



Presidenza del Consiglio dei Ministri
Dipartimento per le Pari Opportunità



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Migration Policy Development

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, Italy
International Centre for Migration Policy Development (ICMPD)
2010



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Foreword

Over the last fifteen years the struggle against trafficking in human beings has been recognized worldwide as one of the most challenging issues of the 21st century and has become part of the political agenda of many European governments and institutions. Many anti-trafficking initiatives have been implemented throughout Europe and significant progress has been made in ensuring the protection of trafficked persons and the effective prosecution of criminal organisations that profit from one of the most severe crimes against the human rights of the individuals. As a result, in many countries comprehensive legislation and refined schemes of social assistance and protection for trafficked persons are now in place.

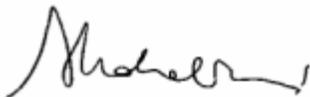
Aware of these valuable efforts and considering the positive results obtained thus far, we believe that the next challenge to be faced is the establishment of structured, consistent and integrated mechanisms through which interventions can be linked to one another, resulting in a more effective and sustainable overall response to the phenomenon. Efficient standard operating procedures – based on quality standards and with due respect for the issues of data protection and privacy regulations – are lacking in many countries. As a consequence, despite the high level of protection and assistance provided to trafficked persons, it is still difficult to ensure the sustainability of the relevant anti-trafficking system. Often functional and effective coordination among anti-trafficking agencies is lacking, this applies to the local, national, and transnational level. Even in some countries where a National Referral Mechanism is officially operating, there is the need to establish and implement shared procedures to properly identify, support and protect trafficked persons. To counteract these issues, the project “Development of a Transnational Referral Mechanism for Victims of Trafficking between Countries of Origin and Destination, TRM-EU” was jointly designed and implemented, and subsequently the TRM-EU Guidelines were developed. The Guidelines are in fact meant to help the countries and anti-trafficking actors develop comprehensive step-by-step assistance procedures for trafficked persons through the establishment of effective institutionalised national

and transnational referral mechanisms based on standard operating procedures, outlined in the Guidelines.

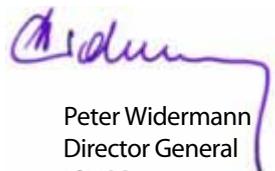
The Department for Equal Opportunities and the International Centre for Migration Policy Development (ICMPD) are pleased that this document translates the latest EU policy priorities in the anti-trafficking field in a practice-oriented manner. Notably, the “Action oriented paper on strengthening the EU external dimension on action against trafficking in human beings; Towards Global EU Action against Trafficking in Human Beings”, adopted by the Council of the European Union in November 2009, calls for the establishment of referral mechanisms, including cross-border referral in partnerships between the EU, third countries, regions and organisations at international level. More specifically, the development of “guidelines on the identification and treatment of victims of THB, including specific guidelines on the treatment of children to ensure that they receive adequate assistance in accordance with their special vulnerability and rights”.

We trust that the TRM-EU Guidelines will be a useful tool to support the countries and all anti-trafficking actors in successfully implementing a more efficacious, sustainable and coordinated national and EU-wide anti-trafficking response in full compliance with existing human rights standards. Being aware of the complex, multidimensional and everchanging nature of trafficking, we consider the multi-agency approach and the co-operation among countries of origin, transit and destination as crucial and essential requirements for the development of a comprehensive and effective response to this hideous phenomenon.

Thus, we strongly believe that the adoption of the TRM-EU Guidelines by different countries should be encouraged. This will allow the distinct national and foreign anti-trafficking agencies to share a “common language”, which will have a positive impact on the every day work they do with and for trafficked persons – who are the very final beneficiaries of all our interventions.



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Project Partners: Office of the National Co-ordinator for the Fight against Trafficking (Albania), National Commission for Combating Trafficking in Human Beings (Bulgaria), Department of Crime Prevention of the Ministry of the Interior (Czech Republic), Ministry of Justice and Law Enforcement (Hungary), National Commission for Combating Trafficking in Human Beings (The Former Yugoslav Republic of Macedonia), Commission for Citizenship and Gender Equality (Portugal), National Agency against Trafficking in Persons (Romania), and the following Italian NGOs: Associazione On the Road, ECPAT-Italia, Cooperativa Sociale Dedalus, Associazione Mimosa, Comunità Oasi 2.

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Acronyms and Abbreviations

CoE	Council of Europe
DCIM	Data Collection and Information Management
EC	European Commission
EU	European Union
GO	Governmental Organisation
ICMPD	International Centre for Migration Policy Development
ILO	International Labour Organisation
IAP	Individual Assistance Plan
IO	International Organisation
IOM	International Organisation for Migration
MoU	Memorandum of Understanding
NAP	National Action Plan
NGO	Non-governmental Organisation
NRM	National Referral Mechanism
OSCE	Organisation for Security and Co-operation in Europe
SEE	South-Eastern Europe
SOPs	Standard Operating Procedures
THB	Trafficking in Human Beings
TRM	Transnational Referral Mechanism
UN	United Nations
UNHCHR	United Nations High Commissioner for Human Rights
UNICEF	United Nations International Children's Emergency Fund
UNODC	United Nations Office on Drugs and Crime
WHO	World Health Organisation

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Introduction

Trafficking in human beings is a hideous phenomenon that affects most countries of the world as origin, transit and/or destination areas: many thousands of men and women, as well as children, are trafficked and severely exploited in many social and economic sectors of our contemporary societies.

In the last fifteen years a great deal has been done to fight human trafficking at the national, European and international level. Legislation, action plans, memoranda of understanding, prevention and protection programmes, prosecution strategies and operations, recommendations, guidelines, handbooks and *ad hoc* training for different actors (e.g. law enforcement officers, magistrates, social workers, health practitioners, policy makers, etc.), studies, special databases, communication campaigns, experts groups have been set up and implemented in many countries.

Yet much more still needs to be done to fully implement legislation; recommendations, activities etc. to fill in the gap between theory and practice – in too many instances still existent – to ensure the protection and empowerment of trafficked persons and the successful prosecution of the traffickers and their accomplices.

Currently, one of the key challenges is to guarantee the full implementation of human rights-based anti-trafficking responses to make sure that all trafficked persons have access to comprehensive assistance and protection schemes. Each state has the obligation to ensure the protection and promotion of human rights to victims of serious crimes, and trafficked persons should be provided with concrete opportunities to re-start self-determined lives. In order to do so, comprehensive human rights-based mechanisms for the assistance and protection of trafficked persons *within* and *across* borders must fully function. The pressing imperative is to move from good intentions to real actions in order to fully respect the human rights of trafficked persons at any stage of their way out of exploitation, and this necessitates assistance in the country of origin, transit and destination.

At present, complete national referral mechanisms are either not in place at all, or else they officially exist but are operationally inadequate. Transnational referrals are not institutionalised and they are generally carried out case-by-case and not always with appropriate procedures that follow clear protection standards. Efficient and thorough standard operating procedures (SOPs) based on shared quality standards are still missing. In a few instances, different anti-trafficking agencies have developed common guidelines and internal or local rules on how to identify, assist and protect trafficked persons. These practices, some of which are reported in these Guidelines, have proved a crucial role, followed by institutionalised co-operative frameworks to guarantee the full protection of trafficked persons.

Considering the intrinsic transnational nature of trafficking, the partners of the project “Development of a Transnational Referral Mechanism for Victims of Trafficking between Countries of Origin and Destination – TRM-EU” decided to develop a comprehensive set of guidelines for the implementation of a transnational referral mechanism to ensure thorough assistance to trafficked persons during the phases of identification; first assistance and protection; long-term assistance and social inclusion; return and social inclusion; criminal and civil proceedings.

The TRM-EU Guidelines are meant to provide practical measures and recommendations in order to carry out transnational referrals. They take into consideration all necessary steps for the local and national referral mechanisms. This should not be seen as a contradiction; on the contrary, the TRM-EU Guidelines are an instrument that complements the NRMs. As a matter of fact, a transnational referral mechanism can be effective when it is built on standard operating procedures that are a result of efficient national and local referral mechanisms, which are in turn based on common standardised operations.

The TRM-EU Guidelines shall therefore be considered as a user-friendly tool to shape and put into practice wide-ranging local, national, and transnational referral mechanisms. Such mechanisms may differ due to dissimilar national regulations and practices in place. However, in order to be successful they need to be institutionalised and based on co-operative frameworks that include all concerned state and non-state actors, and these need to be specifically trained and regularly updated to provide qualified assistance to trafficked persons. The implementation of a multi-agency and multidisciplinary approach as well as the adoption of a certain

level of flexibility are key-components of any local, national, and transnational referral mechanism to respond to the specific circumstances and meet the needs of the individuals assisted.

The TRM-EU Guidelines are largely based on the TRM-SEE Guidelines developed within the “Programme to Support the Development of Transnational Referral Mechanisms (TRM) for Trafficked Persons in South-Eastern Europe” implemented by ICMPD and funded by USAID (2006-2009). These Guidelines have been revised and extended to meet the needs of the countries participating in the TRM-EU project: Czech Republic, Hungary, Italy, Portugal, in addition to Albania, Bulgaria, The Former Yugoslav Republic of Macedonia and Romania (already involved in the TRM-SEE programme). For instance, practical tools and indicators to be used in standard operating procedures (e.g. initial screening, formal identification, risk assessment, etc.) have been included to respond to the requests expressed by many participants. As a matter of fact, regardless of the notable anti-trafficking systems built in many countries, many actors call for operational instruments to be used in their everyday work with potentially trafficked persons.

The main findings of the “Study on Post-Trafficking Experiences in the Czech Republic, Hungary, Italy and Portugal”, also developed within the TRM-EU project, have been taken into account to develop tools for comprehensive and appropriate assistance and support for trafficked persons within and across countries to ensure effective and harmonised co-operation.

Extensive work on the definitions of the “trafficking language” has also been carried out. Sharing clear definitions of the terminology used is in fact an important starting point to sharing a common understanding of the policies, practices, and approaches employed in the anti-trafficking sector. Still too often many anti-trafficking actors use the same official terms without implying or employing the same clear-cut definitions attached to those terms. We then felt it was crucial to take a step back and attempt to start from the beginning – from the terms we use in our daily work to be sure we really know and share their meanings. This was necessary to lay down solid foundations and to establish functional referral systems.

The TRM-EU Guidelines certainly represent a new version of the SEE Guidelines and include also the input of many persons who interactively participated in the exchanges held within the framework of the TRM-EU project.

Furthermore, it must be stressed that a fruitful exchange has developed between the drafters of both TRM Guidelines, and the final versions fully represent such a positive reciprocal influence.

In addition, the Guidelines are also the result of the work of many others – experts and organisations – that produced anti-trafficking tools and developed prevention, protection, and prosecution schemes and strategies in the course of the last 15-20 years, both in Europe and beyond. As a matter of fact, to avoid the risk of the nth duplication, already existing tools have been included and, when necessary, amended to meet the project partners’ needs. The TRM-EU Guidelines are thus also largely based on the know-how deriving from the specialised literature and materials, good practices and procedures concerning trafficking related-issues that fully guarantee and respect the human rights of trafficked persons. The sharing, transfer and adaptation of theoretical and practical anti-trafficking knowledge and work are crucial steps in improving policies and practices, and it is therefore always essential to acknowledge the work done in the past by many researchers, social workers, policy makers, and others.

In conclusion, I would like to thank the project partners, the National Implementation Teams and Maria Antonia Di Maio for their valuable comments and feedback throughout the drafting process of these Guidelines. I also wish to express my personal gratitude to the ICMPD colleagues involved in this project for their valuable work, in particular to Tania Navarro and Annmarie Aiello. Very special thanks to Valerie Quadri of the Italian Department for Equal Opportunities, Elisa Trossero and Jenny Andersson of ICMPD for their unremitting efforts and commitment to successfully develop and manage the TRM-EU project. Without their dedicated effort the challenging work of producing these Guidelines could not have been completed.

Isabella Orfano

About the TRM-EU Project

Background

The project “Development of a Transnational Referral Mechanism for Victims of Trafficking between Countries of Origin and Destination – TRM-EU” was funded under the Prevention of and Fight Against Crime Programme (2007) of the Directorate-General Justice, Freedom and Security of the European Commission and managed by the Department for Equal Opportunities of the Presidency of the Council of Ministers in co-operation with the International Centre for Migration Policy Development (ICMPD).

The project comprised as partners:

- the Office of the National Coordinator for the Fight against Trafficking of Albania;
- the National Anti-Trafficking Commission of Bulgaria;
- the Department of Crime Prevention of the Ministry of the Interior of the Czech Republic;
- the Ministry of Justice and Law Enforcement of Hungary;
- the National Commission for Combating Trafficking in Human Beings of the Former Yugoslav Republic of Macedonia;
- the Commission for Citizenship and Gender Equality of Portugal;
- the National Agency against Trafficking in Persons of Romania;
- and the following Italian NGOs: Associazione On the Road, ECPAT-Italia (End Child Prostitution, Pornography, and Trafficking), Cooperativa Sociale Dedalus, Associazione Mimosa, Comunità Oasi 2.

The TRM-EU project was built upon the outcome and successful experience of the “Programme to Support the Development of Trans-national Referral Mechanisms (TRM) for Trafficked Persons in South-Eastern Europe – TRM-SEE” implemented by ICMPD and funded by USAID over a three-year period (2006-2009) in ten countries of South Eastern Europe.

Throughout the implementation of the TRM-SEE programme, it emerged that co-operation and co-ordination with destination countries outside South-Eastern Europe are crucial building blocks for an efficient transna-

tional referral mechanism. Efforts were therefore made in order to fully address the issue of co-operation between origin, transit and destination countries of trafficked persons by involving western countries in a new project aimed at establishing a functional and EU-wide anti trafficking referral system.

The methodology used was tested and proved during the TRM-SEE Programme and, where necessary, amended to meet the new project partners' needs. The expectation of the TRM-EU project was to further expand the platform for dialogue and exchange created so far in the framework of the TRM-SEE Programme.

Project Objectives

The overall objective of the TRM-EU project was to develop a functional, institutionalised transnational referral mechanism for trafficked persons between EU and non-EU countries (destination/transit/origin countries) and thus contribute to a more effective and sustainable national and EU-wide anti-trafficking response.

More specifically, the project aimed at developing mechanisms for comprehensive victim assistance through the development and implementation of Standard Operating Procedures (SOPs) at national and transnational level and to provide the missing link between countries of origin, transit and destination, through the exchange of good practices for bilateral and multilateral cooperation among anti-trafficking actors such as NGOs, governmental institutions and other.

The TRM-EU project was implemented using a multi-disciplinary, interactive and participatory approach through the involvement of all relevant anti-trafficking actors of the partner countries. The national ownership approach constitutes an important element of the methodology for developing the standard operating procedures for referral of victims. The SOPs have been designed, piloted and endorsed by the participating countries, building on their expertise and good practices, as well as on identified victims' needs. The project was based on the input of practitioners from state institutions, non-governmental and international organisations and experts in the field of anti-trafficking from the selected countries. Thus both government responsibility as well as ownership of the multi-disciplinary and multi-agency TRM mechanism was ensured.

After many years of strenuous efforts and the commitment of both public and private actors on anti-trafficking policies and interventions, experience has shown the crucial role played by institutionalised co-operation tools in guaranteeing the full protection of trafficked persons. Because of this, the long term, and most ambitious, purpose of this project is to contribute to the establishment of an institutionalised and effectively working NRM in partner countries. This will be the first and necessary step towards the development of a similar mechanism of interdisciplinary co-operation at transnational level, both within EU borders and beyond.

Project Activities

The TRM-EU project was kicked off in Rome in May 2008 with participating countries and project partners. During the 'Induction and Assessment Phase' in autumn 2008 the existing referral of victims on the national and transnational level in each participating country was assessed and the National Implementation Teams (NITs) were established in the participating countries. Thereafter fact-finding missions to the participating countries were carried out in spring 2009.

Parallel to these activities the development of Standard Operating Procedures (SOPs) for the transnational referral of trafficked persons and a first draft of the TRM-EU Guidelines were elaborated, and a research co-ordinator as well as local researchers for conducting a comparative Study on the needs of trafficked persons – "Study on Post-Trafficking Experiences in the Czech Republic, Hungary, Italy and Portugal" were identified in the Czech Republic, Hungary, Italy and Portugal. In October 2008 a Transnational Workshop with all local researchers was held in Rome in order to agree on the research methodology and interview guide, and thereafter a first draft of the Study to support the development of quality criteria and standards for victim assistance drafted. In January 2009 the first Project Team Meeting was held in Vienna.

The 'Test Run Phase' was launched in March 2009 by the organisation of a Transnational Seminar in Prague to discuss the draft of TRM-EU Guidelines and collect input from the participating countries. During this seminar the second Project Team Meeting was organised.

The First Transnational Seminar was followed by National Workshops in spring and summer 2009 in partner countries where the TRM-EU Guidelines were discussed and input to the countries' specific needs communi-

cated. Following the National Workshops, the information collected was screened and the input harmonised and the national components were included in the TRM mechanism.

Study visits to the participating countries were organised during summer and autumn 2009 and the project ended with a Final Conference in Rome in February 2010 where the TRM-EU Guidelines and the study on Post-Trafficking Experiences in the Czech Republic, Hungary, Italy and Portugal were launched. Both publications were translated into the local languages and will be utilised for the referral of victims in the participating countries.

The TRM-EU Guidelines

What They Are

The Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe are a set of recommendations and practical measures to lead the States and all anti-trafficking actors concerned through all the crucial steps to implement a sound transnational referral mechanism, as well as local and national referral mechanisms in full compliance with existing human rights standards.

