <b>joint initiatives</b>, such as, for example, one called 'Teamwork! Strengthening multidisciplinary cooperation against trafficking for labour exploitation', joined by Luxemburg, the Netherlands, Slovakia and Malta. The initiative members produced and apply a manual for international cooperation, specifying the roles of the relevant stakeholders across the EU.<sup>391</sup></p> <p>Austria reported the benefits of their membership in the <b>Multidisciplinary Platform Against Criminal Threats (EMPACT)</b> on Trafficking.<sup>392</sup></p> <p>Czechia, Slovakia and Slovenia emphasise the communication channels on specific trafficking cases established through the <b>EU Network of National Rapporteurs or Equivalent Mechanisms</b> and <b>Network of National Coordinators from South Eastern Europe</b>.<sup>393</sup></p>
CSOs cooperation platforms	AT, CZ, FR, LV, SI, SK	<p><b>The EU Civil Society Platform and e-Platform against trafficking in human beings</b> has been reported by Austria, Czechia, France, Latvia, Slovenia and Slovakia as very useful for active exchange of information on referral of trafficking cases within the EU countries. Austria specifies the cooperation as a result of participation in the EU-funded project Integrated Return Management &amp; Voluntary Return for Victims of Human Trafficking (IRMA &amp; FROM), aiming to provide assistance for a safe and voluntary return for trafficked women and girls.<sup>394</sup> Czechia, France, Latvia, Slovenia and Slovakia emphasise the <b>Caritas International network</b> as very useful in this sense on transnational referrals on intra EU level.</p>
<b>Regional instruments</b>		
Council of Baltic Sea States (SBSS)	DK, SE, EE, FI, LT, LV	<p>As mentioned above, CBSS, as an intergovernmental regional organisation, has a beneficial role for several countries in the sense of establishing and provision of contact lists of the anti-trafficking actors in Denmark, Sweden, Estonia, Finland, Latvia and Lithuania, as well as on mutual cooperation on assistance provision to trafficked people in the Baltic region. Furthermore, CBSS collaborates with the other EU countries on trafficking cases, such as for example, Bulgaria and Romania.</p>

<sup>392</sup>) Government of the Netherlands (2016), Manual for experts on multidisciplinary cooperation against trafficking in human beings for labour exploitation, p.3, available at: [www.menschenhandelweb.nl/en/system/files/documents/18%20jan%202016/teamwork-manual-for-experts-on-multidisciplinary-cooperation-against-thb-for-labour-exploitation.pdf](http://www.menschenhandelweb.nl/en/system/files/documents/18%20jan%202016/teamwork-manual-for-experts-on-multidisciplinary-cooperation-against-thb-for-labour-exploitation.pdf) (accessed: 02.08.2019).

<sup>393</sup>) Federal Criminal Intelligence Service (2017), Lagebericht zu Menschenhandel und grenzüberschreitender Prostitution, available at: [www.bundeskriminalamt.at/303/files/Menschenhandel\\_17.pdf](http://www.bundeskriminalamt.at/303/files/Menschenhandel_17.pdf) (accessed: 03.08.2019).

<sup>394</sup>) More information on the network available at: [www.icmpd.org/our-work/capacity-building/programmes/anti-trafficking-programme/platform-of-national-anti-trafficking-coordinators/](http://www.icmpd.org/our-work/capacity-building/programmes/anti-trafficking-programme/platform-of-national-anti-trafficking-coordinators/) (accessed 03.08.2019).

<sup>395</sup>) National Task Force On Combating Human Trafficking (2018), Umsetzung des Nationalen Aktionsplans zur Bekämpfung des Menschenhandels 2015-2017, available at: [www.parlament.gv.at/PAKT/VHG/XXVI/III/III\\_00216/fname\\_721007.pdf](http://www.parlament.gv.at/PAKT/VHG/XXVI/III/III_00216/fname_721007.pdf) (accessed: 18.08.2019).

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Instrument for transnational cooperation on access to and realisation of victims' rights	EU MS involved	Description / good practices/case examples
Benelux Working Group	BE, NL, LU	<p>In December 2016, Luxembourg, Belgium and the Netherlands signed a <b>Declaration of Intent</b> to strengthen the cooperation between the assistance services, the judicial authorities, the police, the immigration services and the labour inspectorates in the three countries. Particular activities in this regard were announced, to include the setting up of an ad hoc Benelux working group under the already active working group, consisting of representatives of the respective (government) bodies, tasked to promote cross-border cooperation, such as exchange of good practices, the organisation of joint training exercises (e.g. on the organisation of long term victim care and on the vulnerability of migrants and the risk of exploitation in the context of trafficking in human beings), and establishment of contact points to facilitate cross-border exchange.<sup>395</sup></p> <p><b>Good practice</b></p> <p>In 2018, a joint meeting was organised to link medical practitioners with experts in trafficking in human beings from Luxembourg, Belgium and the Netherlands, to inform medical professionals on how to receive and guide victims of trafficking in human beings.<sup>396</sup></p> <p>-Benelux countries have developed a brochure entitled 'Information Brochure concerning Benelux co-operation for assistance of victims of trafficking in human beings.' The brochure explains the national referral mechanisms and the bodies and authorities that can be contacted in the course of specific case management.<sup>397</sup></p>
<b>Bilateral instruments</b>		
Bilateral expert meetings	AT, UK	<p>Austria reports several <b>expert meetings</b> held with the counterparts in China and Nigeria,<sup>398</sup> in order to establish close cooperation on victim protection, for example in cases where the family in the country of origin is threatened. The National Child Trafficking Advice Centre in UK (CTAC) has been working with stakeholders to raise standards of safeguarding and child protection in Ghana. This programme was delivered in partnership with some local anti-child trafficking partners.<sup>399</sup></p> <p><b>Good practice</b></p> <p>Austria, through Drehscheibe Wien, has a special repatriation programme with Bulgaria and Romania for the protection of trafficked children, including a six months monitoring.<sup>400</sup></p>
Bilateral agreements	MT, UK  *BG, CY, EL, ES, FR, HR, HU, IT, LV, MT, RO, SE, SI, SK, UK (investigation and prosecution)	<p>Bulgaria, Cyprus, Greece, Spain, France, Croatia, Hungary, Italy, Latvia, Malta, Romania, Sweden, Slovenia, Slovakia and UK report transnational cooperation based on bilateral agreements, however only Malta and UK refer to cooperation related to facilitating victims' access to rights.</p> <p><b>Good practice</b></p> <p>In 2018, Malta signed a two-year Memorandum of Understanding with the British High Commission, which secures collaboration between the two countries on the drafting of new legislation and the strengthening of support mechanisms available for victims of trafficking in human beings. The agreement also facilitates capacity building action for practitioners as well as the sharing of best practices on measures aimed at preventing trafficking in human beings. So-called "labour attaches", are appointed in the Bulgarian embassies abroad, tasked to identify or to support the national authorities with identification and prevention of labour trafficking and exploitation of Bulgarian citizens wishing to work abroad. They provide information and advice to Bulgarian citizens working abroad, linking them to local services (BG03).<sup>401</sup></p>

<sup>(395)</sup> Geens, K., Kok, P., Braz, F. (2016), Intentionverklaring betreffende de BENELUX-samenwerking inzake mensenhandel, available at: [www.benelux.int/files/6714/8067/7093/ondertekeningdocument.pdf](http://www.benelux.int/files/6714/8067/7093/ondertekeningdocument.pdf). (accessed: 02.08.2019).

<sup>(397)</sup> Benelux.int (2018), "Benelux-dag "Mensenhandel: welke rol kunnen medische professionals spelen?", available at: [www.benelux.int/nl/nieuws/benelux-dag-mensenhandel-welke-rol-kunnen-medische-professionals-spielen/](http://www.benelux.int/nl/nieuws/benelux-dag-mensenhandel-welke-rol-kunnen-medische-professionals-spielen/) (accessed: 02.08.2019).

<sup>(398)</sup> GRETA (2017), Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium, [www.coe.int/en/web/anti-human-trafficking/news/-/asset\\_publisher/fx6ZWufj34JY/content/publication-of-greta-s-second-report-on-belgium?\\_101\\_INSTANCE\\_fx6ZWufj34JY\\_viewMode=view/](http://www.coe.int/en/web/anti-human-trafficking/news/-/asset_publisher/fx6ZWufj34JY/content/publication-of-greta-s-second-report-on-belgium?_101_INSTANCE_fx6ZWufj34JY_viewMode=view/). (accessed 1 September 2019).

<sup>(399)</sup> National Contact Point Austria in the European Migration Network (2019), Austria Annual Policy Report 2018, available at: [www.emn.at/wp-content/uploads/2018/12/apr-2018\\_national-report-austria-part-2\\_final.pdf](http://www.emn.at/wp-content/uploads/2018/12/apr-2018_national-report-austria-part-2_final.pdf). (accessed: 05.08.2019).

<sup>(400)</sup> Information provided to the UK researcher by UK Home Office via e-mail.

<sup>(401)</sup> GRETA (2015), Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Austria Second Evaluation Round, available at: [www.rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680630cb4](http://www.rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680630cb4) (accessed: 03.08.2019).

<sup>(402)</sup> Information about labour attaches on the web pages of the Ministry of Labour and Social Policy: MLSP Labour and Social Services at the Embassies of the Republic of Bulgaria (Служби по трудови и социални въпроси на МТСП към посолствата на Република България); available in Bulgarian at: [www.mlsp.government.bg/index.php?section=POLICIES&P=549](http://www.mlsp.government.bg/index.php?section=POLICIES&P=549) (accessed on 08.08.2019).