They provide for a detailed set of standard operating procedures (SOPs), composed of distinct measures, to grant appropriate assistance to trafficked persons throughout the process of:

1. Identification;
2. First assistance and protection;
3. Long-term assistance and social inclusion;
4. Return and social inclusion;
5. Criminal and civil proceedings.

The TRM-EU Guidelines shall be adapted to the national legislation and procedures in full respect of the minimal standards for protection and assistance of trafficked persons set out. They must be seen as a living document complementing procedures already in place and that can be further developed and updated according to the anti-trafficking responses implemented and supported over time.

The TRM-EU Guidelines have the following structure:

Introduction

About the TRM-EU Project

In this section the project's objectives, activities and scope are described.

The TRM-EU Guidelines

This section briefly explains what the Guidelines are, whom they are for, and how they should be used.

Part A: The Transnational Referral Mechanism

This section provides the definition of the Transnational Referral Mechanism (TRM) and explains its main components. It also describes the principles, the approaches, and the cross-cutting issues of a soundly functioning TRM.

Part B: The Standard Operating Procedures (SOPs)

This section describes the five SOPs to effectively establish and manage the TRM as to 1) identification; 2) first assistance and protection; 3) long-term assistance and social inclusion; 4) return and social inclusion; 5) criminal and civil proceedings. Each SOP consists of a set of measures that are explained in detail as to: what they are (What), when they should be put in place (When), who should be responsible (Who), and how they should be carried out (How). For some measures, practical tools are suggested (e.g. list of indicators, operational protocols, selection criteria).

Part C: List of TRM Contacts

This part contains the contact details of the anti-trafficking agencies operating in the project partner countries. They are crucial data for the implementation of transnational referrals and should be kept up to date.

Part D: Annexes

This section is comprised of different practical and theoretical documents to take into consideration or use as inspirational resources for the implementation of the TRM Guidelines. The annexes include a glossary of the working definitions and terminology; a compilation of the national, European and international legislation related to trafficking in human beings; the descriptions of the role and duties of a child's guardian and a cultural mediator; a set of guidelines for the age assessment of trafficked children; the World Health Organisation ten guiding principles to the ethical and safe conduct of interviews with trafficked persons; the sample of the Teramo Protocol for the identification of and the approach to potential victims of trafficking; a sample for complaint and comment procedures; the description of the co-ordination mechanism for the referral, care and protection of Bulgarian unaccompanied minors and trafficked children returned home.

References

This final part lists the references cited in the publication and includes recommended selected literature.

Whom They Are For

The Guidelines are primarily intended for all anti-trafficking actors that come into contact with a trafficked person (may she or he be presumed or identified) and are involved in any step of her/his identification, protection, assistance, criminal and civil proceedings or return process; they are also designed for policy makers and planners who are responsible for the prevention, protection, and prosecution policies and interventions. This might include practitioners and specialists of anti-trafficking non-governmental organisations (NGOs), governmental organisations (GOs), international organisations (IOs) and others, such as:

- Drop-in workers;
- Shelter workers;
- Case managers;
- Psychologists;
- Counsellors;
- Social workers;
- Interpreters;
- Intercultural mediators;
- Health professionals;
- Lawyers;
- Child's guardians;
- Law enforcement officers;
- Labour inspectors;
- Trade unions personnel;
- Public prosecutors;
- Prison personnel;
- Policy-makers and planners;
- Diplomatic personnel;
- Others.

The TRM-EU Guidelines are thus meant to equip the state and non-state anti-trafficking actors with the necessary tools to perform all steps to ensure proper assistance and protection to trafficked persons at any stage of the local, national and/or transnational referral.

How to Use Them

The Guidelines are a working tool that provide step-by-step guidance to those actors involved at any stage of the identification, assistance, protection, voluntary return, social and labour inclusion process of potential trafficked persons. Provided their compliance with minimal standards for the assistance of trafficked persons, the Guidelines should be adapted to meet the national procedures established by e.g. the National Referral Mechanism (if any), existing MoUs, national and/or local regulations, the legislation and the country's needs. In cases of trafficked children, the Guidelines should complement, support, and strengthen the national child protection systems and mechanisms in place in order to fully realize their rights and meet the specific needs of the assisted children.

Definition Matters

Language has a major role in shaping the public discourse and the conceptualisation of any social phenomenon. Keeping this in mind, in the Guidelines the term “trafficked person” is used whenever applicable instead of solely using “victim of trafficking” or employing the latter as a mere synonym of “trafficked person”. The term “victim” is used when referring to a person who has been formally identified by the relevant authorities or specialised NGOs as a person subject to the crime of trafficking in human beings. The term “assisted person” is employed when referring to a trafficked person who has agreed to be provided with short- or long-term support and assistance from a non-governmental, governmental, international or other relevant organisation. These linguistic choices were made to avoid any form of unintentional rhetoric of victimhood and underline the active and powerful role taken by persons who decide to leave an exploitative situation and join a support programme.



The Guidelines also include specific measures for trafficked children and, whenever children are mentioned, the following icon appears next to the related paragraph. It is important to underline that trafficked children may be either unaccompanied or separated children¹, though in the text they are generally referred to as “trafficked children”.

¹ For a full definition of “unaccompanied child” and “separated child”, see Annex 1.

Throughout the Guidelines, the term “foreign trafficked person(s)” refers to an individual who does not hold the nationality of the destination country; the term refers to both EU and non-EU citizens. It is noteworthy that some measures may be applicable only to EU nationals, non-EU nationals, or both.

The Guidelines also include a rather extended glossary of the trafficking related key terms (see Annex 1: Working Definitions and Terminology). This is because the Guidelines are intended for a large target group of professionals who may have contact with trafficked persons and who might not be at all familiar with the specialized language concerning trafficking related-issues. The glossary is also meant for anti-trafficking actors who are already engaged in the anti-trafficking field. As a matter of fact, many of them use the same terms but they do not share the same definitions attached to such terms. Adopting the same terminology and definitions is thus the first step to sharing a common understanding of the same social issue.



Finally, throughout the Guidelines two more icons can be found. The exclamation mark icon is used to stress specific concepts regarded as particularly relevant for the sound implementation of the concerned measures;



the cross reference icon refers to other parts of the Guidelines significant also for the measure(s) described.

Part A: The Transnational Referral Mechanism

What is a TRM?

A **Transnational Referral Mechanism (TRM)** is a co-operative agreement for the cross-border comprehensive assistance and/or transfer of identified or potential trafficked persons. A TRM links all stages of the referral process from the initial screening, through formal identification and assistance, to the voluntary assisted return, the social inclusion, and the civil and criminal proceedings. It is based on the co-operation between governmental institutions, intergovernmental agencies and non-governmental organisations of countries of origin, transit and destination of the assisted trafficked persons. Through the TRM, state actors of different countries fulfil their obligations to promote and protect the human rights of trafficked persons.

The primary elements of a TRM include:

- Standard operating procedures (SOPs) for the effective and safe transnational assistance and referral of victims of trafficking to a range of services. A comprehensive TRM shall thus identify specific SOPs and measures for five main components:
 1. Identification;
 2. First Assistance and Protection;
 3. Long-Term Assistance and Social Inclusion;
 4. Return and Social Inclusion;
 5. Criminal and Civil Proceedings.

All five components are interlinked and closely connected with the local and national referral mechanisms in place and, in many instances, such components depend on each other. In order to refer trafficked persons in a comprehensive manner from one country to another one, most components need to be in place.

- Formal international co-operative agreement between anti-trafficking stakeholders on strategies for the safe and supportive movement of

trafficked persons between countries of destination, transit and/or origin. The agreements should clearly specify the roles and the attached responsibilities and obligations of each actor involved.

- Mechanisms for monitoring and evaluating the TRM to assess the output and impact achieved and to improve the strategic and operational goals in order to meet more successfully the needs of the assisted persons and ameliorate the procedures developed.

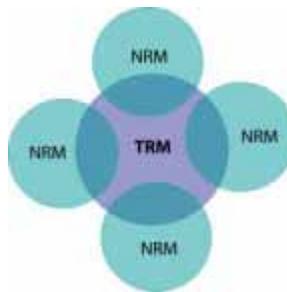
A TRM is therefore strictly intertwined with the National Referral Mechanisms (NRMs) of the countries involved. The NRM has been defined as follows by the Organisation for Security and Co-operation in Europe (OSCE)²:

The **National Referral Mechanism** is “a co-operative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, co-ordinating their efforts in a strategic partnership with civil society. The basic aims of an NRM are to ensure that the human rights of trafficked persons are respected and provide an effective way to refer victims of trafficking to services. In addition, NRMs can work to help to improve national policy and procedures on a broad range of victim-related issues such as residence and return regulations, victim compensation, and witness protection. [...]”



The TRM does *neither* replace *nor* duplicate any existing national anti-trafficking structures. It is meant to build upon the national referral mechanisms or any other existing procedure in place and take them a step further to a transnational level.

Fig. 1 – TRM and NRMs



² T. Kröger, J. Malkoc, B.H. Uhl, *National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook*, Osce-Odihir, Warsaw, 2004, p. 15.

A TRM relies on appropriate allocation of human and financial resources, trained personnel and relevant contacts. A range of support services and resources (i.e. GOs, NGOs, IOs, law enforcement officials and representatives of the judiciary³) should be identified in each country, and, where needed, at local level to obtain good geographical coverage for victim support. International resources and contact points are an essential part of this network. The TRM resources should be identified and secured as early as possible. Contacts should be regularly monitored and updated by the responsible authority.



In the case of trafficked children, any TRM procedure should be developed and implemented in close co-operation with the country's child protection services.

The TRM Principles and Approaches

A functioning TRM shall be based on the following principles and approaches⁴ that should be borne in mind and applied at all stages of assistance and referral of trafficked persons:

- *Human rights-based approach:* Any local, regional, national anti-trafficking response must be based on the international human rights standards to promote and protect the human rights of any potential trafficked person. Therefore, state actors and all duty bearers (i.e. law enforcement agency, the judiciary, social affairs offices) have the obligation to respect, protect, fulfil, and promote the full range of civil, cultural, economic, political, and social rights every person holds and is unconditionally entitled to enjoy. This approach must be equally adopted by non-state actors (i.e. NGOs, civil society organisations and associations, IOs) engaged in the anti-trafficking field to ensure that the services provided fully respect and promote the rights of the assisted persons. A human rights based approach places the rights of the

³ Already designated national anti-trafficking co-ordination points (NRM) responsible for the notification and referral of trafficked persons are provided in the contact list in Part C.

⁴ This is an updated and extended version of the principles identified and comprehensively described in ICMPD, *Guidelines for the Development and Implementation of a Comprehensive National Anti-Trafficking Response*, Vienna, 2006, pp. 19-27.

individual at the centre of any anti-trafficking activity and policy and it envisages⁵:

- The observance of international human rights standards;
- The respect of the principle of non-discrimination;
- The standard setting and accountability;
- The recognition of trafficked persons as subjects and holders of rights;
- The full participation of and consultation with all concerned actors, including trafficked persons, in the development of anti-trafficking strategies and policies;
- The adoption of a gender, age, and cultural specific perspective in the counter-trafficking policies and services.



Human rights apply to children as to any other human being. In particular, States shall treat trafficked children as children first and foremost, in full adherence with their fundamental rights as enshrined primarily in the UN Convention on the Rights of the Child (1989). In particular, the core principles of the best interests of the child, non-discrimination, the right to life, survival development, and participation are particularly relevant⁶.



- **Government ownership:** The government has full responsibility and participation for the design and implementation of the national anti-trafficking response. As a result, local, regional and national administration actors engaged in activities to prevent and fight human trafficking and to provide support to trafficked persons must actively be involved in the local, regional, national referral mechanism or the equivalent anti-trafficking coordination structure and must regularly and promptly cooperate according to the standard operating procedures (SOPs) jointly developed and adopted with the non-state actors. Ideally, the government ownership should result in the formal adoption of the SOPs.

⁵ European Commission, *Report of the Experts Group on Trafficking in Human Beings*, Brussels, 2004, pp. 137-143. For a comprehensive insight on the meaning of the human rights based-approach, this report is highly recommended. The inspirational document of the human rights-based approach is: United Nations High Commissioner for Human Rights (UNHCHR), *Recommended Principles. Guidelines on Human Rights and Human Trafficking*, New York and Geneva, 2002, at [www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.2002.68.Add.1.En?Opendocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/E.2002.68.Add.1.En?Opendocument)

⁶ It is also recommended to refer to the General Comment no. 6 of the UN Committee on the Rights of the Child, specifically for the treatment and protection of separated and unaccompanied children who are victims of trafficking.

- *Civil society participation*: The competent NGOs, non-state organisations and associations must be active contributors in the anti-trafficking response at the local, regional and national level. They must be involved in the decision-making process by taking part in the design and implementation of the anti-trafficking strategies and policies. They play a crucial role as service providers in supporting trafficked persons in the process of identification, short- and long-term assistance, social inclusion, voluntary assisted return and during criminal and civil proceedings. The civil society organisations must be free to assist trafficked persons regardless of the will of the latter to co-operate or not with the competent authorities. Their access to funding must not be dependant on the collaboration between the assisted trafficked person and the law enforcement agencies. The civil society organisations must be part of the local, regional, national referral mechanism or the equivalent anti-trafficking co-ordination structure and must regularly and promptly co-operate according to the standard operating procedures (SOPs) jointly developed and adopted with the state actors.
- *Multi-disciplinary and cross-sectoral approach*: A wide range of state and non-state actors with distinct knowledge and expertise should be systematically involved in the design and implementation of any anti-trafficking services provided to trafficked persons. Clear responsibilities and mandates must be defined to work jointly according to agreed procedures and quality standards of assistance.
- *Best interests of the child*: These must be a primary consideration in all actions concerning potential trafficked children. An assessment of best interests must be based on the individual circumstances of each child and must consider her/his family situation, the situation in their country of origin, their particular vulnerabilities, their safety and the risks they are exposed to and their protection needs, their level of integration in the country of destination, and their mental and physical health, education and socio-economic conditions. These considerations must be set within the context of the child's nationality and their ethnic, cultural and linguistic background. The assessment of the child's best interests must be a multi-disciplinary exercise involving relevant actors and undertaken by specialists and experts who work with children⁷.

⁷ Separated Children in Europe Programme (SCEP), *Statement of Good Practice*, 4th Edition (forthcoming).

- *Accountability and transparency:* Any referral mechanism should provide complaint procedures to effectively enable trafficked persons to raise allegations and be entitled to reparations whenever their individual and human rights have been violated at any stage of their identification and assistance process.

Cross-cutting Issues

The cross-cutting issues listed below are relevant throughout the process of transnational referral and should be fully considered when carrying out any measure of the TRM:

Safety and Security

All measures shall respond to the specific needs of each trafficked person with due respect to her/his psychological and physical integrity.

Participation

This is a crucial step in empowering trafficked persons, who must be always maintained as active subjects who make decisions. The views and the wishes of trafficked persons, both children and adults, should always be taken into account to allow their full participation in the decision-making process concerning their case. They should thus be encouraged to pose questions and express concerns at any stage of the TRM.

Information Provision

Trafficked persons must receive detailed information about all procedures and measures related to their assistance and referral, including their rights and entitlements. Information should be provided promptly, be regularly updated, and given in a clear manner. It is necessary to make sure that all information given is clearly understood by the trafficked persons who must be encouraged to pose clarifying questions at any time.

Information Exchange

Information shall be exchanged in a timely manner between all relevant actors having as primary consideration the safety, security and privacy of the trafficked persons, who should be given appropriate information about the exchange of their data, to which they must consent.

Data Protection

Personal data shall be sensibly and lawfully collected, processed, exchanged and stored “for specified and legitimate purposes and not used in a way

incompatible with those purposes⁸ to ensure the long-term safety and security of trafficked persons⁹. The trafficked persons must always give their informed consent for the use of their data, which they can obtain, rectify or delete at any time. Each country has its own legal framework with regard to data protection. In the absence of specific national legislation on processing and protection of personal data, it is recommended that countries refer to the principles and the letter of the EC Directives¹⁰ and the Council of Europe's Convention¹¹ on data protection.

Interpretation and Cultural Mediation

It is essential that all communication takes place in a language that is understandable by the trafficked person, thus interpretation and/or cultural mediation are key elements to provide adequate assistance. A roster of trained and trustworthy professionals should be constantly updated.

Training and Supervision

All professionals involved in any of the steps of the TRM should be specifically trained on trafficking related issues and on the appropriate working methodologies to be used with trafficked persons. Updating on such topics should be regularly provided as well as supervision sessions.

Monitoring and Evaluation

The process of monitoring and evaluation assesses whether a mechanism functions; whether the procedures lead to the expected results and whether these results contribute to the achievement of the specific objectives and the strategic goals. This process allows for an improvement of procedures at the operational level or a reformulation of goals at the strategic level based on the evaluation results. Monitoring and evaluation

⁸ Art. 5, Convention for the protection of individuals with regard to automatic processing of personal data, Council of Europe, ETS 108, 28.1.1981.

⁹ For protection mechanisms and ethical standards for data collection, processing and storage, see ICMPD, *Anti-Trafficking Data Collection and Information Management in the European Union – a Handbook. The situation in the Czech Republic, Poland, Portugal and the Slovak Republic*, Vienna, 2009.

¹⁰ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data; Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector.

¹¹ Council of Europe, Convention for the protection of individuals with regard to automatic processing of personal data, ETS 108, 28.1.1981.

should also assess the impact of the anti-trafficking measures on the human rights of the trafficked persons, whose assessment on the received assistance should always be taken into account.