Instrument for transnational cooperation on access to and realisation of victims' rights	EU MS involved	Description / good practices/case examples
Ad hoc bilateral coordination on specific cases between EU MS and between EU and non-EU countries	AT, BE, BG, CY, DE, DK, EE, ES, FI, HR, IT, LT, LV, LU, MT, PL, PT, RO, SI, SK, UK  *IE, CZ, SK (for investigation purposes)	<p>As explained above, this is the most common cooperation reported by the EU MS, either as a sustainable outcome of the previous TRM actions, or as a self-initiated action by the countries, in most of the cases, through the existing diplomatic channels. Significant number of cooperation cases in regards to victims' assistance provision have been reported throughout the research, including several at intra-EU level: Austria and Spain; Belgium and Germany; Bulgaria and Cyprus; Romania and Cyprus; Finland and Estonia; Estonia and Latvia; and Estonia and Lithuania. One case on facilitating victim access to rights has been reported as a result of collaboration channels between Finland and Nigeria (as a non-EU country). Furthermore, Lithuania, Romania and UK also reported cooperation with (unspecified) non-EU countries on: (a) provision of medical and other necessary assistance; (b) Repatriation Certificates; (c) support in contacting reintegration services in the countries of origin; (d) support in travelling procedure; and (e) prevention initiatives.</p> <p><b>Good practice</b></p> <p>In 2016, official representatives from Finland visited Nigeria in order to assess the implementation of reintegration projects, the quality of services delivered by the service providers and to discuss return and reintegration with the Nigerian authorities. In addition, in 2017, a fact-finding mission was conducted to Italy, to assess the current state of assistance to Nigerian victims of trafficking who were returned to Italy under the Dublin procedure, as well as to create cooperation plans for the future.<sup>402</sup></p>
<b>Cooperation with international organisations</b>		
Cooperation with IOM on assisted voluntary returns for non-EU nationals	CY, CZ, DK, EE, FI, FR, HU, IE, LV, LU, PL, PT, RO, SE, SK, UK	The role of IOM and its wide network worldwide was particularly highlighted by the research interviewees in Cyprus, Czechia, Denmark, Estonia, Finland, France, Hungary, Ireland, Latvia, Luxemburg, Poland, Portugal, Romania, Sweden, Slovakia and UK, in regard to the implementation of the Assisted Voluntary Return programme (AVR) for trafficked people who are non-EU nationals.
Anti-trafficking projects, actions and initiatives involving element of transnational cooperation on access to and realisation of rights of victims of THB	AT, BG, BE, EE, EL, ES, FI, FR, SE, DE, PL, LT, FI, RO, SE, HU, IT, LV, LU	Austria, Bulgaria, Belgium, Estonia, Finland, Greece, Spain, France, Sweden, Denmark, Poland, Lithuania, Romania, Hungary, Italy, Latvia and Luxemburg have reported involvement in various internationally funded projects, initiatives or actions containing transnational cooperation elements on trafficking cases. However, the majority of these projects are relevant for cooperation on law enforcement, investigation and prosecution matters, thus not directly facilitating access to victims' rights. Nevertheless, some of these projects are relevant to the scope of this study, such as, for example, the project HOF-BSR "Paving the Way for the Harmonized Operational Framework in the Baltic Sea Region", a transnational project aiming to develop the Baltic Sea Region into a model region in the identification and provision of comprehensive and sustainable assistance to victims of trafficking in human beings. In the framework of the project, an institutional mapping exercise was conducted in Sweden to collect existing strategies and capacities at the national and local level to identify victims of trafficking in human beings and to provide adequate rehabilitation and reintegration assistance. <sup>403</sup> In the sense of the Baltic cooperation, Finland reported participation in the project "Training and finding good practices in identification and referral of children at risk of exploitation and trafficking in children" and in the Nordic Network against Trafficking in Minors. <sup>404</sup>

<sup>(403)</sup> Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (2017) Report submitted by the Finnish authorities on measures taken to comply with Committee of the Parties Recommendation CP(2015)1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings. CP(2017)20

<sup>(404)</sup> Council of Baltic Sea States. Project HOF-BSR, available. Available at: [www.cbss.org/safe-secure-region/tfthb/](http://www.cbss.org/safe-secure-region/tfthb/) (03.08.2019)

<sup>(405)</sup> Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (2017) Report submitted by the Finnish authorities on measures taken to comply with Committee of the Parties Recommendation CP(2015)1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings. CP(2017)20.

Instrument for transnational cooperation on access to and realisation of victims' rights	EU MS involved	Description / good practices/case examples
Other forms of transnational cooperation		
Cooperation with EU agencies	CZ, LT, LV, PL, RO, SK	<p>Several EU MS reported cooperation on trafficking cases with EU agencies, such as the European Union's Judicial Cooperation Unit (Eurojust), FRONTEX, European Union Agency for Law Enforcement Cooperation (Europol), and participation in Joint Investigation Teams (JITs). These forms of cooperation are not strictly relevant for this Study, as they are not focused specifically on ensuring victims' access to rights, however, in some cases they may contribute to improving victim identification, protection, referral and assistance, such, for instance, the below identified good practice.</p>
<p><b>Good practice</b></p> <p>Officers of the State Border Guard Service of Lithuania, according to GRETA, use the FRONTEX manual which aims to facilitate identification of trafficking victims at the borders. In addition, <i>"border guards working at the sea border cooperate with transportation companies by exchanging information about persons who could be trafficked and providing companies with information concerning risk profiles of potential traffickers. Information provided to border guards by sea carriers regarding vulnerable persons crossing the border, or those possession of expired or otherwise invalid travel documents, is regularly verified and communicated, where necessary, with the staff of German and Swedish ferry companies"</i> (2019:19).<sup>405</sup></p>		

<sup>(405)</sup> Group of experts on action against trafficking in human beings (GRETA) (2019), Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Lithuania, GRETA 2019(18), available at: <https://rm.coe.int/greta-2019-08-fgr-lithuania-en/1680950076> (accessed 19.08.2019).

## Annex 4 – Country fiche template

### COUNTRY FICHE

#### INTRODUCTION

1. Does your country have a formal or informal National Referral Mechanism for victims of trafficking in human beings (NRM) (see definition in Guidelines for researchers)?

Yes

No

*If YES, please go to Q6.*

*If NO:*

2. Does your country have any other mechanism of cooperation between relevant actors involved in specific relevant phases, e.g. identification, support, protection etc?

Yes

No

*If YES, please provide a very short description of the mechanisms to facilitate our correct understanding when this is not a formal or informal referral mechanism.*

*If NO, please fill in the report below to the extent possible and provide answers to the questions in Part II of the template.*

3. What is the name for the formal or informal National Referral Mechanism (or other cooperation/coordination mechanism) in the original language and in English?

4. Is there a separate NRM focused on children as victims of trafficking in human beings?

Yes

No

*If YES, please briefly describe them (e.g. name, year of establishment, institutions involved, relation to the NRM):*

5. Are there any local referral mechanisms in place in your country?

Yes

No

*If YES, please briefly describe one representative example to let us understand what such mechanism look like and how they relate to the NRM (e.g. name, year of establishment, regions encompassed, institutions involved, relation to the NRM).*

6. How are the NRM and TRMs financed? Is specific funding foreseen in state budget? Which institution coordinates funding? Please summarise evidence as to the extent to which the available funding covers the needs of the NRM and TRMs?

## PART I. COUNTRIES WITH NRM/OTHER MECHANISM

### 1. LEGAL BASIS

7. Is the NRM mechanism described in any of the following manners? Where can the basis for NRM's functioning be found?

*Please mark appropriate box(es).*

- In an act (universally binding, adopted by a legislative body),
- In a regulation/executive act (universally binding, executive in nature in relation to a particular law)
- In an order (circular, etc.) of a minister or governmental authority (not universally but internally binding upon the institutions that it concerns)
- In an agreement of involved actors (e.g. memorandum of understanding)
- In a policy document (action plan, anti-trafficking programme, etc.)
- Not formalised in any way binding to the parties
- Other: .....

**Context:**

*Please briefly describe the legal/policy context for the NRM in your country. This description should include among others:*

- *information on the evolution of the NRM (when it was set up, what has changed since);*
- *names of acts/regulations and any other documents (legal, policy, agreement, lists) which are relevant from the perspective of the NRM's functioning with information on when these documents were adopted and why, e.g. whether they constitute implementation of Directive 2011/36/EU;*
- *brief indication in what way each of them is relevant, what is their scope of regulation.*

## 2. ACTORS INVOLVED IN THE FORMAL OR INFORMAL NRM

### 8. Which actors directly and concretely participate in the formal or informal NRM? What are their roles?

Please mark YES/NO next to the types of actors which are or are not involved in the referral mechanisms. Please, list all concretely involved actors in appropriate boxes and briefly describe their roles in the referral, where relevant referring to relevant legal provisions, policy instruments, or other relevant documents where existing. In further parts of the country fiche, the roles will be elaborated on, but this section should allow us to understand the broad relations between and responsibilities of involved actors.

Type of institution	YES (Y) /NO (N)	Description <i>(incl. reference to specific office and/or other relevant details to locate, roles, legal basis if any)</i>
National Rapporteur for trafficking in human beings or Equivalent Mechanism		
Governmental actors (e.g. ministries)		
Law enforcement and judicial authorities (e.g. the Police, Border Guards, Prosecutors, judicial bodies etc.)		
Social services (e.g. child protection services, social assistance services, child guardians, social workers, education, health, etc.)		
Services and/or organisations catering specifically to women victims of trafficking		
Services and/or organisations catering specifically to children victims of trafficking		
Civil society organisations involved in national referral (list only those CSOs directly involved)		
Labour inspectorates (institutions mandated to monitor labour relations & employers' compliance with labour law) if involved in national referral		
Migration and asylum-related services (excl. law enforcement) (e.g. asylum or immigration offices, reception centre workers) if involved in national referral		
Any other actors directly involved in national referral		

9. Below, please provide the formal or informal NRM's flowchart [a diagram illustrating relations between various actors and their roles in various phases of an NRM], either official or own elaboration, stating the sources used to recreate the flowchart.

[SPACE FOR FLOWCHART]

10. How does the formal or informal NRM's set up work in practice? Please summarise the evidence gathered during research to show the extent to which the set up supports the mechanism's effectiveness.

*Additional notes for researchers: Please summarise the results of your research here clearly distinguishing information on facts from opinions expressed by interviewees.*

*You may want to include evidence, among others, related to: the strengths and weaknesses of the existing arrangement; on whether stakeholders perceive their roles as clearly defined and accept them; the level of coordination and its perception; the fact that children's needs (e.g. are specialised institutions involved) and the needs of women and girls are taken into account. Please include information on good practices in terms of division of responsibilities, cooperation and coordination of the mechanism.*

11. What is the scope of the formal or informal NRM?

*Please underline all the elements which fall within the scope of the country's existing formal or informal NRM and list additional elements which have not been singled out below.*

- Includes identification processes
- Includes risk and needs assessment of victims
- Includes assessment of the best interests of the child
- Includes short-term support and protection services
- Includes long-term support and social inclusion functions
- Includes repatriation and social inclusion functions
- Includes monitoring
- Includes capacity-building and organisation of training
- Includes gathering and promotion of knowledge about trafficking in human beings
- Includes prevention measures
- Includes gender-sensitive approaches
- Includes child-specific aspects
- Other elements not listed above:

Please briefly describe type of challenges/shortcomings and good practice/good example with respect to the elements addressed above:

### 3. VICTIM DETECTION/IDENTIFICATION

12. Have any procedures (mechanisms) for identification of trafficking victims been developed within the formal or informal NRM (as part of other coordination mechanism)? Are existing tools used (e.g. checklists, guidelines, etc)?

- Yes  
 No

*If YES, please list those and briefly describe them. The description should cover existing procedures in place for victims who are citizens of the same EU Member State, citizens of another EU Member State, citizens of a non-EU country.*

13a. Through which processes/actors/channels are potential victims detected for the purpose of accessing the appropriate services?

*Please mark in bold all relevant actors involved in detection/identification for the purposes of accessing appropriate services.*

- Outreach [fieldwork or street work]  
 Hotlines  
 law enforcement  
 immigration and/or asylum services  
 labour services  
 social services  
 health services  
 CSOs  
 Other: .....

13b. Is each of these processes/actors/channels listed under 13a included in the formal or informal NRM? If not, please specify which are included.

14. In the practice, which actors usually detect and refer potential victims and how?

15. Are there measures/processes/practices in place to ensure early identification of victims (e.g. targeting high-risk groups, such as women and children, or high risk sectors such as the sex industry, agriculture, fisheries, and tourism, as well as specific locations, such as detention centres)?

*Please provide a brief description, including actors involved*

**16. Who is responsible for formal/official identification of victims? In which phase/at which stage does this happen? Through which process?**

*Please provide a brief description, including actors involved*

**17. Are there specific procedures for children?**

*If applicable, provide a description and specific actors involved.*

*In the description, please provide information and details when:*

- *Procedures are different and/or apply or not depending on the nationality of the child. The description should cover existing procedures in place for child victims who are citizens of the same EU Member State, citizens of another EU Member State, citizens of a non-EU country. Please ensure that the description covers all cases.*
- *Procedures are different and/or apply or not when the child is accompanied, deprived of parental care, separated, unaccompanied.*

**18. Please briefly describe type of challenges/shortcomings and good practice/good example with respect to the elements addressed above:**

#### 4. REFERRAL TO APPROPRIATE SERVICES

*This section is crucial for our understanding of the referral in your country. Use all your desk research and interview data to fill it in. Please be as thorough as you can to help us understand how all the actors which come in-to contact with (presumed) victims cooperate and/or are linked in the different phases to ensure that victims have access to appropriate assistance and protection.*

**19. Once a presumed victim has been detected, is the detection notified to any coordinating actor, e.g. which acts as the first point of notification?**

- Yes
- Yes, if the victim agrees (opt in)
- No

If NO, go to Q26.

If YES:

**20. What is the basis (optional, obligatory, other) for this notification? Is it automatic? Which actor, if any, is bound by this requirement? Does this happen in practice?**

21. When should the notification be made? Does it work this way in practice? If there are delays in notification, why?

22. Is there a coordination mechanism and/or coordinating actor for the phases of the formal or informal NRM, and what is the basis for its role? Is the coordination mechanism/process and/or coordinating actor commonly known and informed by all actors who have a direct role in the formal or informal NRM?

23. What are the phases/processes that follow the detection/identification of the victim in the formal or informal NRM? Which actor usually refers and/or in which phase are victims usually referred?

Please provide a description of what they involve in practice and how, including as examples:

- assistance and support measures provided on a consensual and informed basis
- provision of appropriate and safe accommodation and material assistance
- medical treatment including psychological assistance
- counselling and information
- translation and interpretation services where appropriate

*(where and if applicable please also clarify the role of the coordination mechanism and/or coordinating actor in the context)*

24. What is the source of funding for the formal or informal NRM (private/public)? Are there differences with respect to the types of actors/phases involved? Is continuity of the services ensured? Is the funding considered sufficient? If not, why?

25. How is its functioning viewed by the actors that have a concrete role in the formal or informal NRM?

26. Are there specific processes/practices/phases in which an individual risk assessment is carried out? In which phase, what does it entail? Which actors are involved specifically? Is it obligatory?

27. Are there phase/processes in place to attend to victims with special needs, where those needs derive, in particular, from whether they are pregnant, their health, a disability, a mental or psychological disorder they have, or a serious form of psychological, physical or sexual violence they have suffered?

*(where and if applicable please also clarify the role of the coordination mechanism and/or coordinating actor in the context)*

**28. If applicable, how is it ensured that the particular vulnerabilities of children are addressed (e.g. individual assessment of the special circumstances of each particular child victim; physical and psycho-social recovery; guardianship)?**

*(where and if applicable please also clarify the role of the coordination mechanism and/or coordinating actor in the context)*

*In the description, please provide information and details when:*

- *Procedures are different and/or apply or not depending on the nationality of the child. The description should cover existing procedures in place for child victims who are citizens of the same EU Member State, citizens of another EU Member State, citizens of a non-EU country. Please ensure that the description covers all cases.*
- *Procedures are different and/or apply or not when the child is accompanied, deprived of parental care, separated, unaccompanied.*

**29. If applicable, how is it ensured that the particular vulnerability of women and girls is addressed, including with respect to the specific consequences of the main form of exploitation there are subjected to, trafficking for sexual exploitation?**

*(where and if applicable please also clarify the role of the coordination mechanism and/or coordinating actor in the context)*

**30. How does the referral work in practice? How do actors interact/cooperate? Are there specific phases in which cooperation is formally or informally structured? Are there specific arrangements/procedures, whether official or not, to facilitate cooperation, both for formal or informal referral mechanisms?**

*Additional notes for researchers: Please summarise the results of your research here clearly distinguishing information on facts from opinions expressed by interviewees.*

**31. Please briefly describe type of challenges/shortcomings and good practice/good example with respect to the elements addressed above, and in particular: cooperation/coordination; risk assessment; gender specific measures; child sensitive measures; cooperation between relevant actors, etc.**

## 5. PROVISION OF APPROPRIATE ASSISTANCE AND PROTECTION

**32. Forms of assistance provided to victims of trafficking in human beings:**

*In the table below, please mark YES/NO if a given type of support is available and to which victims. Please briefly describe which actor provides the support within the formal or informal NRM (e.g. public institutions, private NGOs, etc.), the extent to which particular kind of support is offered (e.g. short/medium/long term; whether before, during and/or after proceedings, etc.); whether conditions apply for a specific measure to be accessible*

*Overview of the services that form part of **the formal or informal referral mechanism**.*

Type of support	YES (Y) / NO (N)	Please specify whether and which conditions apply for a specific measure to be accessible when part of the referral mechanism (e.g. formal recognition of the status of victim following judicial proceedings; willingness to cooperate in criminal proceedings, etc.)	Description <i>(incl. who, extent and forms, timeframe, conditions if any, legal or other basis if any)</i>
Appropriate and safe accommodation (e.g. shelter)			
Material assistance, including:			
- Money allowance			
- Food, clothing or other in-kind support			
Medical assistance (e.g. general, psychiatric, gynaecological)			
Psychological assistance (e.g. one-off consultation, regular counselling, specific forms of therapy, etc.)			
Translation and interpretation services			
Legal counselling and/or legal representation (e.g. one-off consultation, support during proceedings, legalisation of stay, asylum application etc.)			
Support for integration, which aims at preventing re-victimisation			
(e.g. vocational training, support in job seeking, access to education, languages courses, psychosocial and health services, legal assistance, family support)			
Specific support to children, including:			
- <i>Individual assessment of specific circumstances of each particular child (including if applicable best interests assessment and/or best interest determination)</i>			
- <i>Appointment of a guardian</i> in all relevant cases, including when the parents of the child victim or the holders of parental responsibility are, as a result of a conflict of interest between them and the child victim, precluded from ensuring the child's best interest and/or from representing the child			
- <i>Access to education</i>			
<i>Specific support for victims with special needs</i>			
<i>Specific support for particularly vulnerable groups, women and children, victims from the Roma community, etc.</i>			
Other			

**33. How does assistance and support provided in your country to victims of trafficking in human beings function in practice? Are there measures in place for monitoring?**

Please summarise the evidence gathered during research.