Human and Financial Resources

Any anti-trafficking response must be sustainable in terms of economic and human resources to fully accomplish the goals set for the protection of the trafficked persons and the prevention and repression of the phenomenon. The responsible actors shall thus duly and timely allocate adequate financial and human resources for the implementation of each specific measure.



The above mentioned TRM principles, approaches, and cross-cutting issues are implied in all the SOPs hereinafter described and, thus, they are not mentioned again throughout the text.

Part B: The Standard Operating Procedures (SOPs)

This section describes the Standard Operating Procedures (SOPs) to effectively establish and manage the TRM as to:

- SOPs 1 – Identification;
- SOPs 2 – First assistance and protection;
- SOPs 3 – Long-term assistance and social inclusion;
- SOPs 4 – Return and social inclusion;
- SOPs 5 – Criminal and civil proceedings.

Each SOP consists of a set of measures that are explained in detail:

- **WHAT** they are;
- **WHEN** they should be put in place;
- **WHO** should be responsible for them; and
- **HOW** they should be carried out.



The measures described do not always follow a chronological order; in several instances they are to be implemented simultaneously or, in some cases, in a different order due, for instance, to the different national legislation frameworks and the related provisions in place. Furthermore, some measures may differ according to the country or individual situation and, thus, they need to be context specific.



In case of a trafficked child, regardless of the different national child protection systems and mechanisms in place, all measures taken must have as a primary consideration the best interests of the child, resulting from a thorough and careful assessment undertaken by trained and qualified professionals¹². Any decision must take into due consideration the views of the

¹² For a full description on how to conduct the child's best interests assessment and determination, see UN High Commissioner for Refugees, *UNHCR Guidelines on Determining the Best Interests of the Child*, May 2008, available at: <http://www.unhcr.org/refworld/docid/48480c342.html>

child, which should be proactively sought at all stages by the involved staff and decision-makers with the required relevant expertise.¹³



For some measures, lists of indicators are provided as a useful tool to be employed in different instances (e.g. to perform the initial screening; to draft the early risk assessment; to formally identify a trafficked person; to carry out the intake and needs assessment, etc.). It is fundamental to always bear in mind that indicators must be seen as helpful device to be handled with care to avoid the risk of an unintentional victim profiling that may hinder the real identification of trafficked persons and the full respect of their fundamental rights.

¹³ The elaboration of the Guidelines has been coordinated with Save the Children Italy within the framework of the project '*AGIRE, Austria, Greece, Italy and Romania - Acting for a stronger private-public partnership in the field of identification and support of child victims and at risk of trafficking in Europe*'. Some of the TRM SOPs have been used as benchmarks for the AGIRE methodology.

I. SOPs - Identification

The *identification stage* is the first phase of a local, national or transnational mechanism through which a trafficked person is identified as such. This stage can be divided in two main parts: the *preliminary identification* and the *formal identification*:

a) Preliminary Identification

1. **Initial screening and referral:** Referring (or self-referral of) a presumed trafficked person to the first point of notification, i.e. the body responsible for the initial screening and referral that will vary depending on the country legislation and policies;
2. **Access to basic needs and information:** Providing basic information to and enquiring about any urgent needs of a presumed trafficked person; responding to expressed concerns and/or emergency needs;
3. **Early risk assessment:** Reviewing possible risks and securing the immediate safety for the presumed trafficked person;
4. **Language and interpretation:** Ensuring communication in a language that the person understands;
5. **Recovery and reflection period:** Providing individuals the time and resources in order to assure that they can make sound decisions about next steps.

b) Formal Identification

6. **Identification:** Determining the victim status by qualified and authorised persons (e.g. law enforcement officers, specialised professionals, NGOs/IOs personnel, etc.) by asking questions and reviewing circumstances to formally identify the individual as a victim of trafficking; informing the person about the outcome and available future options to ensure informed decision making and gaining consent regarding the following steps. Formal identification also includes cases where the victim status has not yet been determined by way of criminal proceedings.

Given the complexity of the trafficking crime, the *benefit of the doubt* should be given to a person (both child and adult) claiming to have been subjected to exploitation possibly related to trafficking. A person presumed to have been trafficked shall be considered as a victim as soon as the competent authorities have the slightest indication that s/he has been subject to the crime of trafficking.

IDENTIFICATION	Preliminary	Measure 1	<p>INITIAL SCREENING AND REFERRAL</p> <ul style="list-style-type: none"> Referring the presumed trafficked person to the first point of notification Conducting the first identification screening Assessing whether the presumed trafficked person is a child Appointing a guardian if the presumed victim is/assumed to be a child
		Measure 2	<p>ACCESS TO BASIC NEEDS AND INFORMATION</p> <ul style="list-style-type: none"> Explaining to the presumed trafficked person the rights/responsibilities & available assistance Assessing imminent problems Assessing urgent needs Determining safety measures
		Measure 3	<p>EARLY RISK ASSESSMENT</p> <ul style="list-style-type: none"> Assessing imminent risks and determining safety and well-being measures Addressing urgent needs/requests of the presumed trafficked person
		Measure 4	<p>LANGUAGE INTERPRETATION AND CULTURAL MEDIATION</p> <ul style="list-style-type: none"> Providing translation/interpretation between assistance providers/police and the presumed trafficked person Informing interpreters/cultural mediators regarding their roles Informing the presumed trafficked person regarding her/his rights and the role of the interpreter/cultural mediator
		Measure 5	<p>RECOVERY AND REFLECTION PERIOD</p> <ul style="list-style-type: none"> Offering a time period for the presumed trafficked person to recover & stabilise Informing the presumed trafficked person about available options Providing safe accommodation Providing basic services Providing access to residence permits
	Formal	Measure 6	<p>IDENTIFICATION</p> <ul style="list-style-type: none"> Determining whether the individual is a trafficked person by formal procedures Contacting relevant country authorities in the country of origin/transit/destination, when necessary Establishing trafficked person's identity Establishing jurisdiction if the trafficked person is a child Explaining relevant information following the identification to the identified trafficked person.

Measure 1: Initial Screening and Referral

WHAT: It is the first screening of a case of a presumed trafficked person and her/his referral to a safe temporary accommodation.

A presumed trafficked person may come to the attention of the first point of notification through several channels:

- Victim herself/himself;
- Other trafficked persons;
- Family or acquaintances;
- Private citizens;
- Law enforcement personnel;
- Immigration services;
- Detention centre personnel;
- Prison personnel;
- Labour inspectors;
- Trade union personnel;
- NGOs workers;
- IOs workers;
- Health care professionals;
- Embassy or consular officials;
- Transportation personnel;
- Other.

WHEN: Promptly after a presumed trafficked person is referred to the first point of notification.

WHO: The first point of notification, which is the institution/organisation that acts as a central point of information, referral and initial support for presumed trafficked persons.

The body differs from country to country and could be:

- National co-ordinating institution (e.g. national office of the anti-trafficking agency);
- Law enforcement agencies;
- Service providers (e.g. NGO, social services);
- Other.

The first point of notification should be known to all relevant institutions and organisations whose personnel might get in contact with trafficked persons, such as law enforcement officers, immigration service officials, labour inspectors, non-governmental or international organisations' professionals, health care practitioners, embassy or consular officials, transportation employees, etc.

HOW: The initial screening should be based on a set of questions to determine if the person is a presumed trafficked person or a potential trafficked person as soon as s/he gets in contact with the first point of notification. During this process it is also important to pay attention to the health condition of the screened person and look for any sign of abuse. Check-lists of different indicators can be used to develop questions and identify any evidence of maltreatment:

INFORMATION TO GATHER THROUGH INITIAL SCREENING	
ITEM	INDICATORS
Personal data	<ul style="list-style-type: none"> • Name • Gender • Age • Nationality • Legal status • Family status • Knowledge of the language of the destination country (for foreign victims)
Physical appearance	<ul style="list-style-type: none"> • Injuries from beatings (scars, bruises, broken bones...) • Signs of unattended infections (fever, swollen neck, lachrymation...) • Signs of contagious diseases • Signs of torture (burns, cuts...) • Signs of malnutrition • Signs of fear • Distressed behaviour
Living conditions	<ul style="list-style-type: none"> • Evidence of restriction and strict control of movement • Isolation • Poor accommodation standards • Living and working in the same place • Continuously changing accommodation
Working conditions	<ul style="list-style-type: none"> • No work or false work contract • No salary or underpaid work • Overlong working hours and/or no days off • Unsafe and/or unhealthy working conditions • Hidden from other workers • Continuously changing work location • Found in premises where cases of exploitation and trafficking have already been detected
Status	<ul style="list-style-type: none"> • Irregular migration status (for foreign presumed trafficked persons) • Lack of or forged documents (e.g. passport, visa, identity documentation, stay permit...) • Leave order(s) • Other



To officially determine the victim status, specific identification procedures – to gather and assess information on the different trafficking phases – are employed *after* the recovery and reflection period (➡ **Measure 6: Identification**).

The initial screening and referral should be carried out:

- With the informed consent of the presumed trafficked person;
- With due consideration of the safety, privacy and security of the presumed trafficked person;
- After due consideration of the health conditions of the presumed trafficked person, including checking for signs of post-traumatic stress disorder;
- By collecting adequate, relevant, and not excessive information once the presumed trafficked person has given her/his informed consent to provide and store personal data. S/he must be informed about her/his right to withdraw the consent for the storage of her/his data;
- Carefully considering the opinions and concerns of the presumed trafficked person;
- By immediately informing the competent child welfare authority if the presumed trafficked person is a minor or suspected to be a child. A guardian should be immediately appointed *before* any other measures can take place. The appointed guardian¹⁴ should accompany the child throughout the entire process and should closely work with the national child protection services, law enforcement, immigration (in case of a foreign national), and other service providers until a durable solution in the best interest of the child has been identified and implemented. Whenever the authorities come into contact with a separated child, they have the duty to take proactive measures determining whether the child is or has been trafficked and ensuring that the full range of special protections and assistance for trafficked children are applied;
- By using clearly defined referral procedures.



The interviewer must be aware of the fact that presumed trafficked persons could be unwilling to provide full or genuine information on their trafficking

¹⁴ The role of a guardian is **not** the same as that of a legal representative. If a child is to participate in legal proceedings, she or he must be provided with a legal representative (a qualified lawyer).

experience, especially at this early stage of the assistance provision. They might be fearful of the law enforcement agencies (for being undocumented migrants, for having engaged in illegal activities related to trafficking, for having been deceived about the law enforcement conduct, etc.), traffickers and exploiters (for threats, abuse, retaliations against significant others); they might distrust others as a result of their trafficking experience¹⁵; they might not remember all information or the exact order of the events because of a temporary memory loss due to the trauma suffered¹⁶.



It must be noted that each individual has the right to determine whether, preferably to which extent and when, s/he wishes to receive assistance and should be consulted before providing any support measure. However, an initial rejection of assistance shall not lead to the irreversible exclusion of access to assistance, should the victim change her/his mind later.

Practice: Signalling of cases of trafficking and prompt response (Portugal)

A special hotline number (964 608 288) to “signalize” any suspected case of trafficking has been set up in Portugal. It is a key tool open to all anti-trafficking agencies, the general public, and the trafficked persons themselves. The hotline is available 24 hours a day and is managed by the Multidisciplinary Team (MT) that immediately takes care of the (potential) trafficked person and, eventually, contributes to her/his formal identification and development of the individual assistance plan. The MT consists of one coordinator (social worker), one psychologist, one lawyer and one social mediator. Should a child be involved, the Commission for Minors at risk is contacted as well to jointly assess her/his best interests and accordingly take care of the child.

Practice – The Teramo Protocol: Identification as a multi-agency procedure (Italy)

The Court of Teramo (Italy), in collaboration with the Associazione On the Road, developed a set of “Guidelines to approach potential victims of trafficking in human beings or exploitation, and of aiding and abetting illegal immigration” (referred to as “the Teramo Protocol”)¹⁷. Based on a human rights-centred and multi-agency approach, the Teramo Protocol establishes the need to:

- Adopt a person-centred approach to establish a positive contact with the (potential) trafficked persons and gain their trust;
- Provide social support, assistance and protection to trafficked persons, regardless of their willingness to co-operate with the competent authorities;

¹⁵ Article 18: *Protection of Victims of Trafficking and Fight against Crime (Italy and the European Scenario)*. Research Report, On the Road Edizioni, Martinsicuro, 2002.

¹⁶ For more information on the health consequences of trafficking, see London School of Hygiene & Tropical Medicine, Un.Gift, IOM, *Caring for Trafficked Persons. Guidance for Health Providers*, Geneva, 2009.

¹⁷ For the full text of the Teramo Protocol, see Annex 7.

- Employ well-trained and equipped officers and prosecutors that should also co-operate through the establishment of *ad hoc* multi-agency anti-trafficking units;
- Employ a cultural mediator from the first interview onwards.

The Teramo Protocol also regulates the distinct roles of all actors involved and defines the operational procedures of co-operation amongst the law enforcement agencies, the judiciary, other public actors, and the civil society organisations. The Protocol was circulated by the Public Prosecutor's Office in Teramo to all law enforcement agencies within the province of Teramo along with a list of indicators to identify potential trafficked persons and an interview format for the initial screening of the potential victim.

Measure 2: Access to Basic Needs and Information

WHAT: It is the provision of: a) urgent basic needs, and b) full information to the presumed trafficked person:

- a) The following basic needs should be met *before* providing any type of information by enquiring whether the presumed trafficked person has any urgent request or need¹⁸ as to:
 - Food;
 - Water;
 - Toilet and basic hygiene;
 - Clean clothing;
 - Rest;
 - Some privacy;
 - Urgent medical care;
 - Possibility of contacting family members or significant others (if safe for the presumed trafficked person);
 - Other emergencies.
- b) The provision of information is a key component of the referral process that allows the presumed trafficked person to decrease her/his anxiety and uncertainty about the future and to progressively regain control over her/his life. It is also the first step in building a relationship of trust between the assisted person and the service provider/agency. Detailed information should thus be given as to:
 - The rights and obligations as a presumed trafficked person;
 - Functioning of the recovery and reflection period;
 - Services available (accommodation, counselling, etc.);

¹⁸ This information has been adapted from: UNODC, *Toolkit to Combat Trafficking in Persons*, Vienna, 2006.

- Functioning of the protection system;
- Possible next steps of referral;
- Current security concerns;
- Data protection policy.

WHO: Designated professionals of accredited local or national anti-trafficking agencies that host the presumed trafficked person after her/his initial referral. They should be specifically trained to perform this task with the support of an interpreter or a cultural mediator¹⁹.



In the case of a presumed trafficked child, specialised professionals trained in working with children should handle the information provision. The appointed guardian should be present at all times to assure that basic needs and child rights are met.

WHEN: Immediately after the initial referral.

HOW: The basic needs and information should be provided:

- In a clear, professional, yet sympathetic, manner;
- Using simple language and, in case of a foreign presumed trafficked person, with the support of an interpreter or a cultural mediator;
- Orally and in writing in a language that the presumed trafficked person understands;
- Encouraging the presumed trafficked person to pose clarifying questions;
- Making sure that the presumed trafficked person has clearly understood all information given;
- Helping to re-orient and assess the available options;
- In the case of a presumed child victim, in a sensible manner and with a language appropriate to the developmental abilities of the child²⁰. In the case of younger children, law enforcement officials may decide to share information initially with the guardian and then allow the guardian to share that information with the child.



Presumed trafficked persons should **not** be required to sign anything before or after receiving information. If a signature is required for documenta-

¹⁹ For a description of the profile of the cultural mediator, see Annex 4.

²⁰ For detailed special considerations on how to interview presumed trafficked children, see: Unicef, *Guidelines on the Protection of Child Victims of Trafficking*, New York, 2006, pp. 18-19; IOM, *Direct Assistance for Victims of Trafficking*, Geneva, 2007, pp. 31-32.

tion purposes, it can never be used as a precondition to give assistance or follow-up information.

WHERE: In a safe, comfortable and private setting with no unrelated listeners.



Individuals who decline to be interviewed (i.e. refuse assistance) should be provided with information and contact details for support services in case they decide to seek assistance at a later stage.

Measure 3: Early Risk Assessment

WHAT: It is an evaluation procedure to carefully assess the presumed trafficked person's situation in order to:

- Identify any imminent risks as to her/his health;
- Assess the need for emergency or urgent medical care or other pressing support needs;
- Assess any imminent or future safety risks;
- Establish together the next steps to assure her/his safety and well-being.

The initial risk assessment for a presumed trafficked child must in addition consider the following:



- concrete actions and steps to be taken immediately to ensure the full protection of the child, including the appointment of a guardian when the child is deprived of parental care;

Transnational cooperation

In the case of a **foreign child**, the appointed authorities (usually the Ministry of Interior in co-operation with the social services) of the **destination country** have a primary obligation to establish contact with the foreign embassy in the country of destination or a relevant institution in the country of origin/Ministry of Interior of the **country of origin**.

WHEN: Immediately *after* the presumed trafficked person has:

- Been provided with basic needs and information;
- Been informed about the early risk assessment procedure;
- Had the opportunity to pose questions or make requests;
- Declared to feel safe;
- Had given her/his consent.

The early risk assessment **cannot** take place if the presumed trafficked person:

- Is in a location where privacy and safety cannot be assured;
- Requires urgent medical aid;
- Asks for legal advice;
- Asks to postpone or decline the early risk assessment;
- Is a child and no adult legal responsible for her/him is present.



WHO: Designated trained professionals of police and/or NGO and/or prosecutor's office and an interpreter or a cultural mediator.



In case of a presumed trafficked child, a representative of social services – either a psychologist or a social worker – should always be involved, along with the appointed guardian.

HOW: Through an interview with the presumed trafficked person:



- The interview should begin with a question about the individual's health and safety as it is important to establish physical/psychological ability and preparedness. This shows that the primary concern is the individual's well-being and helps to gain the trust of the interviewed person;
- Ethical and safety considerations²¹ should be paramount during the interview;
- Questions should **never** be asked if another person from the exploitative environment is present (i.e. other exploited persons, traffickers, exploiters, accomplices, etc.);
- Confidentiality agreements should be in place and signed by all professionals present during the early risk assessment interview.



The following table offers a range of risk indicators for which questions may be developed to gather, in a sensitive and lawful manner, relevant information as to the health²² and safety conditions of the presumed trafficked person. Questions may differ according to the country or situation and the need to be context and culture specific.

²¹ For the full description of the WHO Ethical guidelines on how to interview trafficked persons, see Annex 6.

²² For a comprehensive guidance on health-related issues concerning trafficked persons, see London School of Hygiene & Tropical Medicine, Un.Gift, Iom, *op. cit.*

EARLY RISK ASSESSMENT CRITERIA		
CASE FILE DATA		
HEALTH ISSUES²³		
No.	Item	Note
1	Physical health symptoms (headaches, fatigue, dizzy spells, back pain, stomach or abdominal pain, dermatitis, vision problems, colds, breathing problems, dental pain...)	
2	Mental health symptoms (memory problems, frequent crying, anxiety, anger, stress disorder, hostility, aggression, post-traumatic stress disorder symptoms...)	
3	Past or present injuries (self-harm, suicidal thoughts or attempts...)	
4	Disabling or high risk conditions (heart pathologies, epilepsy, asthma)	
5	Infectious diseases (Tbc...), including sexually transmitted infections	
6	Addiction (alcohol, drugs, gambling...)	
7	Other	
SAFETY ISSUES		
No.	Item	
1	Current safety concerns	
2	Past safety concerns	
3	Individuals who may cause harm	
4	Concerns for the safety of family members, friends or acquaintances	
6	Concerns or fears for others known to the individual	
7	Unsafe locations both in the destination and origin countries	
8	Other	

If the risk assessment indicates that special protection is needed, a risk management plan should be *promptly* designed together with the presumed trafficked person and accordingly implemented. The plan should list the security measures identified and all related procedures should be carefully detailed. The plan can be implemented *only* if the presumed trafficked person is fully informed about it and gives her/his consent for its

²³ Health symptoms may vary depending on the sector of exploitation a trafficked person experienced.

execution. The plan must be handled with due regard to security and confidentiality considerations and rules.



In the case of a presumed trafficked child, the plan is implemented with the consent of the appointed guardian.

A risk assessment should be periodically conducted and the risk management plan should be reviewed to ensure the safety of both presumed trafficked person and assistance providers.

Measure 4: Language Interpretation and Cultural Mediation

WHAT: It is the interpretation for foreign presumed trafficked persons who do not have the necessary skills to communicate in the language of the destination country. For those who have a limited capacity and prefer to speak for themselves, an interpreter or a cultural mediator may be engaged to assist conversations if the presumed trafficked person gives her/his consent.

WHEN: From the initial screening and referral onwards when the presumed trafficked person requires speaking through an interpreter and/or cultural mediator.

WHO: Interpretation should be provided only by:

- Interpreters;
- Cultural mediators²⁴ possibly from the same culture and language as the presumed trafficked person.

Both interpreters and cultural mediators must be:

- Carefully screened;
- Trained to work with vulnerable persons;
- Trained on trafficking related issues and victims' needs;
- In the case of a presumed trafficked child, trained in children's cognitive development and emotional needs.



All organisations that come into contact with foreign trafficked persons should include in their regular staff, or have a reference list of, trained trustworthy interpreters and cultural mediators chosen according to a minimum set of criteria as follows.

²⁴ For a full explanation of the role and duties of a cultural mediator, see Annex 4.

INTERPRETERS AND CULTURAL MEDIATORS MINIMUM SELECTION CRITERIA		
No.	Item	Note
1	Do not know the presumed trafficked person from home (place of origin)	
2	Do not come from the same village/town	
3	Do not belong to the same religious affiliation/community	
4	Do not come from the village/town where the presumed trafficked person was exploited	
5	Do not come from a conflicting ethnic group	
6	Do not know the perpetrators and/or persons related to the trafficking and exploitation environment	
7	Other	
MINIMUM CONTRACTUAL ITEMS FOR INTERPRETATION		
No.	Item	Note
1	Non-disclosure of information to other parties	
2	Limits to disclosure of information of interpreter/cultural mediator to the presumed trafficked person	
3	Restrictions to social and professional contacts with the presumed trafficked person	
4	Reporting obligations	
5	Post-interpreting debriefing	
6	Working hours and breaks	
7	Times of availability	
8	Rights to refuse/decline to interpret	
9	Provision of security measures when needed	
10	Payment conditions	
11	Termination of interpretation contract	
12	Other	

Under NO circumstances should organisations rely for the interpretation on individuals who are found with the presumed victim or in the same work venue, even if they claim to be a friend, a family member, etc.

HOW: Before any questioning and/or interview, the presumed trafficked person must be informed about the role, obligations, and responsibilities of the interpreter or cultural mediator, and about her/his right, at anytime, to decline a designated interpreter/cultural mediator.

Interpreters and cultural mediators should be informed in advance by the contracting organisation of the nature of the interviews and their obligations and restrictions during and after the questioning and/or the interview. The interview's terms should be clearly communicated to the interpreters/cultural mediators both orally and in writing (instructions/contract).

Translation must be conducted in a sensitive and cultural responsible manner.

The interpreter and the cultural mediator must sign a statement for interpretation accuracy and confidentiality of the information acquired.

The presumed trafficked person has to sign a statement of acceptance of the translation service provided. In case s/he does not accept this service, s/he will sign a statement to declare that no interpretation is needed. In the case of a presumed trafficked child, the statement must be signed by the appointed guardian.



Some presumed trafficked persons may not feel comfortable in refusing the service of a given translator. It is the duty of the professionals involved at this stage to look out for non-verbal indications that show a wish to actually reject the translator or cultural mediator hired.

Measure 5: Recovery and Reflection Period

WHAT: It is an adequate period of time to allow the presumed trafficked person to recover and take an informed decision about her/his future in full compliance with the respect of the human rights regulations²⁵.

The reflection period should be granted regardless of a person's willingness to co-operate as a witness²⁶ and should be followed by the granting of a temporary residence permit. At any stage in the process, co-operation with the competent authorities shall be voluntary and never obligatory in order to acquire the status and rights of a trafficked person.

The recovery and reflection period also serve to raise the assisted person's confidence in the State and its ability to protect her/his interests.

The main elements of a recovery and reflection period are:

²⁵ European Commission, *Report of the Experts Group on Trafficking in Human Beings*, Brussels, 2004, pp. 105-106, 173.

²⁶ Council of Europe, *Convention on Action against Trafficking in Human Beings* (2005), articles 13 and 14.

- Secure accommodation;
- First assistance and protection;
- Information on available options for long assistance, legal opportunities, return, etc.;
- Suitable time to recover and consider options, including the possibility to co-operate with the competent authorities;
- Temporary authorization to stay in the national territory and no execution of expulsion order (if any)²⁷.



For a presumed trafficked child, the recovery and reflection period should be used by the guardian, social services and relevant authorities to begin the process of identifying the medium and long-term best interests of the child.

Transnational cooperation

The relevant authorities (usually the Ministry of Interior in cooperation with the social services) of the **destination country** have a primary obligation to initiate contact with the relevant authorities of the **country of origin**, unless this may be dangerous to the child's well-being and safety, or that of her/his significant others, to:

- Establish **jurisdiction** over the child, in the case of a **foreign unaccompanied child**;
- Identify a **long-term durable solution**.

WHEN: It should be granted immediately after reasonable grounds are identified to believe that the person concerned is a victim and it should last a minimum of 30 days²⁸.

WHO: The appointed case manager of the hosting governmental or non-governmental service provider or, if a case manager cannot be appointed at this stage, another assigned staff member (social worker or psychologist) will support the presumed trafficked person during the recovery and reflection period.



In the case of a presumed trafficked child, the appointed guardian is automatically assigned the role of case manager, as she or he is responsible for pursuing the child's best interests at all stages of the process.

²⁷ See also Council Directive 2004/81/EC of 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 co-operate with the competent authorities.

²⁸ Council of Europe, Convention on Action against Trafficking in Human Beings (2005), article 13.

HOW: The procedures for reflection and recovery period should entail:

- Clear information on the aims, duration, benefit and restrictions granted of the recovery and reflection period;
- Any expulsion order against the presumed trafficked person should not be enforced during this period;
- No interrogation should take place during this period;
- The decision to co-operate with the law enforcement agencies will be taken once the reflection period is over.

Measure 6: Identification

WHAT: It is the formal procedure to establish if the presumed trafficked person has been a victim of trafficking or was in the process of being trafficked.

WHEN: After the recovery and reflection period and upon the fully informed consent of the trafficked person.

The identification procedure should NOT take place if the presumed trafficked person:

- Is severely distressed or anxious;
- Is depressed and tearful;
- Is hostile or aggressive;
- Is in a location where privacy cannot be assured;
- Needs medical aid;
- Asks for legal advice;
- Asks to postpone or declines the interview;
- Is a child and no guardian is present or not yet appointed.



Interviews with a presumed trafficked person should take place only *after* s/he has been provided with clear information about the interview process and her/his options.

WHO: The appointed case manager or the designated persons at the national or local level (NGO personnel and/or police officers). The interviewers should be specifically trained and follow agreed identification procedure guidelines. If the presumed trafficked person is a foreigner and gives her/his consent, an interpreter or a cultural mediator should be present.



In the case of a presumed trafficked child, interviews should ideally only be conducted by persons who are trained in techniques for interviewing children and the child's guardian should be present at all stages of the interviews.

HOW: The identification should be carried out by means of:

- One or more two-way interviews between a representative of the police and/or service provider organisation and the presumed trafficked person (reactive investigation);
- Gathering and assessing other evidence to identify the facts and check the information provided by the presumed trafficked person (pro-active investigation);
- Assessing available corroborative material.

Before starting an interview, clear and accurate information should be given to the interviewee on the aims and consequences of the procedure, on the data protection policy, on her/his rights and obligations.

In the case of an interview with foreign trafficked person, interpretation and/or cultural mediation should be granted.

The identification interview²⁹ should be based on a set of questions to collect evidence in order to determine whether a person has been a victim of trafficking or was in the process of becoming a victim of trafficking. Furthermore, the identification interview model should be developed locally to reflect current local knowledge on the features of the trafficking process. The questions should be “adequate, relevant and not excessive in relation to the purposes for which they are posed”³⁰. Personal data must always be collected and processed “fairly and lawfully”³¹. The interviewee must always give her/his informed consent to store her/his personal data and must be entitled to obtain, amend, eliminate, or withdraw her/his personal data at any moment.



A list of indicators³² may be employed to develop the questions and assess whether or not the interviewee is or was about to become a victim of trafficking.

²⁹ For an identification interview sample, see Anti-Slavery International et al., *Protocol for Identification and Assistance to Trafficked Persons and Training Kit*, London, 2005, pp. 30-31.

³⁰ Art. 5, Convention for the protection of individuals with regard to automatic processing of personal data, Council of Europe, ETS 108, 28.1.1981.

³¹ Idem.

³² For a comprehensive list of operational indicators for adult and child victims of trafficking for labour and sexual exploitation, see the 67 indicators developed by the International Labour Organisation (www.ilo.org/forcedlabour). The indicators are divided up in four sets relevant to the distinct dimensions of trafficking: deceptive recruitment (or

INFORMATION TO GATHER THROUGH FORMAL IDENTIFICATION INTERVIEW(S)		
	ITEMS	INDICATORS
Personal data	Name	<ul style="list-style-type: none"> • Name already registered by the interviewing agency and/or the police • Person already identified as a victim of trafficking (i.e. presumed re-trafficked person)
	Gender	<ul style="list-style-type: none"> • Belonging to a gender group that is discriminated against in the origin and/or destination country (i.e. female, transgender)
	Age	<ul style="list-style-type: none"> • Being a (separated or unaccompanied) minor
	Nationality	<ul style="list-style-type: none"> • Coming from an area/country known for former trafficking cases • Coming from a poor, emergency and/or post-conflict area/country • Belonging to a discriminated against minority group (even though not formally recognized as minority group)
	Legal status	<ul style="list-style-type: none"> • Undocumented migrant • Asylum seeker • Refugee • Recipient of leave order(s)
	Marital status	<ul style="list-style-type: none"> • Responsibility of the partner/family/extended family's maintenance • Problematic family background
	Children	<ul style="list-style-type: none"> • Responsibility of the children's maintenance
	Education	<ul style="list-style-type: none"> • Low level or lack of education
	Socio-economic condition	<ul style="list-style-type: none"> • Unemployed • Low or inadequate income • Inadequate or no welfare beneficiary
	Knowledge of the language/culture of the destination country (for foreign victims)	<ul style="list-style-type: none"> • Not speaking or limited knowledge of the language and/or culture of the country

deception during recruitment, transfer and transportation); coercive recruitment (or coercion during recruitment, transfer and transportation); recruitment by abuse of vulnerability; exploitative conditions of work; coercion at destination; abuse of vulnerability at destination.

	Other	<ul style="list-style-type: none"> • Being disabled, orphan, homeless • Belonging to a religious minority
Recruitment phase	Area/country of recruitment	<ul style="list-style-type: none"> • Area/country known for former trafficking cases
	Recruiter(s) (e.g. relative, acquaintance, friend, boyfriend, employment agency, travel agency, stranger, other)	<ul style="list-style-type: none"> • Name already registered by the interviewing agency and/or the police • Person/company charged and/or convicted as a recruiter/trafficker/exploiter and/or an accomplice in trafficking cases
	Relationship to recruiter(s)	<ul style="list-style-type: none"> • Specify
	Methods used (job, education, marriage, travel offer)	<ul style="list-style-type: none"> • False information about the goal of the recruitment • False information about the travel, living, working conditions • False information about migration laws and documents • False information about successful migration • “Lover boy” technique • Kidnapping
Transportation phase	Documents used	<ul style="list-style-type: none"> • False or forged documents • No documents • Regular documents
	Persons involved	<ul style="list-style-type: none"> • Known traffickers • Former trafficked persons • Relatives
	Routes (e.g. countries, places crossed)	<ul style="list-style-type: none"> • Deceived about travel plan
	Means used (e.g. car, bus, train, plane, ship, on foot, other)	<ul style="list-style-type: none"> • Deceived about travel means of transport and conditions • Travel expenses paid by others
	Methods of control	<ul style="list-style-type: none"> • Restriction of movement • Psychological abuse • Physical abuse • Sexual abuse • Use of drugs • Threats to individual and/or to significant others and/or family • Confiscation of documents (identity card, passport, visa, social security card, other)

Exploitation phase	Type of exploitation (i.e. sexual, forced labour, begging for third parties, low level criminal activities, forced marriage, organ removal, forced adoption, other)	
	Sector of exploitation (e.g. street/indoor prostitution, domestic work, childcare, elderly care, agriculture, constructions, factory work, restaurant work, street vending, other)	
	Length of exploitation	
	Age when exploitation started	
	Areas/country(ies) of exploitation	<ul style="list-style-type: none"> • Area/country known for former trafficking cases
	Working conditions	<ul style="list-style-type: none"> • No work or false work contract • Contract in a language not known • No salary or underpaid work • Withholding of wages • Overlong working hours and/or no days off • Unsafe and/or unhealthy working conditions • No social protection • Forced tasks • Forced to earn a minimum amount of money per day • Surveillance • Forced to lie to competent authorities • Hidden from other workers • Permanently changing work conditions and/or location • Found in premises where cases of exploitation and trafficking have already been detected • Other
	Living conditions	<ul style="list-style-type: none"> • Poor accommodation standards • Living and working in the same place • Permanently changing living premises (in-country, across countries) • Excessive lodging fee • Living with many persons in limited space

		<ul style="list-style-type: none"> • Forced to pay exorbitant fees for food, bills • Forced to pay fines for breaking given rules • Have no or limited access to medical care • Surveillance • Confinement • Isolation
	Means of control	<ul style="list-style-type: none"> • Restriction of or no communication with others • Restriction of movement • Isolation • Psychological abuse • Physical abuse • Sexual abuse • Torture • (Forced) drug and/or alcohol abuse • Psychological and emotional dependency • Blackmailing • Threats against the victim and/or significant others and/or family • Debt bondage • Abuse of cultural and/or religious beliefs (e.g. voodoo or other animist rites) • Threat to be handed over to the police • Confiscation of documents (identity card, passport, visa, social security card, other)
Other collateral data and material		<ul style="list-style-type: none"> • Travel documents (tickets, boarding passes, visa, etc.) • Copy of the false work contract(s) • Copy of the recruitment advertisement(s) • Letter(s) or e-mail message(s) of the recruiter(s) • Telephone number(s) of the trafficker(s) and/or exploiter(s) • Address(es) of the accommodation venue(s) • Address(es) of the exploitation venue(s) • Police reports • Immigration services reports • Medical reports issued during the trafficking period • Initial screening report • Money transfers documents/no money/excessive amounts of money • Other

A successful identification of a victim of trafficking must be based on a balanced mix of proactive and reactive investigation, namely a combination of intelligence-led investigation and the evidence provided by the victim³³. No identification process should in fact exclusively rely on information supplied by the trafficked person.