**Additional notes for researchers:** Please summarise the results of your research here clearly distinguishing information on facts from opinions expressed by interviewees.

You may want to include evidence, among others, related to: the extent to which assistance reflects the needs of victims, including specific needs of particularly vulnerable groups and persons with special needs (as per the EU Anti-trafficking Directive); accessibility of assistance and support, including obstacles. Please also summarise any promising practices identified.

**34. Please briefly describe type of challenges/shortcomings and good practice/good example with respect to the elements addressed above:**

## 6. LONG-TERM ASSISTANCE AND INTEGRATION, PREVENTION OF RE-TRAFFICKING

**35. Does the formal or informal referral mechanism include measures relevant with respect to long term assistance and protection and integration? What are the actors involved?**

**36. What does this entail? Is a reintegration plan established according to individual needs and available opportunities? How? Which are the actors involved?**

**37. Please summarise how this functions in practice, clearly separating facts from opinions gathered from interviewees. Where relevant, please include further information and details when there are differences with respect to victims that are EU or non-EU nationals, adult or children.**

**38. Please briefly describe type of challenges/shortcomings and good practice/good example with respect to the elements addressed above:**

## 7. ASSISTANCE AND PROTECTION IN CRIMINAL PROCEEDINGS

39. Does the formal or informal national referral mechanism involve specific phases and/or specific processes/procedures involving law enforcement, the judiciary and or any other relevant actor in the course of criminal proceedings?

- Yes  
 No

*If YES, please provide a brief description and specify the actors involved:*

40. If applicable, what do they entail? (e.g. specific support measures, specific treatment aimed at preventing secondary victimisation, specific schemes from compensation, etc.); Do relevant actors concretely involved receive appropriate training?

41. How does assistance and support in criminal proceedings function in your country? Are there measures in place for monitoring? Please summarise the evidence gathered during research.

*Additional notes for researchers: Please summarise the results of your research here clearly distinguishing information on facts from opinions expressed by interviewees.*

42. Please briefly describe type of challenges/shortcomings and good practice/good example with respect to the elements addressed above:

## 8. RETURN TO THE COUNTRY OF ORIGIN OR COUNTRY OF RESIDENCE (including intra-EU and outside EU)

43. Does the law foresee a reflection period for victims of trafficking in human beings?

- Yes  
 No

44. If so, how long can this reflection period last? Is the length of the reflection period dependent on any conditions/specific circumstances of the victim?<sup>407</sup>

<sup>(407)</sup> By way of example, in Poland reflection period lasts for 3 months for an adult, but in the case of a child – 4 months.

45. If the victim of trafficking wishes to return to the country of origin or country of residence, are there measures/processes/specific actors tasked to make the victim aware of the assistance available in the country of return and reintegration opportunities?

*Please provide a brief description, including indicating the actors involved*

46. Is a risk and needs assessment performed to prepare the assistance upon return?

*Please provide a brief description, including indicating the actors involved*

47. Does the risk assessment include child sensitive and gender specific elements (e.g. evaluating what might be the best options for the child in the short and medium-term; risks with respect to family reunification; patterns of re-trafficking for particularly vulnerable groups, such as women and girls)

*Please provide a brief description, including indicating the actors involved*

48. If not addressed in the previous questions, is any form of risk assessment in relation to the victim's situation in the country of origin included in the procedure? Is the assessment performed in cooperation with relevant actors in the country of return? What happens if the risks of the return are substantial, e.g. risk that the victim will face reprisals or can be re-victimised and re-trafficked; when the victim is a child, risk that the family might be involved in the trafficking, etc.)

*Please provide a brief description, including indicating the actors involved*

49. How is the overall return process performed? Which actors are involved? Does it include cooperation with actors in the country of origin or the country of residence of the victim? Is this cooperation formalised?

*Please provide a brief concrete description (e.g. the victim is met at the airport and his/her immediate needs are addressed), providing further details and clarifications:*

- when and if relevant processes are different when the victim is an EU or a non-EU citizen; and/or the country of return is an EU Member State or a non-EU country
- the victim is a child, including accompanied, separated, and unaccompanied children, EU and non-EU citizen

50. How does this component of the formal or informal NRM function in practice? Are there measures in place for monitoring? Please summarise the evidence gathered during research.

*Additional notes for researchers: Please summarise the results of your research here clearly distinguishing information on facts from opinions expressed by interviewees.*

51. Please briefly describe type of challenges/shortcomings and good practice/good example with respect to the elements addressed above, and in particular: cooperation/coordination; risk assessment; gender specific measures; child sensitive measures; cooperation between relevant actors, etc.

## 9. GENERAL COMMENTS

52. Please provide a general overview of the formal or informal NRM's functioning based on the elements provided in the previous sections and add any further relevant elements from the evidence collected during the interviews. Please ensure that where relevant this overall overview highlights child sensitive and gender specific aspects, differences for EU and non-EU nationals, differences for children that are accompanied, separated or unaccompanied, relevant elements for groups that have been reported as particularly vulnerable based on information from the Member States transmitted to the European Commission for the Second progress report (2018), including people with disabilities, people from the Roma community, etc.

Please separate clearly facts from opinions.

## 10. COUNTRY'S INVOLVEMENT IN TRANSNATIONAL REFERRAL MECHANISMS

53. Is the Member State involved/part of or is there in place a formal or informal Transnational Referral Mechanism? Are there processes/measures/mechanisms linking and/or involving specific phases or actors in a formal or informal TRM? What are the actors involved?

*Please provide a brief description of relevant measures in place, both with respect to other EU Member States and with non-EU countries. Where and if existing, please specify their legal basis (bi-lateral agreement, multilateral agreement, name of the agreement and date of adoption), types of standard operating procedures that have been developed, etc.*

54. How do these processes/measures/mechanisms function in practice? Are there measures in place for monitoring?

*Please separate clearly facts from opinions and clarify which amongst those that you may have listed under the previous section you are referring to.*

55. Please briefly describe type of challenges/shortcomings and good practice/good example with respect to the elements addressed above:

## **PART II. EU MEMBER STATES WITH NO FORMAL OR INFORMAL NRM OR COOPERATION MECHANISM IN PLACE**

Based on the information published in the Staff Working Document Accompanying the European commission's Second report on the progress made in the fight against trafficking in human beings (2018), most Member States have reported on having set up formal or informal NRM or on being considering or foreseeing such mechanisms or other relevant mechanisms in this context.

*In this framework, and to the extent that the context in the EU Member State you are focusing on did not apply to any of the above sections, please provide relevant information and details to clarify through which different process/measure, if any, victims can access appropriate assistance and protection.*

*Please ensure that the information provided covers all relevant elements (and actors involved) as per the sections above, with respect to, amongst others:*

*Detection/identification*

*Provision of appropriate assistance and protection*

*Short, medium and long term measures, including integration*

*Assistance and protection in the context of judicial proceedings*

*Specific measures in place for child victims*

*Gender specific measures, taking into account the particular vulnerabilities of women and girls and the consequences of the specific form of exploitation they are especially targeted for (i.e. sexual exploitation)*

*Different measures that might apply to EU (including own nationals) and non EU nationals*

*Different measures that might apply to accompanied, separated or unaccompanied children (EU and non-EU nationals)*

*Transnational cooperation with EU member states or non EU countries*

Where relevant, please describe whether there have been discussions, needs assessments, or any other consideration by any relevant actor (non necessarily national authority), with respect to putting in place formal or informal coordination mechanisms.

Please specify whether and how is continuity of relevant assistance and support services is ensured with respect to funding.

How do these processes/measures/mechanisms function in practice? Are there measures in place for monitoring any one of the relevant phases?

*Please separate clearly facts from opinions*

Please briefly describe type of challenges/shortcomings and good practice/good example with respect to the elements addressed above:

### **BIBLIOGRPHY AND LIST OF INTERVIEWS**

*Please include a comprehensive list of sources you consulted for the purpose of country research.*



# Annex 5 – Guidelines for country researchers

## European Commission Study on reviewing the Functioning of Member States' National and Transnational Referral Mechanisms

### Guidelines for national researchers

*Dear Researcher,*

*ECORYS Poland in consortium with ICMPD and the Human Trafficking Studies Centre of the Warsaw University (HTSC) were tasked by the European Commission DG HOME to conduct the "Study on Reviewing the Functioning of Member States' National and Transnational Referral Mechanisms." We are honoured that you decided to join us on this study.*

*The following are the guidelines we developed to support you in carrying out the country research.*

*Yours faithfully,*

*Ecorys Team*

### I. Objectives and scope of the study

The Study is a key action of the 2017 Commission Communication stepping up EU action to address trafficking in human beings,<sup>408</sup> under Priority B - Improving access to and realisation of the rights of the victims of trafficking in human beings.