The interviewer must bear in mind that trafficked persons could be reluctant to fully answer her/his questions because they might be afraid of law enforcement agencies, traffickers, and exploiters. Furthermore, trafficked persons tend not to trust others as a result of their trafficking experience and, in some cases, they do not recall all details or the precise order of the events because of a temporary memory loss due to the trauma suffered.



The following are basic guidelines on how to conduct the identification interview. Their use can facilitate a fruitful interview putting the well being of the presumed trafficked person at the centre of interest and increase the chances of a meaningful outcome³⁴.

IDENTIFICATION INTERVIEW GUIDELINES	NOTES
Conduct the interview in an environment that ensures privacy	While this basic rule is often difficult to follow, depending on the circumstances, every effort should be made to minimize disruptions during the interview.
Put the interviewee at ease	Emotions and stress play a big part in any type of interview. The interviewer will have a difficult time evaluating a nervous person. Starting the interview casually with no threatening conversation can have a calming effect. By defusing negative feelings and reinforcing positive ones, the interviewer can deal with the emotions exhibited by the interviewee.
Define the objective	The interviewer should ask questions carefully in view of the objective of obtaining as much essential information as possible (e.g. trying to establish if the person is a suspected trafficked victim).
Good questioning techniques	Knowing how to ask questions is just as important as knowing what questions to ask. Also making questions easy to understand is critical.

³³ ICMPD, *Anti-trafficking Training Material for Judges and Prosecutors in the EU Member States and Candidate Countries. Background Reader*, Vienna, 2006, p. 96.

³⁴ ICMPD et al., *Anti-Trafficking Training for Frontline Law Enforcement Officers*, Vienna, 2006, pp. 56-58.

Let the person being interviewed do the talking	One of the biggest mistakes for an interviewer is to talk too much. Accurate evaluations of persons or gathering crucial information regarding a crime depends on letting the interviewee talk under controlled conditions. The interviewer should control the interview, but not dominate it.
Be a good listener	A good interviewer is a good listener. Interviewers must discipline themselves to focus on what is being said and how it is being said. They should not look ahead to subsequent questions or begin to analyze an answer before the person finishes. Nor should they anticipate what the answer will be.
Body language	Reassuring body language is extremely important to gain the confidence of the person to be interviewed. Be aware of body language techniques and apply them to circumstances as appropriate.
Do not challenge answers given	Interviewers must keep emotional reactions private and should not let personal feelings interfere with the interview. They should not show disgust or disbelieve the interviewee, should some of the information be repellent or simply incredible. Victims of trafficking may have lived through situations that are beyond comprehension.

If the identification measures cannot definitively determine if a presumed trafficked person is under 18, then authorities and service providers must assume that the victim is a child and provide the relevant protection and assistance measures accordingly.



In the case of a presumed trafficked child, pro-active identification measures should be adopted and a child-sensitive approach should be employed when questioning³⁵.

When the age of a young individual is uncertain, the following indicators³⁶, *inter alia*, may be used by a multidisciplinary team of independent experts (i.e. social workers, paediatricians, psychologists, teachers and others) to assess whether the person is aged under 18:

- Her/his physical appearance and psychological maturity;
- Her/his statements;

³⁵ For special considerations in interviewing child victims, see UNICEF, *Guidelines on the Protection of Child Victims of Trafficking*, New York, 2006.

³⁶ Idem, pp. 14-15.

- The documentation that s/he is carrying, or lack of a passport or other papers;
- A medical examination.

The age assessment³⁷ should be a holistic process that should take into consideration a range of social, emotional and psychological indicators of age and needs and should not rely only or primarily on physiological factors³⁸.

Transnational cooperation

In case of a foreign presumed trafficked person, **countries of origin, destination and transit might have to contact each other to:**

- Establish or confirm the **identity of then presumed trafficked person;**
- Gain further **evidence** for the trafficking situation;
- In the case of a foreign trafficked child, the establishment of contact between state of destination and state of origin is essential in order to begin the process of establishing **jurisdiction over the child** and the identification of a long-term durable solution.

Once the identification process is completed, the person must be informed of the outcome and should be given detailed information on available options:



- ➔ **SOPs: First Assistance and Protection**
- ➔ **SOPs: Long-Term Assistance and Social Inclusion**
- ➔ **SOPs: Return and Social Inclusion**
- ➔ **SOPs: Criminal and Civil Proceedings**

Identified trafficked persons shall be referred to a service provider and be the recipients of assistance measures only if s/he gives her/his written consent.

Persons who are found not to have been trafficked, but report other crimes or face assistance needs or security concerns should be referred to the appropriate service providers.

³⁷ For more information on the age assessment, see Annex 5.

³⁸ H. Crawley, *When is a child not a child? Asylum, age disputes and the process of age assessment*, Immigration Law Practitioners' Association, London, 2007, p. 193.

Persons who are found not to have been trafficked and do not face any safety risk should be provided with detailed information about her/his rights and obligations and be given the opportunity to express concerns and pose questions.

If the trafficked person has not been identified in the country of destination and has been returned as an irregular migrant to the country of origin, the identification interview should take place in the country of origin. To facilitate such a process, “irregular migrants” should be informed about help-lines and service providers in their country of origin.



II SOPs: First Assistance and Protection

The first assistance and protection stage is crucial for a trafficked person who is provided with accurate information about the available social and legal options for her/his future and is granted basic needs assistance.

A risk assessment on her/his safety is also performed to check if any imminent situation can endanger her/his life.

The final aim of the first assistance is to support and protect the assisted trafficked person while helping her/him to consider available options and take full informed decisions for her/his future life.

FIRST ASSISTANCE AND PROTECTION	Measure 1	<p>INFORMATION ON ASSISTANCE OPTIONS AND CONDITIONS</p> <ul style="list-style-type: none"> • Providing the trafficked person with information on available services and obligations/conditions
	Measure 2	<p>INFORMATION ON LEGAL OPTIONS AND CONDITIONS</p> <ul style="list-style-type: none"> • Providing the trafficked person with information on legal opportunities and obligations/conditions
	Measure 3	<p>INTAKE & NEEDS ASSESSMENT</p> <ul style="list-style-type: none"> • Informing the trafficked person on the purpose of the intake procedure, and on rights and obligations • Explaining who will and will not have access to the gathered information • Informing the trafficked persons of her/his legal rights when subjected to police interrogation or summoned to go to trial in a court of law (e.g. right to be silent)
	Measure 4	<p>ASSISTANCE AND PROTECTION PROVISION</p> <ul style="list-style-type: none"> • Providing assistance measures identified and agreed upon • Ensuring protection measures

Measure 1: Information on Assistance Options and Conditions

WHAT: It is the provision of clear and detailed information on the following first assistance services, the attached rights and obligations, and related consequences for violating rules/agreements:

- Safe temporary housing;
- Meals;
- Clothing;
- Psychological counselling and assistance;
- Medical assistance;
- Social assistance;
- Security measures;
- Language interpretation (for foreign persons).

WHEN: During the recovery and reflection period, immediately after the presumed trafficked person reaches the first assistance premises and before the intake and needs assessment starts.

WHO: The appointed case manager of the service providing agency who will work within a consultative team of other professionals when decisions are to be made. In case of a foreign assisted person, an interpreter or a cultural mediator is employed. However, all staff of assistance programmes should be trained to provide information.

The case manager is responsible for ensuring access to the necessary professional services, for organising safe referral and transport and accompanying her/him to all emergency services.

WHERE: In a private and comfortable setting.

HOW: Service options and conditions are to be communicated:

- Orally and in writing in a language that the trafficked person understands;
- In a clear, professional, yet supportive manner;
- Encouraging the trafficked person to pose clarifying questions;
- Helping to re-orient and assess the available options;
- With regular confirmation that the individual has understood what has been explained;
- In the case of a foreign assisted person, through interpretation into her/his native language or in a third-language s/he can understand;
- In the case of a child victim, in a sensible manner and with a language appropriate to the developmental abilities of the child.



Measure 2: Information on Legal Options and Conditions

WHAT: It is the supplying of accurate information on available existing legal options and attached rights as to the possibilities:

- To apply for a temporary, long-term or permanent stay in the destination country (in case of a foreign assisted person) or in a third country (in case of a national and foreign assisted person);

- To co-operate with the competent authorities;
- To claim compensation in criminal and civil proceedings.

Depending on the laws of the particular country, the foreign trafficked person may be granted the right to a legal stay through international protection (asylum and subsidiary protection), humanitarian protection or through different residence permit/visa options:

- **Asylum:** Depending on the refugee and asylum laws of the country, international protection could be one possible avenue through which the trafficked persons may be granted protection in the country of destination. This option, however, is subject to the legal limitations that apply to all asylum seekers, where the person seeking asylum must prove a “well-founded fear of persecution” on account of their political opinion, race, religion, nationality or membership to a particular social group.

Victims of trafficking may qualify to claim asylum/refugee status on the grounds of the “persecution inherent in trafficking” and their membership in the legal category of “social group.” This is most likely to be the case concerning women trafficked into forced prostitution where persecution can be determined on the basis of their membership of a social group³⁹ (e.g. young impoverished women from a particular country/society may be persecuted for having engaged in prostitution). However, the burden of proof is on the trafficked person seeking asylum to prove either severe past persecution or a well-founded fear of future persecution in their home country because of their membership to that particular group.

Other examples of the victims of trafficking who might qualify for asylum are refugees abducted from refugee camps for the purposes of forced prostitution or refugees who have engaged the services of a trafficker, knowingly or unknowingly, due to prosecution and the absence of alternative means of leaving their home country⁴⁰.

- **Humanitarian protection:** Trafficked persons may also receive protection against forced return based on general humanitarian reasons. In Europe, humanitarian protection is sometimes accorded when:

³⁹ For more information on grounds for claiming asylum for the trafficked persons, see: J. Morrison, B. Crosland, *The Trafficking and Smuggling of Refugees: the End Game in European Asylum Policy?*, April 2001 (No. 39), UNHCR, Working Paper, p. 63.

⁴⁰ Ibid.

- Someone is threatened by the death penalty without being a refugee;
 - Someone is threatened by torture or inhumane treatment without being a refugee;
 - Someone urgently needs medical treatment which is not available at home;
 - Someone is in danger at home for another reason;
 - Someone has strong family links to a person living in an EU state and one depends on the other;
 - A child would not receive appropriate care in the case of return;
 - For other humanitarian reasons (cultural or weak family links)⁴¹.
- **Residence permits and visas:** A trafficked person can be granted a residence permit. The requirements for granting the residency permits vary according to the national legislation; however, the main general conditions for the granting of a residence permit are that the victim needs to be protected since her/his human rights have been violated and s/he faces severe exploitation and dangers that may endanger her/his life; that her/his stay is “necessary owing to their personal situation” or “for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings.”⁴²

Residence permits can be granted on temporary or permanent bases or can be converted into a work/school permit provided that the person complies with the immigration and labour regulations of the country of residence or, in some countries, with ad hoc regulations for the residence regime for trafficked persons.

Temporary permits can vary in duration and may be renewable. They are linked to the specific time during which the victim needs to remain in the country:

- To recover and assess future options;
- To testify and assist during the trial;
- To institute civil proceedings for compensation against traffickers;
- To wait until the security risk for the trafficked person to return to the country of origin is removed;
- To fully achieve social and labour inclusion in the country of destination.

⁴¹ See www.asylumlaw.org.

⁴² Council of Europe Convention on Action against Trafficking in Human Beings, 2005; Council Directive 2004/81/EC of 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 co-operate with the competent authorities.

WHO: The appointed case manager, the lawyer and, in the case of a foreign assisted person, the interpreter or cultural mediator.

WHERE: In a private and comfortable setting.

WHEN: Along with the provision of available social assistance options and conditions.

HOW: Legal options and conditions are to be communicated:

- Orally and in writing in a language that the victim understands;
- In a clear, professional, non-legalistic, yet supportive manner;
- Encouraging the presumed trafficked person to pose clarifying questions;
- Helping to re-orient and assess the available options;
- With regular confirmation that the individual has understood what has been explained;
- In the case of a foreign assisted person, through interpretation into her/his native language or in a third-language s/he can understand;
- In the case of a child victim, in a sensible manner and with a language appropriate to the developmental abilities of the child.



Measure 3: Intake and Needs Assessment

WHAT: It is a procedure to assess the service and security needs of each assisted person. The intake procedure items may be different for native citizens and for foreigners and can require more than one meeting.

The following table contains some criteria that can be used for the intake and needs assessment.

INTAKE AND ASSESSMENT CRITERIA		
CASE FILE DATA		
No.	Item	Notes
1	Case file number	
2	Gender	
3	Date of birth	
4	Nationality	
5	Country of residence	
6	Language	
7	Legal status	
8	Family status	
9	Type of exploitation suffered	
10	Duration of exploitation	

BASIC NEEDS		
No.	Item	
1	Accommodation requirements	
2	Dietary requirements	
3	Sleeping requirements	
4	Medical check-ups	
5	Prescription medications	
6	Communication with significant others	
RISK ASSESSMENT		
No.	Item	
1	Current safety concerns	
2	Past safety concerns	
3	Individuals who might cause harm/problems to the person	
4	Concerns for the safety of family members, friends or acquaintances	
5	Unsafe locations for the presumed trafficked person both in the destination and origin place/countries	
6	Other	
HEALTH NEEDS		
No.	Item	
1	Physical health symptoms (headaches, fatigue, dizzy spells, back pain, stomach or abdominal pain, dermatitis, vision problems, colds, breathing problems, dental pain...)	
2	Mental health symptoms (memory problems, frequent crying, anxiety, anger, stress disorder, hostility, aggression, post-traumatic stress disorder symptoms, suicidal thoughts...)	
3	Past or present injuries (self-harm, scars, bruises, fracture ...)	
4	Disabling or high risk conditions (heart pathologies, epilepsy, asthma, ear impairment...)	
5	Learning disability	
6	Infectious diseases (tuberculosis...), including sexually transmitted infections (herpes simplex, chlamydia, papilloma virus, hepatitis B, syphilis, HIV/Aids, gonorrhoea...)	

7	Addiction (alcohol, drugs, gambling...)	
8	Other	
LEGAL/ADMINISTRATIVE NEEDS		
No.	Item	
1	Passport	
2	Identity card	
3	Residence permit	
4	Legal representation	
5	Health card/insurance	
6	Driver's licence	
7	Other	



All data shall be collected in compliance with the data protection policies of the country where the intake and needs assessment takes place. The assisted person must always give her/his consent for the gathering and storage of personal information and must be informed about her/his right to refuse to provide particular information and to withdraw her/his consent.

WHEN: After the assisted person has been provided with information on the available services and legal possibilities and on any obligations or conditions associated with receiving services.

WHERE: In a private and comfortable setting.

WHO: The case manager assigned and, in case of a foreign assisted person, an interpreter or a cultural mediator.



In the case of children, the child's guardian will be responsible for carrying out the intake and needs assessment. Depending on the domestic law of the state, the guardian may also be responsible for other forms of documenting and reporting regarding the assessment of the child's interests and needs.

HOW: Prior to beginning the intake procedure, the case manager must:

- Review existing case file notes that may have been sent;
- Explain the purpose of the intake procedure (e.g. how it will be used, why it is useful), the rights and obligation of the assisted person;
- Explain who will and will not have access to the information;
- Explain the possibility of the individual to decline to answer any question.

Once the need assessment has been completed and examined, the assisted person should be informed of the outcome.

Measure 4: Assistance Provision and Protection

WHAT: It is the supplying of the assistance services identified through the needs assessment in order to meet immediate or urgent necessities and to ensure the security of the assisted person.



Prompt assistance and protection can occur at any time or times during the whole process of assistance, stabilisation and social inclusion.

WHEN: After the assisted person has been given full information about the available service options, the related obligations or conditions, and s/he has given her/his written consent to be provided with the agreed upon measures.

WHERE: In the premises of the assisting agency and of the service providers.

WHO: The case manager and professionals involved in the supplying the identified services and measures agreed upon.

HOW: The following principles⁴³ should be employed by all service providers to ensure high quality assistance and avoid any risk of re-victimisation:

- Be non discriminatory as to nationality, ethnic origin, gender, legal status, age, health condition;
- Be non judgemental with regard to the assisted person's former experiences and current choices and behaviours;
- Be confidential and not use and/or transfer any information on the assisted person without her/his consent;
- Respect any decision taken by the assisted person on a fully informed basis;
- Clearly define and respect expectations and obligations;
- Clearly define and respect roles;
- Provide the services in timely fashion.

Team meetings should be held to monitor the assisted person's situation, to identify and address new needs, to check and update the risk assessment plan. The results of all assessments should be communicated and discussed with the assisted person.

⁴³ For the full description of the principles, see Experts Group, *op. cit.*, pp. 178-181.



In the case of an assisted child, the meetings should also be held with the participation of the appointed guardian.

It is important for individuals in the first assistance programme to have the means and opportunity to report concerns encountered or report dissatisfaction with the services or the individuals involved in providing services. Complaint procedures should be developed and should incorporate the option of lodging a complaint anonymously, verbally, and in writing.