The scope of the study is to systematically review the actual functioning on the ground, in all EU Member States, of formal and/or informal national and, where relevant, transnational referral mechanisms that are specifically relevant with respect to trafficking in human beings, as defined by Article 2 of the EU Anti-trafficking Directive (Directive 2011/36/EU). The study addresses the question of the effective access to and realisation of the rights of all victims of trafficking, and adopting a human-rights based, victims-centred, gender-specific and child-sensitive approach.

As per Tender Specifications, the objective of the study is to provide evidence to answer the question of the effective access to and realisation of the rights of victims of trafficking in human beings. While seeking the response to this question, it should adopt a human-rights based, victim-centred, gender-specific and child-sensitive approach. The study should produce the following results:

- **Overview of the situation in EU Member States** as to the functioning of the national and transnational referral mechanisms;
- **Good practices, models and examples** of the functioning of national and transnational referral mechanisms;
- **Specific recommendations** on improving NRMs and TRMs for the interest of the victims, with a view to helping Member States when implementing the Directive 2011/36/EU and advising the European Commission.

Our objective is thus to understand what the current structure of the NRM or equivalent mechanism is in your country, and, most importantly, how the NRM functions in practice. The study should not result in a mapping. It is neither an assessment of NRMs or TRMS, nor an evaluation of the Directive 2011/36/EU.

<sup>(408)</sup> COM(2017) 728 final.

In terms of its geographic scope, the study covers 28 EU Member States. However, when information is gathered about TRMs, the cooperation of Member States with non-EU countries is also relevant.

Information needs to be collected liaising as relevant with all actors having a **demonstrated concrete role** in the formal or informal national or transnational referral mechanism, including from national ministries (health justice, social affairs, employment, etc.), law enforcement and judicial authorities, child protection officers and guardians, civil society organisations currently working on NRMs with the government services, border guards and consular services, asylum and immigration officers, reception centre workers, service providers and labour inspectorates, other authorities, practitioners, and/or other actors with responsibilities in this area.

While it should duly address as relevant existing measures operationalising a child sensitive and gender specific approach, the study does not focus on a specific age group, form of exploitation, group of EU Member States, group or specific nationality of victims, or a specific context, such as e.g. migration, or sector. The study should also address domestic trafficking (i.e. trafficking within the national territory), trafficking between EU Member States and trafficking between non-EU countries and EU Member States..

The Study will ensure that the focus is on trafficking in human beings for all forms of exploitation, not on exploitation per se. Consequently, labour exploitation per se or sexual exploitation per se are outside its scope.

## II. Legal standards and selected definitions

The language and terminology used must be in line with the particular the EU Anti-trafficking Directive, and other relevant EU law<sup>409</sup>. For further information on concepts and key terms reference should be made to the relevant reports and publications adopted by European Commission, and the overview: *Working together to address trafficking in human beings Key concepts in a nutshell*.

### A. National Referral Mechanism (NRM)

The Study will use as a basis the fact that relevant EU law does not establish obligations for the EU Member States as to establishing a particular form of referral. That is, as an example, the Study will ensure no bias towards formal and/or informal mechanisms adopted.

In this respect, the study will not select any description and or existing model as a basis for comparison and/or assessment, as the selection would be arbitrary and unjustified.

For the purpose of the study, National Referral Mechanisms should be understood in accordance with Anti-trafficking Directive 2011/36/EU which in Article 11 (4) states that:

*“Member States shall take the necessary measures to establish appropriate mechanism aimed at the early identification of, assistance to and support for victims, in cooperation with relevant support organisations.”*

As noted in the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016:

*“These mechanisms should describe procedures to better identify, refer, protect, assist and support victims, and include relevant authorities and civil society organisations.”*

<sup>(409)</sup> Including e.g.:

Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (Victims' Rights Directive);

Directive 2011/92/EU of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (Directive 2011/92/EU),

Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities,

Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals,

Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims, etc.

While the basic aim of an NRM is to ensure that victims are identified and effectively referred to assistance and support services, NRMs can also perform other functions. NRMs should be able to link victims to appropriate support services, in line with the minimum requirements concerning assistance and support set forth in [Directive 2011/36/EU](#) (Anti-trafficking Directive) in Articles 11-17<sup>410</sup>.

**The Study will build on the results achieved, taking into due consideration as relevant and appropriate and at all stages the reports and deliverables adopted and/or implemented under the EU legal and policy framework. These include, amongst others: all reports adopted by the European Commission as required by the EU Anti-trafficking Directive (*Transposition report, Users' report, First and Second progress report and accompanying Staff Working Documents, 2016 and 2018*) and relevant deliverables (including: *the Study on High Risk Groups for Trafficking in Human Beings, the Study on the Gender Dimension of THB, the Study on Comprehensive Policy Review of EU funded anti-trafficking projects, FRA Handbook on Guardianships Systems, EIGE Report on Gender Specific measures in anti-trafficking action, the EU Agencies 2018 Joint Statement of Commitment, FRA Guide to enhance child protection focusing on victims of trafficking*).**

Duplication with existing publications/handbooks/guides/tools and other existing tools and/or knowledge products will be avoided at all stages.

Duplication will be avoided when collecting information, in particular as to data collection. On the latter, where needed and relevant the data used will be that published in December 2018 in the European Commission [Study on data collection on trafficking in human beings in the EU](#).

## B. Good practices and good examples

In each section, you will be asked, when possible, to highlight shortcomings, good examples and good practices. Please provide all available details and information, including where available links and supporting documents.

The section should also include information on the continuity and sustainability of the described practice and/or example, its replicability and potential transferability in different contexts (including other member states), and what conditions would be necessary.

**The identification of good practices and good examples is not expected to be based on desk research but must come from the interviews carried out to actors concretely involved in the relevant phases.**

“Real life stories” or testimonies will not be included in the Study.

Projects, national or international actors, civil society organisations, or any other actor should not be singled out without demonstrated justification of the grounds.

## C. Transnational Referral Mechanism

Neither the Anti-trafficking Directive nor the EU policy documents define TRMs. However, as a deliverable of the EU Strategy,<sup>411</sup> IOM launched an online platform featuring a Transnational Referral Mechanism Model – TRM, an outcome of the EU-funded Transnational Action (TACT) project.<sup>412</sup> The project refers to the definition of a TRM proposed by the OSCE:

*“the concept of a co-operative agreement for the cross-border comprehensive assistance and/or transfer of identified or potential trafficked persons, through which state actors of different countries fulfill their obligations to promote and protect the human rights of trafficked person.”*

<sup>(410)</sup> The Victims' Right Directive should be taken into account where relevant.

<sup>(411)</sup> COM(2012)286 final.

<sup>(412)</sup> Information about the project available at: [www.iomfrance.org/tact/index.html](http://www.iomfrance.org/tact/index.html)

## D. Other relevant terms

**Identified victim:** a person who has been formally identified as a victim of THB by the relevant formal authority in a Member State.

**Presumed or potential victim:** a person who has not been formally identified as a victim of THB, but is in need of assistance and support, having been subjected to THB, and for this reason contacts victim service providers.

**Registered victims:** identified victim and presumed/potential victims.

## III. Tasks and deliverables of national researchers

During the study, you will be tasked to conduct [desk research and stakeholder interviews](#) (see more detail below) to produce an overview of the formal or informal NRM in your country and formal or informal TRMs in which it participates by filling out the Country fiche. Please see the description of specific tasks below.

### A. Desk research

Before filing out the Country fiche, you are asked to conduct desk research to identify and analyse documents which are key for the country's formal or informal NRM and TRMs. The sources you use have to be of the highest quality, i.e. emphasis is placed on official documents, those produced by the government or reputable non-governmental institutions. The table below presents a tentative list of the type of sources you may need to consult for the study.

Data source type	Types of documents	Remarks
National legal framework and other relevant instruments	<ul style="list-style-type: none"> <li>National laws,</li> <li>Multilateral/bi-lateral international agreements (e.g. on cooperation within TRMs),</li> <li>Legal acts of an executive nature (e.g. executive acts, regulations),</li> <li>Decisions of executive authorities (e.g. orders, circulars),</li> <li>Inter-institutional agreements/memoranda of understanding,</li> </ul>	
Policy documents	<ul style="list-style-type: none"> <li>Anti-trafficking national action plans, strategy, programmes and other directly relevant policy documents at national or local level.</li> </ul>	
Practical procedures, guidelines, manuals, reports, evaluations	<ul style="list-style-type: none"> <li>Procedures, guidelines, etc. developed for the functioning of formal or informal referral mechanisms</li> <li>Manuals, handbooks and other relevant tools and publications for actors concretely involved in the referral</li> <li>Reports and publications by relevant national authorities explicitly addressing relevant elements of formal or informal national or transnational referral mechanisms</li> </ul>	<ul style="list-style-type: none"> <li>E.g. the UK Home Office published two evaluation reports: in November 2014 "Review of the National Referral Mechanism for victims of trafficking in human beings"<sup>412</sup> and in October 2017 "An evaluation of the National Referral Mechanism pilot"<sup>413</sup></li> </ul>
Non-governmental sources	<ul style="list-style-type: none"> <li>Reports published by CSOs to the extent that they refer to the concrete functioning of NRMs/TRMs (or similar mechanism's)</li> <li>Manuals, handbooks, etc developed and or used by CSOs for actors having a concrete role in the formal or informal referral mechanism.</li> <li>Reports by international organisations where and if they have a concrete demonstrated role in the referral mechanism at national or transnational level.</li> <li>Results of projects concerning the concrete functioning of NRMs at national level, as relevant.</li> </ul>	<ul style="list-style-type: none"> <li>E.g. as part of the international VICTOR project (Victims of Child Trafficking – Our Responsibility) a report was published presenting a review of the national referral mechanisms for child victims in Bulgaria, Greece, Romania and Slovenia.<sup>414</sup></li> </ul>

<sup>(413)</sup> UK Home Office (2014), Review of the National Referral Mechanism for victims of trafficking in human beings, available at: <http://webarchive.nationalarchives.gov.uk/20141202113228/https://hrm.homeoffice.gov.uk/documents/2014/11/nrm-final-report.pdf>

<sup>(414)</sup> Ellis N., Cooper C., Roe S. (2017), An evaluation of the National Referral Mechanism pilot. Research report 94, UK Home Office, available at: [www.antislaverycommissioner.co.uk/media/1177/an-evaluation-of-the-national-referral-mechanism-pilot.pdf](http://www.antislaverycommissioner.co.uk/media/1177/an-evaluation-of-the-national-referral-mechanism-pilot.pdf)

<sup>(415)</sup> VICTOR project (20015), Review of the National Referral Mechanisms in Bulgaria, Greece, Romania and Slovenia for Child Victims of Trafficking, available at: [www.victorproject.eu/media/uploads\\_file/2015/07/16/p19qbbt0pc1a4t1gg6tr4866182q5.pdf](http://www.victorproject.eu/media/uploads_file/2015/07/16/p19qbbt0pc1a4t1gg6tr4866182q5.pdf)

## B. Interviews of relevant actors

### Identification of actors for interviews

The identification should equally take into consideration and/or involve as relevant all those having a demonstrated role in the formal or informal national or transnational referral mechanism or similar mechanism. At the same time, taking into account the scope of the Study, there will be no need to extend actors/stakeholder involved beyond those concretely involved in the referral.

You will be asked to propose a list of respondents for each identified actor before initiation of interviews. Clear justification and grounds for the selection of the actors to involve in the Study need to be provided. Ecorys team will share the list with the European Commissions for feedback, and approve the final list of interviewees in line with the criteria above and below.

Interviews should be carried out with each relevant actor identified, to the extent possible. Would this not be possible in exceptional cases, justification should be provided and an alternative source to collect the same information should be proposed and discussed to assess appropriateness. T

Actors having a demonstrated concrete role in the formal or informal national or transnational referral mechanism might include national authorities, civil society, EU agencies, and International organisations where relevant and appropriate.

Examples include: national ministries (health justice, social affairs, employment, etc.), law enforcement and judicial authorities, child protection officers and guardians, civil society organisations currently working on NRMs with the government services, border guards and consular services, asylum and immigration officers, reception centre workers, service providers and labour inspectorates, other authorities, practitioners, and/or other actors with responsibilities in this area.

Stakeholder interviews should be conducted based on the Guiding Questions provided in Annex 2. The Guiding Questions is closely linked to specific questions in the Country fiche. In the annexes, you also have an introductory letter which presents the project and an accreditation letter from the European Commission.

### Informed consent procedure

In compliance both with the ethical standards espoused by Ecorys and with the requirements of the GDPR, we request that before each interview conducted as part of the study, you obtain an informed consent from the interviewee. A copy of the informed consent form should be provided to the interviewee.

The informed consent procedure should include, in particular, provision of information about: (1) Ecorys and consortium partners; (2) the study's objectives and scope; (3) the purpose of collecting data and the use to which the data will be put; (4) the rights of interviewees as data subjects. This should be done orally and in writing. In order to facilitate the process, we provide the informed consent form in Annex 3.

The interviewees can choose the level of anonymity they feel comfortable with, for the purposes of citation of their interviewees in the final report. They should choose between (a) full citation with name and organisational affiliation; (b) citation of only their position and their organisational affiliation; (c) citation of only their organisational affiliation; or (d) anonymity and citation only in terms of sector (i.e. government/civil society/international organisation/etc.).

The scanned signed informed consent forms should be sent to Ecorys via a safe communication channel. Ecorys will provide such channels. You will be asked to store hard copies of informed consent forms until the European Commission accepts the final deliverable of the study. You will be informed about that fact by Ecorys via email. Once the European Commission accepts the final report, you are obliged to destroy all the copies in a manner which does not allow for an identification of an individual from the destroyed consent forms. You should inform Ecorys via email that all data was destroyed.

## C. Country fiche

### Structure of the Country fiche

The Country fiche is the main deliverable of national research. You are asked to submit the draft of the Country fiche and, following feedback from the core team, its revised final version.

The Country fiche consists of five parts:

- Introduction
- Part I. Countries with an NRM/other mechanisms
- Part II. EU Member States with no formal or informal NRM or cooperation mechanism in place

### Bibliography and list of interviews

The **Introduction** is intended to gather basic information about the existence of an NRM or another coordination mechanism, as well as possible specific NRMs focused on children-victims or operating locally.

**Part one** constitutes the main component of the country fiche. It should provide a comprehensive overview of NRMs and TRMs in 28 EU Member States, establishing both their legal and institutional arrangements, as well as information on the functioning of the specific phases within the NRM. This part is divided into the following subparts:

- a. Legal basis
- b. Actors involved in the formal or informal NRM
- c. Victim detection/identification
- d. Referral to appropriate services
- e. Provision of appropriate assistance and protection
- f. Long-term assistance and integration, prevention of re-trafficking
- g. Assistance and protection in criminal proceedings
- h. Return to the country of origin or country of residence
- i. General comments
- j. Country's involvement in transnational referral mechanisms

Part one consists both of closed and open-ended questions. The main purpose of closed-ended questions is to establish the existence of specific, defining features of a country's NRM scheme. These include, for example, the basis for NRM's functioning, institutions included in an NRM, NRM's phases (dimensions), existence of specific procedures, possible criteria for receiving support, specific referral arrangements – centralised or decentralised, types of support services linked to through referral etc. During the analysis of results, these questions will facilitate identification of NRM patterns across the EU. The open-ended questions aim to deepen the information on particular elements of the NRM and TRM, or provide practical insight into their functioning.

**Part two** was included in the template to provide space for country researchers to describe arrangements in Member States where little coordination of efforts to cater for the needs of victims of trafficking in human beings has been established and/or limited assistance and support services exist for victims of trafficking in human beings. We expect that this part will rather not be used, as most Member States have some form of an NRM, or will be used to provide supplementary information to that included under Part one.

Part three of the country report template is devoted to promising practices identified at the national level in relation specifically to referring victims to various assistance and support services and in other areas of the NRM, e.g. identification of victims or risk and needs assessment practices, and victims' cooperation with criminal proceedings.

Finally, in last part, the Country fiche should include the Bibliography and list of interviews used to support the findings.

## Standards for filling out the Country fiche

**It is of utmost importance that all claims that you make in country reports are well-substantiated with reliable evidence.** If possible, look for multiple sources for your answers in order to make it more robust. If you do not consider a source for a piece of information reliable, please note this in the text. Please bear in mind that the final report produced based on country fiches will have to withstand thorough scrutiny.

Please always add references, including interviews (citing them with the interview code), for all information and opinions. Towards this end, use footnotes in accordance with guidelines provided in the section below. Your descriptions of the formal or informal referral mechanisms should concentrate on facts. Do not answer questions in the country fiche according to your own opinions or perceptions, and without sources to substantiate them. If opinions are included, they need to be strongly backed-up with evidence.

The content of the Country fiche should comprehensively reflect desk research, the views expressed by interviewees during fieldwork and your conclusions based on both sources. Please make sure that we are always able to distinguish between desk research-based results, respondents' views and your own conclusions.

Where descriptions are requested in the Country fiche, you can be brief if it is sufficient for us to understand the answer, but please try not to format your answers as bullet point phrases only, but rather use full sentences, so that we are able to understand what exactly is meant in each answer.

While answering questions, please assume that we may not be familiar with the specific legal context in your country and try to be as clear as possible, including the context that may be necessary for an outsider to understand the mechanisms.

When answering the question on describing a good example or good practice, please provide as many details and information as possible, including relevant links and supporting documents.

We would like to draw your attention to the fact that the Country fiche will form basis for the review. So, it is important that you follow it closely. In case you have any comments to the template, please immediately contact Ecorys team.

## Referencing of information in the Country fiche, coding of interviews and style

While filling out the fiche, please use terminology applied in EU legislation and policy documents (see Part 2 above).