Practice – Comments and complaints procedure (Czech Republic)

La Strada Czech Republic, an NGO directly working with trafficked persons since 1998, developed practical procedures on how an assisted trafficked person can make a written or/and verbal complaint about the services offered or can submit any type of recommendation on how to improve the quality of the services provided by La Strada⁴⁴. The complaint can be made in person, by phone, via e-mail or post, anonymously or not. Once the complaint is lodged, the service manager will respond within 15 days and, in case the organisation's service was inappropriate, steps will be taken to remedy the problem. If the complainer is still unhappy with the outcome, s/he can directly contact the organisation's manager, La Strada's board or the Prague City Hall.

At the end of the first assistance period, the assisted person will decide if:

- S/he wishes to go back to her/his place/country of origin or be resettled in a third-country and, once a risk assessment is successfully completed, the necessary procedures will be arranged for ➔ **SOPs: Return and Social Inclusion**
- S/he wishes to stay in the hosting place⁴⁵/country and, thus, the necessary procedures and services to provide long-term assistance and support social inclusion will be arranged ➔ **SOPs: Long-Term Assistance and Social Inclusion**
- S/he wishes to co-operate with the competent authority and apply for compensation claims ➔ **SOPs: Criminal and Legal Proceedings**



For all trafficked children there must be a procedure to assess and determine the child's best interests, which will in turn serve as a primary consideration in identifying the protection needs and a durable solution. Follow-

⁴⁴ For the full text of the La Strada-Czech Republic practical procedures on how to make a complaint about the services offered, see Annex 8.

⁴⁵ The term "hosting place" refers to the town or village of the country of origin where a trafficked person is currently residing and provided with the necessary assistance. It is a term coined to include the persons trafficked within their country of origin and assisted in a distinct geographical area of that of their origin.

ing the assessment of best interests, the resulting durable solution will is likely to take the form of: reuniting the child with her/his family either in the destination country, origin country or in a third country; or the child remaining in the destination country without the care of family members; or, exceptionally, the child returning to her/his country of origin to be cared for by non family members⁴⁶.

⁴⁶ Separated Children in Europe Programme (SCEP), *op. cit.*

III SOPs – Long-Term Assistance and Social Inclusion

Long-term assistance is provided to national and foreign trafficked persons who have agreed to accept assistance and/or join a support programme in the hosting place/country or in the origin country or in a third country.

During the long-term assistance and social inclusion phase, the assisted person is supported by or referred to professional and trained service providers who are, at minimum, responsible to:

- Ensure safety;
- Assist the individual in regaining sense of control and self-determination;
- Foster the individual's psychological stability;
- Avoid secondary victimization;
- Foster empowerment;
- Assess the risk of social stigmatization;
- Facilitate social inclusion;
- Employ a multi-agency and holistic approach.

The final aim of long-term assistance and social inclusion is to ensure that the assisted persons, by fully participating in the decision-making process, have access to their fundamental rights and to the opportunities and resources necessary to participate in economic and social life, securing a standard of living that is considered acceptable in the society in which they live⁴⁷.

LONG-TERM ASSISTANCE AND SOCIAL INCLUSION	Measure 1	<p>JOINT DEVELOPMENT OF THE INDIVIDUAL ASSISTANCE PLAN (IAP)</p> <ul style="list-style-type: none"> • Discussing the case with the assisted person and her/his support team • Inquiring, assessing and addressing the urgent needs/requests of the trafficked person • Formulating the plan according to the trafficked person's needs and wishes.
	Measure 2	<p>CONSENT PROCEDURE TO IMPLEMENT THE IAP</p> <ul style="list-style-type: none"> • Providing translation/interpretation of the IAP to the foreign trafficked person (if needed) • Signing of the IAP by assisted trafficked person and assisting organisation

⁴⁷ See: http://ec.europa.eu/employment_social/spsi/poverty_social_exclusion_en.htm and Joint Report by the Commission and the Council on social inclusion (2003) http://europa.eu.int/comm/employment_social/soc-prot/soc-ncl/final_joint_inclusion_report_2003_en.pdf).

LONG-TERM ASSISTANCE AND SOCIAL INCLUSION	Measure 3	ADJUSTMENT AND SOCIAL INCLUSION ASSISTANCE <ul style="list-style-type: none"> • Providing access to social inclusion services • Assessing the implementation of the IAP and its update • Providing case monitoring and evaluation • Developing and providing access to the complaint procedures
	Measure 4	LEGAL SUPPORT AND ASSISTANCE <ul style="list-style-type: none"> • Providing support for legal related matters • Implementation for procedures for legal stay, compensation claims, etc.

Measure 1: Joint Development of the Individual Assistance Plan (IAP)

WHAT: It is a clear and detailed description of the jointly identified measures and next steps to be taken. It is a tailor-made plan that will be further developed and revised according to the needs assessed and the future plan of the assisted person. It may include:

- Accommodation⁴⁸;
- Social counselling;
- Psychological counselling;
- Psychiatric care;
- Free legal counselling and assistance;
- Medical assistance;
- Social and health accompaniments;
- Language training;
- Educational activities;
- Vocational training;
- Employment counselling;
- Job placement assistance;
- Income generating programmes;
- Family/community reintegration measures;
- Family mediation;

⁴⁸ Different types of accommodation may be provided according to the local and cultural context: residential community shelters, co-shared apartments, non-residential solutions, family placement. For child victims, shelters are not usually the best solution except for very short periods of time. Other means of accommodating and caring for the child should be sought, utilising the existing child protection mechanisms for children deprived of parental care in a country. For considerations on the care and assistance models that should be employed when providing assistance to trafficked children, see *UNICEF, op. cit.* and Separated Children in Europe Programme (SCEP), *op. cit.*

- Recreational activities;
- Financial assistance;
- Case monitoring and evaluation.

WHEN: Once the assisted person decides to join a long assistance programme and expresses her/his will to develop and sign an individual assistance plan.

WHO: The case manager, the assisted person and, in the case of a foreign individual, the interpreter or a cultural mediator.



Depending on national law, a child's guardian may be required to consult with local child protection authorities regarding their assessment of the child's needs and recommendations for short- and long-term assistance. Additionally, the guardian and social services might be required to hold regular reviews of the child's assistance plan⁴⁹.

Transnational cooperation

Depending on the individual circumstances, long-term assistance and social inclusion will fall under the responsibility of the child's guardian and the **social services of both destination and origin countries**.

When the child shall remain in the country of destination, the long-term assistance shall be provided in accordance with the national policy on the protection of children deprived of parental care.

Relevant authorities might be required to share information regarding the child's care with the appropriate authorities of the child's country of origin so that these authorities can start developing durable solutions for the child.

HOW: The case manager discusses the individual's case with the assisted person and her/his support team and they jointly develop the plan, which must be based on the assisted person's needs and wishes.



In the case of a child, the plan will take into account the child's views and the guardian's and social services' assessment of the best interests of the child.

Communication should include full details of the measures and services available, including rights and duties attached to them and how to lodge a complaint at any time of the IAP implementation.

⁴⁹ For child victims, shelters are not usually the best solution except for very short periods of time. Other means of accommodating and caring for a child should be sought, utilising the existing child protection mechanisms for children deprived of parental care in a country. For considerations on the care and assistance models that should be employed and considered when providing assistance to child victims, see *UNICEF, op. cit.*

WHERE: The long-term assistance and social inclusion take place either:

- After the return of the trafficked person in the place/country of origin; and/or
- In the place/country of destination if the trafficked person stays after the reflection period.

Measure 2: Consent Procedures to Implement the IAP

WHAT: The consent procedure determines whether the individual understands and agrees or disagrees with the assistance offered and with the associated terms and conditions.

WHEN: Only after the service options and regulations have been clearly explained and the assisted person agrees to the conditions of the assistance.



In the case of a child, in addition to her/his consent and understanding of the procedures and assistance, the final consent can only be given by the appointed guardian.



WHO: The case manager and the person assisted and, in the case of a foreign person, the interpreter or cultural mediator. The appointed guardian is also involved in the case of a child victim.

HOW: The service organisation should develop a consent form that details, at a minimum, the following information:

- Accommodation and related conditions;
- List of services and activities to be provided, including their description (goals, roles, timeline, etc.);
- Financial support;
- Rights and obligations to be respected;
- Admission policy;
- Safety rules and safety plan;
- Reasons for terminating the assistance;
- Residence permit conditions (in case of a foreign victim);
- Data protection rules;
- Explanation of the complaint procedures.

The assisted person should be given a clear description of the services and activities offered, in a language that s/he can understand. S/he should be given adequate time to read the consent form or have it read and to con-

sider the available options. Questions should be asked to ensure that the consent procedure and its implications are understood by the service recipient.

Consent is limited to those services that are listed on the agreement form. Other measures such as, for instance, medical tests, police interrogation, immigration procedures and communication of information require separate consent procedures. However, in some countries, medical checks are mandatory, often with the purpose of protecting the service providers' staff and other assisted persons from potential infections. It is strongly recommended to carry out any mandatory medical checks in a sensitive manner to avoid secondary victimization.



The consent form should be signed by the person receiving the services and, in the case of a child, by her/his guardian as well. The signature and consent of the child alone are not acceptable.

If the assisted person does not want to be supported through an individual assistance programme, s/he should only be provided with a contact list of service providers available in the place/country where s/he decides to reside.

Measure 3: Adjustment and Social Inclusion

WHAT: It is the process that ensures that the assisted person has the opportunities and resources necessary to adjust to her/his new living conditions and participate to the economic and social life, securing a standard of living that is acceptable in the society in which s/he lives. During this phase, the assisted person carries out her/his IAP, whose final aim is her/his full social inclusion.

WHEN: During long-term assistance in the place/country of destination or after the return in the place/country of origin or in a third country. The duration of this phase can vary according to both internal factors (length of adjustment, health and psychological conditions, personal and job skills, etc.) and external factors (paper issuance, services availability, labour market accessibility, etc.).

The provision of any form of assistance necessary for a child's welfare should be provided under the supervision of the child's guardian, at all stages of the process. Upon a child's return to her/his place/country of ori-

gin, it is the responsibility of her/his guardian and the relevant authorities to devise and monitor an assistance plan for the child.

WHO: A range of governmental and non-governmental service providers through several professionals who should be specifically trained to work with trafficked persons and up-to-date as to (anti)trafficking-related issues:

- Shelter operators;
- Psychologists/Psychotherapists;
- Social workers;
- Child protection personnel;
- Educators;
- Cultural mediators;
- Lawyers, paralegals;
- Medical staff;
- Vocational counsellors;
- Labour inclusion tutors;
- Others.

HOW: A multi-disciplinary and multi-agency approach should be adopted to support the assisted person at all stages of the implementation of the IAP. The following principles⁵⁰ should be employed by all service providers to ensure high quality assistance and avoid any risk of re-victimisation:

- Be non discriminatory as to nationality, ethnic origin, gender, legal status, age, health conditions;
- Be non judgemental with regard to the assisted person's former experiences and current choices and behaviours;
- Be confidential and not use and/or transfer any information on the assisted person without her/his consent;
- Respect any decision taken by the assisted person on a fully informed basis;
- Clearly define and respect expectations and obligations;
- Clearly define and respect roles;
- Promote and support the self-actualization and empowerment of the assisted person.

⁵⁰ For the full description of the principles, see Experts Group, *op. cit.*, pp. 178-181.

In the case of a foreign trafficked person, for the fulfilment of certain requirements related to some activities of the IAP, the case manager of the assisting agency of the residence place/country are required to contact the competent authorities or NGOs or IOs of the place/country of origin for the transfer of some documents (e.g. school certificates, etc.). This procedure should be carried out only if it is not detrimental to the assisted person's condition.

Team meetings and multi-agency meetings should be regularly held to monitor the implementation of the IAP, to identify and address new needs, to check and update the risk assessment plan. The results of all assessments should be communicated and discussed with the assisted person.



It is important for individuals in the support programme to have the means and opportunity to report concerns encountered or report dissatisfaction with the services or the individuals involved in providing services. Complaint procedures should be developed and should incorporate the option of lodging a complaint anonymously, verbally, and in writing.

Measure 4: Legal Support and Assistance

WHAT: It is the provision of professional legal support and assistance to the assisted person in order to:

- Face questioning and interviews with law enforcement agencies and the judiciary;
- Apply for the discharge of the crimes committed as a result of being trafficked;
- Prepare for the trial where s/he will act as a witness ➔ **SOPs: Preparing the Victim-Witness before the Trial;**
- Take part in the trial as a witness ➔ **SOPs: Victim-Witness Support during the Trial;**
- Claim compensation for the loss or harm caused by the perpetrator(s) ➔ **SOPs: Support for Compensation Claims;**
- Apply for temporary, long or permanent residence permit;
- Apply for asylum;
- Apply for the withdrawal of expulsion order(s);
- Discharge possible debts (loans, health insurance, etc.);
- Give updated information of any legal procedure in place;
- Other.



WHEN: During the long-term assistance in the place/country of destination or after the return to the place/country of origin or in a third country.



WHO: Lawyers, paralegals and, in case of a foreign person, an interpreter or a cultural mediator. In the case of a trafficked child, the guardian should also be present at the different stages of legal support and assistance.

State authorities/persons designated under national laws will be involved in the above-mentioned procedures.

HOW: Legal procedures and systems vary according to domestic law of the destination country. In any case, the professionals involved should:

- Provide accurate information orally and in writing in a language that the victim understands;
- Employ a professional and supportive manner;
- Be confidential and not use and/or transfer any information on the assisted person without her/his consent;
- Help to re-orient and assess the available options;
- Respect any decision taken by the assisted person on a fully informed basis;
- Make sure the assisted person has understood the procedures and the related consequences;
- In the case of a trafficked child, in a sensible manner and with a language appropriate to the developmental abilities of the child.



Team meetings should be held to assess the legal situation of the assisted person and, in case of bottlenecks, to identify possible solutions.

Transnational co-operation

In the case of a foreign trafficked person, the case manager and the lawyer of the assisting agency are required to contact the embassy or the consular offices of the country of origin to apply for the granting of personal documents, certificates or any other paper required for the application of a given procedure, provided that this is not dangerous to the person and her/his significant others.

IVSOPs – Return and Social Inclusion

Returning home is often a difficult process for trafficked persons, who may have to face many social, family, health, legal, and financial problems and run the risk of going back to the same social and economic conditions they tried to escape by leaving home. To avoid this re-victimizing situation, return and social inclusion programmes should be available to all trafficked persons who wish to go back to their place of origin or need to be resettled in a third place or country. The programmes should aim for the long-term recovery, empowerment and social inclusion of the trafficked persons and they should prevent the risks of re-victimisation and re-trafficking.

The return and social inclusion programmes should be based at minimum on the following principles⁵¹:

- *Voluntariness*: It is the trafficked person who decides on her/his free will to return home or be resettled in a third place/country and make use of the offered services;
- *Protection*: The safety and the privacy of the trafficked person are paramount and, therefore, all necessary measures should be taken to ensure them (e.g. no disclosure of personal information to third parties, pre-departure risk assessment, safe travel plan, risk management plan, case monitoring);
- *Tailor-made solution*: The needs, opinions and concerns of the trafficked person should be fully considered when assessing her/his wish to return home or be resettled and while preparing the return and social inclusion procedures;
- *Accuracy*: The trafficked person should be promptly and duly informed about any aspect of her/his return and social assistance programme request and procedure;
- *Co-operation*: Close collaboration between accredited support agencies (i.e. NGOs, IOs, GOs) of countries of origin, transit and destination is crucial for a successful return and social inclusion programme.

⁵¹ Adapted from Experts Group Report, *op. cit.*, pp. 197-200.

RETURN AND SOCIAL INCLUSION	Measure 1	<p>INFORMED DECISION TO RETURN</p> <ul style="list-style-type: none"> • Providing the trafficked person with relevant information on legal and social aspects of return • Obtaining written consent on voluntary and informed decision of the trafficked person to return
	Measure 2	<p>RISK AND SOCIAL INCLUSION ASSESSMENT</p> <ul style="list-style-type: none"> • Inquiring about the trafficked person's perception of risks and security • Conducting risk assessment/questions with various individuals/organisations from the country/place of origin
	Measure 3	<p>RISK MANAGEMENT PLAN</p> <ul style="list-style-type: none"> • Outlining the possible risk and security scenarios and possible solutions • Informing the trafficked person on potential risks and available measures for protection
	Measure 4	<p>FAMILY TRACING</p> <ul style="list-style-type: none"> • Identifying the relevant NGO/IO networks or competent government authorities in the place/country of origin • Initiating tracing process
	Measure 5	<p>DOCUMENTATION</p> <ul style="list-style-type: none"> • Contacting relevant embassies/consulates to facilitate voluntary return • Ensuring accuracy of the travel documents • Ensuring the confidentiality and restricted access to the trafficked person's file
	Measure 6	<p>PRE-DEPARTURE INDIVIDUAL ASSISTANCE PLAN</p> <ul style="list-style-type: none"> • Informing the trafficked person of the risk & security and social inclusion assessment outcome • Contacting the service provider in the country of origin to exchange information and co-ordinate the return process • Informing the trafficked person on identity status; travel/transfer process; available assistance in the county of origin and reintegration plan • Obtaining confirmation that the trafficked person will be received and assisted
	Measure 7	<p>SAFE TRANSPORT/TRANSFER AND ARRIVAL ASSISTANCE</p> <ul style="list-style-type: none"> • Informing the institution/organisation of the place/country of origin that will meet the assisted person • Providing the trafficked person with necessary travel documents/items/information • Ensuring accompanied transfer of minors • Ensuring that the trafficked person is received/met by the service provider at the border/airport/harbour of the country of origin • Providing preliminary orientation and assistance to the trafficked person • Confirming/obtaining confirmation on the safe arrival of the trafficked person

Measure 1: Informed Decision to Return

WHAT: It is the decision freely made by the assisted trafficked person once s/he has been given fully detailed information on the options and risks related to remaining in the place/country of destination, returning home or being resettled.