Please use the “English Style Guide. A handbook for authors and translators in the European Commission” as the main guide on the language and style to be used in your Country fiche: [https://ec.europa.eu/info/sites/info/files/styleguide\\_english\\_dgt\\_en.pdf](https://ec.europa.eu/info/sites/info/files/styleguide_english_dgt_en.pdf)

As noted above, all information provided in country fiches should be well-substantiated with reliable evidence. In the absence of clear instruction on references in the English Style Guide, please use the following, simplified referencing style:

### a. Publication of institutions:

**Institution name (year), Title, Reference number, available at: link (accessed: 03.06.2019).**

**E.g. European Commission (2018), Staff Working Document accompanying Second report on the progress made in the fight against trafficking in human beings, SWD(2018)437 final, available at: link (accessed: 26.04.2019).**

### b. Books or reports when the author is known:

**Author(s) (year), Title, Publisher/Publishing institution, available at: link (accessed: 03.06.2019).**

**E.g. Bychawka-Siniarska D. (2018), *Protecting the right to freedom of expression under the European Convention on Human Rights*, Council of Europe, available at: link (accessed: 18.06.2019).**

**c. Article (including online) when the author is known:**

**Author(s) (year), „Article title,”** *Publication title*, Vol. XX/XX, available at: link (accessed: 3.06.2019).

E.g. Głowacka D., Siemaszko K., Smętek J., Warso Z. (2018), “Protecting journalistic sources against contemporary means of surveillance,” *Northern Lights*, Vol. 16/1, available at: link (accessed: 18.06.2019).

**d. Article online without an author:**

**Publisher (year), „Article title,”** publication date, available at: link (accessed: 3.06.2019).

E.g. BBC (2018), “Greenland’s ‘unusual’ melting sea ice captured in stunning image,” 18 June 2019, available at: [www.bbc.com/news/world-europe-48674797](http://www.bbc.com/news/world-europe-48674797) (accessed: 18.06.2019).

Once the interview is completed, please code the interview as follows: XXNN, whereby XX = the country you are responsible for and NN = the number of the interview. For example, the third interview in Germany should be coded DE03, while the 11th interview in Bulgaria should be coded BG11. Please provide a full list of the interview codes at the end of the country fiche, taking into account each interviewee’s preference in terms of the level of anonymity.

#### IV. Flagging risks

Whenever you see that the data collection at the national level may encounter obstacles or any challenges, please immediately flag those to the Project Manager at Ecorys. This will allow the core team to quickly take mitigating actions, provide you with guidance and, if necessary, notify the European Commission. We are positive that our extensive experience in conducting research will help us tackle the majority of potential risks; however, your immediate notification will be key.

#### V. Annexes (to be provided in separate files)

**Annex 1 – Country fiche**

**Annex 2 – Guiding Questions for stakeholder interviews**

**Annex 3 – Informed consent form**

**Annex 4 – Information letter for stakeholders**

**Annex 5 – Accreditation letter from the European Commission**

## Annex 6 – Information letter for researchers

Dear [Sir/Madame],

I am writing in reference to the “Study on Reviewing the Functioning of Member States’ National and Transnational Referral Mechanisms” being conducted by ECORYS Poland in consortium with ICMPD and the Human Trafficking Studies Centre of the Warsaw University (HTSC) for the European Commission. Attached please find an accreditation letter provided by the European Commission and signed by the EU Anti-trafficking Coordinator.

The study covers all 28 EU Member States. I was contracted by Ecorys Poland to carry out the research with respect to [insert your country name]. The objective is to give an overview of the situation in EU Member States as to the functioning of the formal or informal national and transnational referral mechanisms (NRMs and TRMs), aimed at the early identification, assistance to and support for victims of trafficking in human beings. As part of the study, we will also identify good practices and examples.

During country-level research, in addition to desk research, we are conducting interviews with all actors that have a demonstrated and concrete role in the formal or informal national referral for victims of trafficking in human beings (or similar coordination mechanism).

Given the above, I would like to ask whether you would be willing to participate in an interview to share your experiences in this respect in [insert your country]. We can agree on a date and time that are most convenient for you. The interview should not last longer than an hour.

If you wish to receive more information about the project, please do not hesitate to contact me via email or over the phone at [insert number].

I look forward to receiving from you.

With kind regards,

[insert your data]



## Annex 7 – Informed consent form

### European Commission Study on reviewing the Functioning of Member States' National and Transnational Referral Mechanisms

#### INFORMED CONSENT FORM

I hereby agree to participate in the research project “Study on Reviewing the Functioning of Member States' National and Transnational Referral Mechanisms” conducted by ECORYS Poland in consortium with ICMPD and the Human Trafficking Studies Centre of the Warsaw University (hereafter: “the Consortium”) for the European Commission.

I understand that the project is designed to provide an overview of the situation in EU Member States as to the functioning of the formal and informal national and transnational referral mechanisms, including in my country. It will also present good practices and recommendations. The data will be used in preparation of the country fiche and a comprehensive final report from the study.

#### *I understand that:*

1. My participation in this project is voluntary. During the interview, I have the right to decline to answer any question or to end the interview. I may withdraw and discontinue participation in the research during the interview as well as afterwards.

2. Statements from this interview may be used in the following manner (please circle the form you prefer):

- a. Full citation with name and organisational affiliation;
- b. Citation of only my position and organisational affiliation;
- c. Citation of only my organisational affiliation; or
- d. Anonymity and citation only in terms of sector (i.e. government/civil society/international organisation/etc.).

3. The information I provide in this interview will only be used for the above-described purposes, and is being collected today by ..... [insert name of interviewers] on behalf of the Consortium. I also understand that the Consortium will transmit this information on to the European Commission confidentially and will not copy, store or transmit it for any other purpose than this.

4. I am aware that based on the General Data Protection Regulation, I have the following rights:

- a. Right to information about the processing of my personal data;
- b. Rights to obtain access to my personal data;
- c. Right to ask for incorrect, inaccurate or incomplete personal data to be corrected;
- d. Right to request that personal data be erased when it is no longer needed or if processing it is unlawful;
- e. Right to request the restriction of the processing of my personal data in specific cases.

Should I wish to obtain more information on these and other rights, I can contact Ecorys Poland in writing at: [agnieszka.makulec@ecorys.com](mailto:agnieszka.makulec@ecorys.com) and [joanna.smetek@ecorys.com](mailto:joanna.smetek@ecorys.com).

5. I have read and understood the explanation provided to me. I have had all my questions answered to my satisfaction, and I voluntarily agree to participate in this study.

6. I have been given a copy of this consent form.

The information provided during this interview will be kept by the Consortium for a maximum period of the duration of the project, i.e. until the final report is approved by the European Commission. The information will be kept in a secure environment by Ecorys Poland according to the requirements of the General Data Protection Regulation.

My signature .....

Date .....

We would also like to audio record the interview. The recording is made only for the preparation of the country fiche, so as to make sure that information you provide is reported faithfully. The rules presented above apply to the processing of recordings. If you agree, please sign below as well:

My signature \_\_\_\_\_

Date \_\_\_\_\_

**For further information, you may contact me at a later date or write directly to:**

**Ecorys Poland**

38 Solec Str.,

00-394 Warszawa

Ms. Agnieszka Makulec, Project Manager at Ecorys Poland, [agnieszka.makulec@ecorys.com](mailto:agnieszka.makulec@ecorys.com)

Ms. Joanna Smętek, Senior Consultant at Ecorys Poland, [joanna.smetek@ecorys.com](mailto:joanna.smetek@ecorys.com)

## Annex 7 – Guiding questions for national stakeholder interviews

*Before the start of the interview, the researcher will explain the objectives, scope and timeline of the study, as well as the manner in which the data obtained during the interviews will be processed, further analysed and presented in the report. The informed consent form for interview will be requested before the start, as well as agreeing with the interviewee on the level of anonymity desired. The guiding questions below should be treated as a semi-structured interview, which will be adjusted to the responsibilities of a specific respondent and your information needs.*

**Important note:** Whenever the question asks about an NRM or TRM, it should also be interpreted to mean other similar coordination mechanism, if a given country does not have an NRM.

Please note that not all sets of questions are relevant for all actors. To ensure appropriate focus, and reliability of the outcomes of the study, each actor should be asked to reply only to the set or sets of questions that are directly relevant: for the role concretely performed in the context of the formal or informal referral mechanisms and/or the specific relevant phase.

**What is the concrete role of your institution or organisation within the formal or informal referral mechanism?**

**Are there mechanisms, procedures, or other measures in place, which in any way facilitate, promote or structure the formal or informal referral mechanism? Can you describe/name them?**

1. **In your experience, how do these mechanisms/procedures/measures function in practice within the formal or informal referral mechanism?**
  - a. In your experience, does the existing set up provide the conditions to adopt a multidisciplinary approach in the various phases of referral, including with respect to child sensitive measures; gender specific measures; victims with special needs?
  - b. Overall, are the roles of actors involved in the formal or informal NRM clearly defined and or known by other involved actors?
  - c. What are the actors you more frequently cooperate with? Are there other actors that would be of direct relevance in the phase you are directly involved in?
  - d. Does cooperation concretely take place with respect to the phase you are involved in? How does this work in the practice?
  - e. In your opinion, what is the level of coordination of involved actors?
  - f. Are there capacity building and/or trainings in place to ensure cooperation and/or coordination as relevant where appropriate? Where you involved in any of them?
  - g. In your opinion, what works in the practice in the existing set-up, with respect to ensuring that victims of trafficking are provided with appropriate assistance and support? Can you provide an example based on your experience?
  - h. In your opinion, what does not work in the practice in the existing set-up, with respect to ensuring that victims of trafficking are provided with appropriate assistance and support? Can you provide an example based on your experience?
  - i. How effective is referral in your view?
  - j. Have you observed any good practices in referring victims to support services? Could you describe any of them?
  - k. Have you observed any good practices related to referral of particularly vulnerable groups, such as women and children, and persons with special needs? Could you describe any of them?
  - l. Are there measures in place for monitoring the functioning of the existing formal or informal referral mechanism overall?
  - m. In your experience, would you say that the functioning is overall uniform within your Member State?

2. **In your experience, are adequate resources available with respect to what is needed for the functioning of the formal or informal referral mechanism?**
  - a. Can you share your view in this respect in relation to the specific phase you are involved in?
  - b. Is funding made available and/or budgeted and/or explicitly mentioned in any relevant document or policy instrument, including national action plans?
  - c. In your experience, what works with respect to ensuring continuity of the relevant services in the various phases? What does not work?
  - d. What is the type of funding concretely available (public, private, national level, EU level, etc.)?
  - e. Are there measures in place for monitoring?
3. **(If relevant with respect to the role of the specific actor interviewed) In your experience, how does victim detection/identification work in practice?**
  - a. Which actors can detect and refer victims? Are there measures in place to ensure early identification (e.g. focussing on high-risk groups or high-risk sectors)?
  - b. How is it ensured that other relevant actors are involved in the process with respect to: child sensitive measures; gender specific measures; victims with special needs?
  - c. Are there capacity building and/or trainings in place to ensure cooperation and/or coordination or relevant actors with respect to detection/identification of victims?
  - d. In your opinion, what works in the practice in the existing set-up, with respect to ensuring detection/identification and referral? Can you provide an example based on your experience?
  - e. In your opinion, what does not work in the practice in the existing set-up, with respect to ensuring detection/identification and referral? Can you provide an example based on your experience?
  - f. Have you observed any good practice in both cases? Could you describe them?
  - g. How does this component of the formal or informal referral mechanism function in practice? Are there measures in place for monitoring?
4. **(If relevant with respect to the role of the specific actor interviewed) In your experience, how do the risk and needs assessment procedures and practices within the formal or informal NRM function in practice?**
  - a. Is a needs assessment carried out routinely? Is a risk assessment carried out routinely?
  - b. Which are the actors directly involved?
  - c. What are the elements taken into account in the risk assessment, including with respect to particularly vulnerable groups, such as women and children? To what extent is the risk assessment used as a basis for involving other actors that might be relevant in the specific case? How does this work in the practice?
  - d. Are there specific measures in place or specific actors involved to ensure that the needs assessment appropriately addresses particularly vulnerable groups, such as women and children and persons with special needs? What are the actors involved? How does it work in the practice?
  - e. To what extent is the risk assessment used as a basis for involving other actors that might be relevant in the specific case? How does this work in the practice?
  - f. In your experience, do you consider that processes for the risk and needs assessment overall take into account specificities/differences with respect to the consequences of the specific form of exploitation victims have been subjected to?
  - g. Are there special or different procedures for children? What are the actors involved?
  - h. In your opinion, what works in the practice with respect to needs assessment procedures? Can you provide an example based on your experience?
  - i. In your opinion, what does not work in the practice with respect to needs assessment procedures? Can you provide an example based on your experience?
  - j. In your opinion, what works in the practice with respect to risk assessment procedures? Can you provide an example based on your experience?

- k. In your opinion, what does not work in the practice with respect to risk assessment procedures? Can you provide an example based on your experience?
- l. How effective is risk assessment overall in your view? How effective is needs assessment overall in your view?
- m. Have you observed any good practice in both cases? Could you describe them?
- n. How does this component of the formal or informal referral mechanism function in practice? Are there measures in place for monitoring?
5. **(If relevant with respect to the role of the specific actor interviewed) In your experience, how do assistance and support provided within the formal or informal function in practice?**
- a. Which are the actors involved? Are there other actors that would be of direct relevance and are not involved?
- b. In your experience, does the existing set up provide the conditions for an appropriate multidisciplinary approach, including with respect to child sensitive measures; gender specific measures; victims with special need?
- c. In your experience, to what extent is the provision of assistance and support linked to the outcomes of risk and needs assessments?
- d. Are the specific needs of particularly vulnerable groups, such as women and children, and persons with special needs, taken into account in the practice? Can you explain through what process?
- e. Are there capacity building and/or trainings in place for relevant actors? Where you involved in any of them?
- f. Are there specific actors or measures in place when the victim is a child?
- g. In your opinion, what works in the practice with respect to access to appropriate assistance and support? Can you provide an example based on your experience?
- h. In your opinion, what does not work in the practice with respect to access to appropriate assistance and support? Can you provide an example based on your experience?
- i. Have you observed any good practice in both cases? Could you describe them?
- j. How does this component function in practice? Are there measures in place for monitoring?
6. **(If relevant with respect to the role of the specific actor interviewed) In your experience, how is integration of victims (including for prevention of re-trafficking incorporated into the formal or informal? How does it function?**
- a. Which are the actors involved? Are there other actors that would be of direct relevance and are not involved?
- b. What are the measures include In your experience, does the existing set up provide the conditions for an appropriate multidisciplinary approach, including with respect to child sensitive measures; gender specific measures; victims with special need?
- c. In your experience, to what extent integration measures are linked to the outcomes of risk and needs assessments?
- d. Are there conditions to access these measures/services? (e.g. vocational training, support in job seeking, access to education, languages courses, psychosocial and health services, legal assistance, family support)?
- e. In your opinion, what works in the practice? Can you provide an example based on your experience?
- f. In your opinion, what does not work in the practice? Can you provide an example based on your experience?
- g. Have you observed any good practice in both cases? Could you describe them?
- h. How does this component function in practice? Are there measures in place for monitoring?
7. **(If relevant with respect to the role of the specific actor interviewed) Is there a formal or informal transnational referral mechanism in place that involves your Member State, and/or any other form of cooperation, including bilateral agreements, with other EU Member States and/or non-EU countries for referring victims of trafficking in human beings?**

- a. Are there processes/measures/mechanisms in place linking and/or involving specific phases or actors in a formal or informal TRM?
- b. What are the actors involved? Are there other actors that would be of direct relevance?
- c. In your experience, does the existing set up provide the conditions to adopt a multidisciplinary approach in the various phases of referral, including with respect to child sensitive measures; gender specific measures; victims with special needs?
- d. Does any form of transnational cooperation concretely take place with respect to the phase you are involved in? How does this work in the practice?
- e. In your opinion, what works in the practice in the existing set-up? Can you provide an example based on your experience?
- f. In your opinion, what does not work in the practice in the existing set-up? Can you provide an example based on your experience?
- g. Have you observed any good practices in transnational referral? Could you describe any of them?
- h. Have you observed any good practices related to transnational referral of particularly vulnerable groups, such as women and children, and persons with special needs? Could you describe any of them?
- i. Are there measures in place for monitoring the functioning of transnational referral overall?

8. **(If relevant with respect to the role of the specific actor interviewed) In your experience, how do the return and integration in the country of origin or of residence component functions within the formal or informal referral mechanism?** Please ensure the answer address both cases of EU and non-EU victims, and whether they wish to return to the country of origin or residence within the EU or outside the EU.

- a. Which are the actors involved? Are there other actors that would be of direct relevance and are not involved? Are actors in the country of origin or the country of residence of the victim (whether EU or non-EU)?
- b. In your experience, are relevant elements in this context taken into account in the framework of the risk assessment of the specific circumstances of the victim?
- c. Is any form of risk assessment in relation to the victim's situation in the country of origin or residence (whether EU or non-EU) included in the procedure? Is the assessment performed in cooperation with relevant actors in the country of return?
- d. In your experience, are there measures/processes/specific actors tasked to make the victim (whether EU or non-EU) aware of the assistance available in the country of return or residence (whether EU or non-EU) and re-integration opportunities?
- e. In your opinion, what works in the practice? Can you provide an example based on your experience?
- f. In your opinion, what does not work in the practice? Can you provide an example based on your experience?
- g. Have you observed any good practice in both cases? Could you describe them?
- h. Are there measures in place for monitoring the functioning?

**17. Would you like to add anything to what we have discussed? Is there anything we have missed, but should be considered?**

**Thank you for the interview!**





## Getting in touch with the EU

### In person

All over the European Union there are hundreds of Europe Direct information centres. You can find the address of the centre nearest you at: [https://europa.eu/european-union/contact\\_en](https://europa.eu/european-union/contact_en)

### On the phone or by email

Europe Direct is a service that answers your questions about the European Union. You can contact this service:

- by freephone: 00 800 6 7 8 9 10 11 (certain operators may charge for these calls),
- at the following standard number: +32 22999696 or
- by email via: [https://europa.eu/european-union/contact\\_en](https://europa.eu/european-union/contact_en)

## Finding information about the EU

### Online

Information about the European Union in all the official languages of the EU is available on the Europa website at: [https://europa.eu/european-union/index\\_en](https://europa.eu/european-union/index_en)

### EU publications

You can download or order free and priced EU publications at: <https://publications.europa.eu/en/publications>. Multiple copies of free publications may be obtained by contacting Europe Direct or your local information centre (see [https://europa.eu/european-union/contact\\_en](https://europa.eu/european-union/contact_en)).

### EU law and related documents

For access to legal information from the EU, including all EU law since 1952 in all the official language versions, go to EUR-Lex at: <http://eur-lex.europa.eu>

### Open data from the EU

The EU Open Data Portal (<http://data.europa.eu/euodp/en>) provides access to datasets from the EU. Data can be downloaded and reused for free, both for commercial and non-commercial purposes.