In the case of a child victim, s/he should only return to her/his country of origin, or be transferred to, or resettled in a third country when that is considered to be her/his best interests. The best way for return to be carried out is on voluntary basis. Children must be fully informed, consulted and their views taken into account at all stages of the process.

WHEN: Immediately after the assisted trafficked person expresses the wish to return to her/his place of origin or the assistance agency may consider the return or resettlement in a third country as the best viable option for the person. This can happen at any time of the assistance process (between initial referral and long assistance period).

WHO: The assisted person with the case manager and, in case of a foreign trafficked person, also the interpreter or the cultural mediator.

HOW: The case manager will provide the assisted person with at least the hereinafter-listed information. The latter should be given both orally and in writing and, in the case of a foreign trafficked person, in a language that s/he can understand.

INFORMATION FOR AN INFORMED DECISION FOR VOLUNTARY RETURN	
To stay in the place/country of destination	Details/Examples
<p>FOR nationals and foreign trafficked persons:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Possibilities for accommodation (shelter, apartment, flat sharing...) <input checked="" type="checkbox"/> Information on social services available <input checked="" type="checkbox"/> Possibilities for psycho-social assistance <input checked="" type="checkbox"/> Possibilities for medical assistance <input checked="" type="checkbox"/> Possibilities for further education <input checked="" type="checkbox"/> Possibilities for vocational training <input checked="" type="checkbox"/> Information on labour market situation <input checked="" type="checkbox"/> Transfer when needed <input checked="" type="checkbox"/> Legal procedures to obtain redress 	<p>List of services Rules Details of contact persons for further information Funding possibilities</p>

<p><i>Additional information FOR foreign trafficked persons:</i></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Residence permit <input checked="" type="checkbox"/> Work permit <input checked="" type="checkbox"/> Possibilities to obtain citizenship <input checked="" type="checkbox"/> Family reunification <input checked="" type="checkbox"/> Possibilities for language courses 	<p>Application procedures Details of contact persons for further information</p>
To return to the place/country of origin	
<p><i>FOR national and foreign trafficked persons:</i></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Risk and social assessment procedure <input checked="" type="checkbox"/> Risk management plan <input checked="" type="checkbox"/> Documentation needed <input checked="" type="checkbox"/> Family tracing option <input checked="" type="checkbox"/> Pre-departure resettlement plan <input checked="" type="checkbox"/> Travel procedures <input checked="" type="checkbox"/> Possibilities for accommodation (shelter, apartment, flat sharing...) <input checked="" type="checkbox"/> Information on social services available <input checked="" type="checkbox"/> Possibilities for psycho-social assistance <input checked="" type="checkbox"/> Possibilities for medical assistance <input checked="" type="checkbox"/> Possibilities for further education <input checked="" type="checkbox"/> Possibilities for vocational training <input checked="" type="checkbox"/> Information on labour market situation <input checked="" type="checkbox"/> Legal procedures to obtain redress <input checked="" type="checkbox"/> Other 	<p>List of services Details of contact persons for further information Funding possibilities</p>
To resettle in a third-country	
<p><i>FOR nationals and foreign trafficked persons:</i></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Residence permit <input checked="" type="checkbox"/> Work permit <input checked="" type="checkbox"/> Possibilities to obtain citizenship <input checked="" type="checkbox"/> Family reunification <input checked="" type="checkbox"/> Risk and social assessment procedure <input checked="" type="checkbox"/> Risk management plan <input checked="" type="checkbox"/> Documentation needed <input checked="" type="checkbox"/> Pre-departure resettlement plan <input checked="" type="checkbox"/> Travel procedures <input checked="" type="checkbox"/> Possibilities for accommodation (shelter, apartment, flat sharing...) <input checked="" type="checkbox"/> Information on social services available <input checked="" type="checkbox"/> Possibilities for psycho-social assistance <input checked="" type="checkbox"/> Possibilities for medical assistance <input checked="" type="checkbox"/> Possibilities for further education <input checked="" type="checkbox"/> Possibilities for vocational training <input checked="" type="checkbox"/> Information on labour market situation <input checked="" type="checkbox"/> Possibilities for language courses <input checked="" type="checkbox"/> Other 	<p>Application procedures List of services Rules Details of contact persons for further information Funding possibilities</p>

After the provision of information, the assisted trafficked person should be given a sound time to make a decision. The decision should be documented and become part of the case file.

The pre-departure, travel, and resettlement process should always ensure the safety of the trafficked person who should be given the opportunity to express whether, when and how to return home or settle in a third country.

Measure 2: Risk and Social Inclusion Assessment

WHAT: It is an evaluation procedure to carefully assess the trafficked person's safety and well-being prior to her/his return home or resettlement in a third country. It is specifically aimed at:

- Identifying any imminent or future risks to her/his safety;
- Identifying any imminent or future risks to her/his significant others' and family's safety;
- Establishing the possibilities for the social inclusion in the home or in a third country.

WHEN: Immediately after the trafficked person decides to return home or settle in a third country.



In the case of children, such an assessment should begin immediately upon identification.

WHO: The risk and social inclusion assessment to ensure a safe return or re/settlement is carried out by the case manager and the assisted person in close co-operation with the relevant institutions and actors of the country of origin and country of destination and/or third country:

- **Government authorities (if needed);**
- **National and/or local police (Europol, if needed);**
- **Non-governmental service providers;**
- **International organisations;**
- **Child's guardian** (in case of a trafficked child).

In the case of **children, co-operation between the relevant authorities of the destination/third country and country of origin** will be governed by **national laws**. States will have established a **central authority** (usually the Ministry of Interior) to handle and expedite **exchanges of information** regarding the long-term solution for the child. Where decisions regarding jurisdiction and legal disposition are handled by court proceedings, courts shall follow the standard measures of judicial co-operation.

Transnational cooperation



HOW: By gathering information and data through file case review and interviews with different institutions and individuals.

The risk assessment should be done with due respect to the national data protection laws in order to ensure that personal data are recorded, stored and shared in line with the legislation.

RISK AND SOCIAL INCLUSION ASSESSMENT FOR VOLUNTARY ASSISTED RETURN	
Suggested Questions	Notes
<i>To trafficked person</i>	
1 <ul style="list-style-type: none"> • How would you feel if you went home? • Where would you feel safe? • Has anyone threatened your family and/or friends? • Has anyone threatened you? • Do the perpetrators know where you/your family live? • Are the perpetrators part of your family, friends, or close social groups? • What could be done to make you feel safe? • How will your family/friends react when you return home? • Do you want to go back to school, at work, university, etc.? • What is the worst that could happen when you return home? • How could you deal with this? • What could you do or what could be done to avoid this? 	
<i>To law enforcement agencies</i>	
2 <ul style="list-style-type: none"> • Have the perpetrators threatened the family or friends? • Are the acquaintances of the perpetrator part of the family, friends, or social group? • Do the perpetrators know the person's place of residence? • Are the police in the place/country of origin capable and ready to protect the victim from possible reprisals or violence? (<i>in case of a foreign victim or a national from another area of the country</i>) • Have criminal charges been pressed against the perpetrator(s)? • Is it one perpetrator or is it an organised crime group? • What is the relation of the perpetrator(s) with the victim? • Can you provide police records and/or other information from third parties? 	
<i>To national focal points, NGOs, IOs, diplomatic and consular missions</i>	
3 <ul style="list-style-type: none"> • Would the trafficked person face the threat of criminal prosecution or civil sanctions for acts performed during the exploitation? • How are the infrastructure conditions? • Is the place of residence accessible? • Would the local police be capable to protect the trafficked person? 	Transnational Cooperation If possible, the two case managers from destination country and country of origin should cooperate.

<ul style="list-style-type: none"> • Would the trafficked person face stigmatization, marginalization and social isolation? • Would the trafficked person comply with the requirements to access the victim witness programme? • Would the trafficked person have access to the local social services? • Would the trafficked person have access to agencies providing accommodation? • Would the trafficked person have access to medical aid and treatment? • Would the trafficked person have access to psychological counselling? • Would the trafficked person have access to legal counselling and assistance? • Would the trafficked person be able to resume with professional training or education? • Would the trafficked person have access to permanent accommodation? How is the quality of this solution? • Would the trafficked person have the opportunity for long-term, independent financial security • Would return to the family be possible? • How are the current family conditions (violence, etc.)? • How are the current community conditions? • Is any civil unrest taking place? 	
<i>To the case manager and/or professionals of the assisting agencies</i>	Notes
<p>Collection and review of early and mid-term risk assessment reports and any other documentation that can contribute to assess the physical and psychological conditions of the assisted person and to evaluate the social, political, and economic conditions of the place to return or settle.</p>	

After the assessment, the trafficked person should immediately be informed about the final outcome.



A trafficked person should only return to the country of origin, based on her/his free will and if her/his security can be guaranteed. Otherwise, possibilities for a legal stay in the country of destination or resettlement in a third country should be anticipated.

Measure 3: Risk Management Plan

WHAT: It is a document designed to address the areas of risks identified through the risk assessment. The purpose of the plan is to minimize the risks and effectively manage them in order to ensure the protection of the assisted person, of her/his significant others and the staff that assist her/him.

WHEN: It should be developed once the risk and social inclusion assessment has been completed.

Transnational cooperation

WHO: The case manager in close co-operation with the trafficked person and the relevant institutions of the place/country of origin or third-country.

- Government authorities;
- National and/or local police (Europol, if needed);
- Non-governmental service providers;
- International organisations;
- Child's guardian (in the case of a child victim).

HOW: The risk management plan should include the identified risks specifying the related minimum level of security standards and the appropriate procedures to ensure that each risk listed is reduced to a minimum and effectively managed.⁵² The plan should be treated confidentially.

The plan should be regularly reviewed and updated in the place/country of origin or in the third country once the trafficked person has been resettled.

The trafficked person should be fully informed about the potential risks and the measures that will be taken to protect her/him and her/his significant others.

Measure 4: Family Tracing

WHAT: It is a procedure to trace the family in case the assisted person cannot reach them and wishes to establish a contact prior her/his return.

WHEN: Simultaneously with the risk assessment, during which it is fundamental to check if family members were involved or are suspected as accomplices in the process of trafficking.

Transnational cooperation

WHO: The **case manager of the country of destination and a case manager from the country of origin** or a focal point from both places/countries in close co-operation with the **relevant actors (NGO/IO networks, government or competent national authorities, embassy or consulate, etc.)**.

HOW: Via conversations with the victim, phone contacts, e-mail contacts, third parties, police records, etc.

⁵² IOM, *op. cit.*, p. 7.

In the case of a national trafficked person, the family tracing will be carried out by the case manager of the assisting agency in close co-operation with the relevant local and national actors that will use the same means as *supra*.



In the case of a trafficked child, contact with her/his family should be facilitated and social assistance programmes should be proposed to the child and the family. However, a trafficked child should never be forcibly returned home if her/his family has not been traced, does not agree with her/his return, is unable to provide her/him immediate long-term care or was implicated or suspected as accomplices in the trafficking case. Other appropriate caregivers may be considered only if the child agrees⁵³ and the legal and social conditions are met.

Measure 5: Documentation

WHAT: Any identity or travel documents needed by the trafficked person to allow him/her to return and which are necessary to facilitate the granting of temporary travel and/or identity documents.

WHEN: The documents should be requested once the trafficked person decides to return home or resettle in a third country. They should be promptly issued and possibly be either free of charge or not expensive.

Transnational cooperation	WHO: Case manager and relevant embassy or consulate .
	HOW: The relevant embassies or consulates of the country of origin or of the third country in the destination country should be contacted by the case manager to determine how the trafficked person's return could be facilitated and the necessary documents be issued.
	Embassies and consulates should, however, not be contacted if the victim has expressed a wish to apply for asylum or during pending asylum procedures.

If the travel documents cannot be obtained by the country of her/his nationality, the trafficked person may be given a temporary document by the national authorities of the destination country.

⁵³ Experts Group, *op. cit.*, pp. 198.

The travel documents should not state that the person is a trafficked person or an irregular migrant since this might lead to criminal prosecution or administrative proceedings.

In the case of a national trafficked person, the identity documents will be issued by the local or national competent authorities.

In order to ensure security, it is best that personal information about the trafficked person be kept confidential, with as few people as possible having access to it. Therefore, when communicating with anyone, including embassy or diplomatic personnel, caution should be taken to provide only the minimum amount of information required to obtain the necessary documents or assistance.

Measure 6: Pre-departure Individual Assistance Plan

WHAT: It is a plan that clearly details the steps and related measures that will be provided to the trafficked person who expressed her/his will to return home or be settled in a third country, and will continue to receive assistance. Otherwise, the trafficked person should only be provided with a contact list of service providers available in the place/country of origin.



In the case of a trafficked child, the pre-departure social inclusion plan is replaced by the report from the relevant authorities of the child's country of origin verifying that the state has (a) established jurisdiction over the child, and (b) developed a durable solution for the long term care and protection of the child. Only upon receipt of such a report, or a court judgement ordering the return of the child to the country of origin, shall the destination state proceed with the arrangements for the return.

WHEN: Prior to the return home or settlement in a third country.

Transnational
cooperation

WHO: The case manager of the destination place/country, the assisted person and the case manager of the organisation responsible for the return.

HOW: The pre-departure social inclusion plan should be based on the needs of the trafficked person identified in the destination place/country and developed together with her/him. If possible the trafficked person should have the opportunity to talk to a representative from the receiving organisation in the country of origin to discuss the first days after arrival. The final social inclusion plan should then be elaborated by the receiving organisation.

In order to ensure that the trafficked person will be received and assisted by a service provider upon arrival, the service provider has to be contacted and a **constant and prompt flow of information between referring and receiving service delivery organisations** to coordinate the return process should be ensured. The following series of notifications are recommended⁵⁴:

- Notification of a **request for assistance** by the referring organisation;
- **Confirmation of request** for assistance by the receiving organisation;
- **Reintegration assistance request** by the referring organisation;
- **Reintegration assistance confirmation** by the receiving organisation.

The **information provided by the referring organisation to the receiving organisation** should include:

- **Name** of the trafficked person;
- **Date of birth and place of residence** in the country of origin (if returning to country of origin);
- Any suspected or actual **medical condition or vulnerability** of the trafficked person;
- **Security and risk assessment reports**;
- Short outline of **assistance needs**;
- Estimated **date and time of departure**, if applicable;
- Other.

Based on this information, as well as on direct consultation with the **referring** organisation, it is up to the **receiving organisation to determine** whether or not the referred person is **eligible for assistance** and if assistance can be provided.

➡ **The confirmation message should include:**

- **Name** of the trafficked person;
- **Date of birth and place of residence** in the country of origin (if returning to country of origin);

⁵⁴ Adapted from IOM, *op. cit.*

- **Confirmation** that the trafficked person qualifies or does not qualify for **reintegration assistance**;
- If the trafficked person qualifies, outline shortly which **kind of assistance** could be provided to ensure the development of a realistic pre-departure assistance plan; if not, possibly provide contact details of other organisations that might provide other forms of assistance;
- A **request for any additional information**, if necessary.



In the case of a **child victim**, following the **official legal or administrative decision** to return the child to his or her country of origin, **exchange of information**, including matters covered in the 'confirmation message' should be **transferred to the guardians of the child in his or her country of origin and the destination state through official (i.e. governmental) channels only**. Such details should also contain **clear instructions regarding the transference of guardianship and care duties**.



It is crucial to share all gathered information with the trafficked person to ensure that her/his return is based on a fully informed consent. The return process should avoid any re-victimisation and secure the social inclusion of the assisted person. Therefore, the trafficked person should be informed and discuss the following issues with her/his case manager:

INFORMATION/ISSUES TO BE DISCUSSED	Notes
Outcome of the assessments as to: <ul style="list-style-type: none"> • Current and future risks • Security measures • Social inclusion possibilities • Current health conditions 	
Status of identity and travel documents	
How the transfer from one country to the other will function: <ul style="list-style-type: none"> • Accompanied or not • Means of transportation • Access to food and beverages • Money related-issues • Assistance during the transit • Who shall receive him/her upon arrival (if applicable) • How to recognize the representative of the receiving organisation during transit and upon arrival • Safety risks 	

Information about the first days in place/country of origin: <ul style="list-style-type: none"> • Rights and options as returning trafficked person • Accommodation possibilities • Assistance possibilities • Contact details for appropriate organisations/institutions • Security risks 	
Pre-departure individual social inclusion plan	

Measure 7: Safe Transport/Transfer and Arrival Assistance

WHAT: It is the safe transport or transfer of the trafficked person from the hosting location of the place/country of destination to the new identified location of the place/country of origin.

WHEN: After the granting of travel documents and tickets for a pre-determined date and if all conditions for a safe return are guaranteed.

WHO: Designated persons of the governmental, non-governmental or international organisations responsible for the return. The national institution(s) responsible for the return will vary depending on national legislation.

HOW: Before her/his departure, the trafficked person should be provided with all necessary basic means for her/his return:

- Travel and/or identity documents;
- Travel ticket;
- Emergency phone numbers;
- Mobile phone with a new SIM card and charger;
- Information on how to recognize the person who will meet him/her during transit and/or upon arrival (if applicable);
- Information on the meeting point(s) at the transit and/or arrival;
- Personal belongings;
- Map of town of arrival if it is unknown to him/her;
- Other.

The trafficked person should be safely accompanied to the point of departure (e.g. airport, bus station, etc.). During check-in procedures at airports as well as in transit or at border crossings the trafficked person should be assisted. In some cases, due to serious safety reasons, the trafficked person might be escorted from the point of departure to the point of destination. Also for mentally impaired persons special procedures must be arranged.



Children should always be accompanied on their return. An adult responsible to the guardianship services and social services of the receiving state must ensure that the child is accompanied to the point where he or she is transferred to the care of a guardian or the appointed representative of social services in his or her country of origin and that the receiving person possesses verifying documentations.

Transnational cooperation

To ensure the safe return of a trafficked person, the **information flow between the sending and receiving organisations** as well as with possible **other organisations in transit or at border crossings** should be ensured. The following should be communicated in a timely manner:

- **Travel data** (means of travel, carrier's name, etc.), date and time of arrival at the final destination;
- Following the physical departure, **immediate confirmation** should be sent **to the receiving organisation**. If any last minute changes in the schedule occurred, they should be highlighted;
- **Name(s) of escorts**, if applicable;
- **Confirmation that the victim will be met at the arrival point** and by whom, if applicable;

Confirmation that the victim arrived and was met at the point of arrival and point(s) of transit.

To minimize the risk of the traffickers picking up the returnee, a service provider from the country of origin should be at the border/airport/harbour to receive the trafficked person.

The person receiving the trafficked person upon her/his arrival should introduce herself/himself and explain what is going to happen next. The trafficked person should also be asked if s/he has any urgent needs that must be met.

Once returned to the place/country of origin or resettled in a third country, the process of social inclusion should start and the IAP should be implemented: ➔ **SOPs: Long-Term Assistance and Social Inclusion**



Practice – Co-ordination mechanism for referral, care and protection of unaccompanied minors and trafficked children returning home (Bulgaria)

The development of the Co-ordination Mechanism was initiated by the State Agency for Child Protection with the co-operation of the Bulgarian mission of the International Organisation for Migration as a result of an increasing number of unaccompanied Bulgarian children staying abroad and children becoming victims of trafficking. The phenomenon “unaccompanied children, staying abroad” became of main concern for Bulgaria after the removal of visa restrictions for travelling in the European Union and the activation of migration processes. An unfavourable aspect of that phenomenon is the involvement of minors in different forms of exploitation, including begging and pick-pocketing. The complex character and the complicated structure of the problem necessitate the enforcement of a multidisciplinary and inter-institutional approach. As a result, the responsible Bulgarian institutions joined efforts for achieving unifying practices and standards for working on cases of unaccompanied children, as well as co-operation and due signalling for undertaking protection measures in the best interests of children. By signing of Co-ordination Mechanism for Referral, Care and Protection of Repatriated Bulgarian UAM and Children Victims of Trafficking, Returning from Abroad, the approach of the Bulgarian institutions for undertaking co-ordinated actions and clear delegation of responsibilities was unified with the purpose of efficient application of legislation for combating trafficking in persons⁵⁵.

⁵⁵ For the full description of the co-ordination mechanism, see Annex 9.

V SOPs – Criminal and Civil Proceedings

All States should grant access to justice and fair treatment to trafficked persons, who should be fully informed and supported once involved in civil or criminal proceedings. Access to full and clear information is crucial to enable victims to participate actively in any proceedings, to reduce their psychological stress, and to enforce their rights⁵⁶.

Legal representation and assistance should be part of any victim protection programme. Formalised protocols between the law enforcement agencies and the service providers assisting the trafficked persons are an effective means to fully protect the rights of the assisted persons at any stage of the legal proceedings.

In some cases, the victim may need to be protected from possible retaliations and harm from perpetrators and related parties. The protection of a victim as witness to a crime (i.e. trafficking and related crimes) requires tailor-made solutions to be implemented by the law enforcement agencies, prosecutors, judges and support agencies that must work in very close co-operation. A risk assessment is carried out to evaluate if the physical safety of victims (and of her/his significant others) is endangered and – when necessary – special resources are allocated to ensure her/his protection (and that of her/his significant others).



In the case of children, all decisions regarding participation, assistance to and co-operation with criminal and judicial proceedings shall be taken by the child's guardian in consultation with the child, and, where his or her family do not have custody of the child but retain parental rights, his or her family also, provided that their involvement does not prove to be detrimental to the child.

A victim of trafficking in human beings has the right to receive compensation for the physical and psychological harm suffered and wages lost through criminal proceedings, civil action, and administrative systems.



No detention, prosecution or penalties should be imposed on trafficked persons for their illegal stay in the country or for their participation in

⁵⁶ Art. 26, Council of Europe, *Convention on Action Against Trafficking in Human Beings*, CETS no. 197, 16 May 2005.

unlawful activities as a result of their trafficking experience.⁵⁷ In conformity with the national criminal legislation, it would then be necessary to consider the applicability of *non-punishment clauses* for the crimes committed as a result of the coercion suffered during the trafficking experience.

CRIMINAL & CIVIL PROCEEDINGS	Measure 1	<p>INVESTIGATION AND EVIDENCE GATHERING</p> <ul style="list-style-type: none"> • Informing the trafficked person regarding the rights/obligation in case of cooperation with the law enforcement agencies and/or participation in the trials • Consulting the case manager/service providers on psychological conditions of the trafficked person • In the event that the trafficked person refuses to co-operate, ensure that the methods of investigation and evidence gathering activities are not detrimental to her/his safety.
	Measure 2	<p>VICTIM-WITNESS SUPPORT BEFORE THE TRIAL</p> <ul style="list-style-type: none"> • Providing information on victim's role in the criminal proceeding as well as timely updates on the case; • Providing guidance and advice regarding the trial process.
	Measure 3	<p>VICTIM-WITNESS SUPPORT DURING THE TRIAL</p> <ul style="list-style-type: none"> • Providing physical protection and privacy • Arranging all necessary measures for full protection (e.g. video testimony, closed door hearings, special waiting areas, interpretation...).
	Measure 4	<p>VICTIM-WITNESS SUPPORT AFTER THE TRIAL</p> <ul style="list-style-type: none"> • Informing the victim about different risks/options related to a return to the place/country of origin, to stay in the country of destination, to be resettled to a third country.
	Measure 5	<p>SUPPORT FOR THE COMPENSATION CLAIMS</p> <ul style="list-style-type: none"> • Informing the victim about her/his rights to compensation and related legal procedures • Providing free legal assistance during the legal procedures.

Measure 1: Investigation and Evidence Gathering

WHAT: It is the act of investigating a case of trafficking and collecting evidence for police investigation purposes and to present this in a legal proceeding: to prove or disprove a question under inquiry. Evidence may include, *inter alia*, testimony, documents, photographs, maps and videotapes.

WHEN: As soon as a trafficked person gives her/his informed consent to cooperate and up until the legal proceedings are completed. However, the

⁵⁷ Art. 26, Council of Europe, *Convention on Action Against Trafficking in Human Beings*, CETS no. 197, 16 May 2005.

safety and well-being of the trafficked person should be of paramount consideration and take precedence over the collection of evidence.

WHO: Appropriately trained police officers, joined by a prosecutor (if provided by the national legislation), the cultural mediator and/or a psychologist from a service provider.

HOW: Through proactive investigation (i.e. intelligence-led investigation) and reactive investigation (i.e. interviewing the victim).

In case a trafficked person gives her/his written consent to be interviewed, before the interview starts, s/he should be orally and/or in writing fully informed about:

- Rights and responsibilities related to the evidence gathering interview;
- Rights and responsibilities if s/he provides the police with confidential information concerning the crime and perpetrators without acting as a witness;
- Rights and responsibilities if s/he provides the police with intentionally false information;
- Rights and responsibilities if s/he decides to press charges or to cooperate with the police;
- Court procedures (e.g. no/contact with the perpetrator(s), closed/open door hearings, etc.);
- Stages of a legal proceedings;
- Possibilities for claiming compensation for damage, loss, or injury suffered;
- Personal safety;
- Safety of her/his family or other persons close to the victim;
- Confidentiality and the risks of information disclosure;
- Other.

Prior to the interview, the case manager/service providers should be consulted on the psychological conditions of the trafficked person and on how to raise certain questions.



In the case of a foreign trafficked person, neither the competent authorities of the country of origin nor the consular services shall be contacted to collect evidence if there is no written consent of the trafficked person and if her/his security could be jeopardized prior, during or after the trial.

In the case of a foreign trafficked person, if further information is needed but s/he returned home or has been resettled, an international liaison via SECI Centre, MARRI, EUROJUST, EUROPOL and INTERPOL or bilateral liaison officers should be sought⁵⁸.

Measure 2: Victim-Witness Support before the Trial

WHAT: It is the procedure to ensure that the trafficked person who has decided or is required to act as a witness in a criminal proceeding is

- Fully aware of her/his rights and obligations:
 - Right to attend the hearings;
 - Right to adequate interpretation;
 - Right to give new evidence and pose questions in court;
 - Right to a close-door trial;
 - Right to have an attorney (if s/he acts as a witness)⁵⁹;
- Fully aware of the value of the testimony for the proceedings and its possible consequences;
- Fully aware of the role of different persons involved in the legal proceeding;
- Fully aware of, where applicable, the fact that all information provided may be subject to disclosure requirements;
- Fully aware of the court process;
- Provided with psychological support;
- Provided with safety measures.

WHEN: Prior to the trial.

WHO: Lawyer, case manager and interpreter or cultural mediator (in case of a foreign victim), a psychologist (when needed) of the assisting organisation. It is generally recommended to reduce as much as possible the number of people involved in the process.

⁵⁸ For further information on international cooperation in criminal proceedings see: ICMPD, *Training Material for Judges and Prosecutors in EU Member States, Accession and Candidate Countries*, Vienna, 2006; ICMPD, *Anti-Trafficking Training Material for Frontline Law Enforcement Officers*, Vienna, 2006; ICMPD and UNDP, *Law Enforcement Manual to Combat Trafficking in Human Beings Unit*, Vienna, 2006.

⁵⁹ A trafficked person who is heard in a trial without acting as a witness can be assisted by an attorney of the assisting organisation.

In the case of a foreign trafficked person that returned home, s/he is prepared in the country of origin or resettlement at the request of the public prosecutor or judge from the destination country, where the trial will take place.

The request is sent to the competent authorities in the country of residence according to the regulations provided by the conventions or agreements of judicial co-operation in place between the concerned countries.

WHERE: In a comfortable setting in the assisting organisation's premises and, partly in some cases, where the trial will take place.

HOW: The victim-witness will be given orally and in writing all necessary information to take part in the trial. Where permitted, the victim-witness should be provided with a copy of her/his previous statements.

S/he might be taken to the courthouse before the trial date in order to become familiar with the building and the court room. If possible, the victim could sit in the witness box while the accompanying person will review how the court process will be conducted.

The victim-witness will be informed as to where to meet on the day of the trial and about any possible escort procedures.

Measure 3: Victim-Witness Support during the Trial

WHAT: It is the provision of safety, psychological, and legal support to minimise the security risks and the risk of any re-traumatisation the victim may face as a result of her/his participation in the legal proceedings. This will allow the victim to feel safe and give a meaningful statement.

WHEN: During the trial.

WHO: Police, prosecutor, judge, legal representatives, case manager and interpreter or cultural mediator (in case of a foreign victim) depending on national legislation.

HOW: The support during the trial may be given through:

- Physical protection of the victim-witness;
- Testimony recording, video-conference so that the victim-witness does not have to appear personally or at least will not be confronted with the perpetrator (e.g. video testimony, closed circuit television, use of screens, providing testimony in judicial chambers, written statement to be read during trial, closed hearing prior to the trial);

- A set of questions that should not be superfluous, offensive, or that could result in a re-victimization of the trafficked person;
- Escort of victims-witnesses to, in and from the court;
- Avoidance of contact with the perpetrator, or the family of the perpetrator when entering the building (e.g. use of side entrance, separate waiting room, etc.);
- Provision of support persons to stand beside witness during testimony;
- Proper interpretation;
- Exclusion of the public from the court room;
- No media reporting or, in case this is not possible, protection of sensitive data (e.g. the personal history, name and photograph of the victim-witness) must be ensured.

Transnational cooperation

If the trafficked person is requested to **travel from another country back to the country where the trial takes place, safe transportation** has to be ensured and the relevant authorities of the countries must be involved.

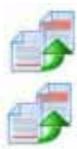
If the victim faces high safety risks, then where possible video-conferencing, telephone or video testimony or testimony given in writing and read during the trial should be considered.



Regulations and systems for the participation of children in criminal investigations, judicial proceedings and other legal proceedings vary between countries. However, all countries have developed specialised measures to protect the interests and rights of children in such matters, whether they are involved as victims or witnesses.

Measure 4: Victim-Witness Support after the Trial

WHAT: It is the support provided to the victim once the legal proceeding is over. Depending on the wish expressed by the victim, the risk assessment performed, and the legal possibilities available, the victim-witness will:



- Stay in the country of destination; ➡ see **SOP Long-Term Assistance and Social Inclusion**
- Return to the country of origin; ➡ see **SOP Return and Social Inclusion**
- Be resettled in a third country. ➡ see **SOP Return and Social Inclusion**

In order to ensure the safety of the trafficked person, additional security measures may have to be implemented after the trial.

WHEN: After the trial and, as far as the safety measures are concerned, as long as the safety of the victim is at risk.

WHO: Actors of relevant organisations involved in the service provision and, in case of safety measures, police in close co-operation with the service providers.

HOW: Depending on the support measures chosen, see the “How section” of the related SOPs → **SOPs Long-Term Assistance and Social Inclusion;** → **SOPs Return and Social Inclusion**



In case it is necessary to take additional safety measures to protect the victim, a new risk assessment should be promptly performed and the risk management plan revised. The victim should give her/his written consent for the plan implementation and should be informed in a timely manner about any change that occurs (e.g. release of the perpetrator from the prison).

Measure 5: Support for Compensation Claims

WHAT: It is the procedure to support the victim in obtaining material and moral damages from the perpetrator(s) and/or from the State for the physical and mental harm suffered and wages lost during the trafficking and exploitation experience.

Compensation can be obtained from the perpetrator(s) through criminal proceedings and civil action and/or from the State through an *ad hoc* victim fund (when provided by the national legislation). Restitution not only practically supports the social inclusion of the victims, but it also acknowledges that trafficking is a crime for which the perpetrators must be punished and the victims compensated. Thus, the compensation should be regarded as a means to redress the rights violations suffered by trafficked persons.

Special state-funded compensation schemes should be established to guarantee payment of compensation to victims whenever restitution is not available from other sources (e.g. the offender’s assets cannot be seized; the perpetrators are prosecuted in another country or cannot be traced or prosecuted, etc.). Confiscation of the perpetrator’s assets should be encouraged as a way to enhance the State compensation funds.

Irregular migrants who have been trafficked should also have access to compensation.

In no case shall the decision on compensation be contingent upon the sentence pronounced on the perpetrator(s).

WHEN: This will be dependent on the national legislation of the country of the trafficked person, the national legislation of the country of the perpetrator, and the national legislation of the country where the crime was committed, especially in cases in which these factors differ.

Transnational
cooperation

The foreign victim can claim compensation even if returned to the country of origin or resettled in a third country. In such a case, the support for the compensation claim should be arranged through the international liaison mechanisms available.

WHO: The police, the prosecutors, the legal counsellor, the cultural mediator (when necessary), the case manager of the assisting agency should provide information about the rights and procedures to claim compensation.

HOW: The claim shall be submitted by the trafficked person or by her/his legal representative to the competent court or other relevant institution depending on the country mechanism in place. In order to do so, the trafficked person should be:

- Fully informed on her/his rights to compensation and about the necessary court procedures to follow;
- Ensured free legal assistance during the legal procedures;
- Be psychologically supported throughout the procedures.

States should develop clear criteria and simple procedures for lodging a compensation claim and have access to compensation schemes. They should also develop clear rules on how to calculate the damages suffered, which should be paid in good time.

Part C: List of TRM Contacts

The contact lists are a crucial part of the TRM and should be updated regularly in order to ensure smooth transnational communication.

Contacts should be exchanged between service providers and should list in detail responsibilities, obligations and conditions of all actors.

ALBANIA		
TRM Measures	Responsible Body	Contact Details
<i>Identification</i>	1. Sector Against Illegal Trafficking; Directorate against Organized Crime; Border and Migration Police; Ministry of Interior; Tirana, Mrs. Anila Trimi	☎ + 355 4 2279 303 Fax:+ 355 4 2273 447 Mob:+ 355 69 41 02 005 @ trimia@mrp.gov.al
<i>First Assistance & Protection</i>	1. Social Services Directorate; Ministry of Labour, Social Affairs and Equal Opportunities; Tirana, Mrs. Ilda Poda	☎ + 355 4 2243 947 Mob:+ 355 68 23 48001 @ ildapoda@yahoo.com
<i>Long-Term Assistance & Social Inclusion</i>	1. Executive Director; Different & Equal (D&E) NGO; Tirana, Mrs. Marjana Meshi/Muslia	☎ + 355 4 2254 532 Mob:+ 355 69 20 88696 @ mmeshi@yahoo.co.uk
<i>Return & Social Inclusion</i>	1. Chief; Readmission Sector- Border and Migration Directorate; Ministry of Interior; Tirana, Mr. Ylli Kumrija	☎ + 355 4 2279 251 Fax:+ 355 4 2279 263 Mob:+ 355 69 41 02357 @ kumrijay@mrp.gov.al
<i>Criminal & civil proceedings</i>	1. Prosecutor; General Prosecutor's Office; Tirana, Mr. Arqilea Koca	☎ + 355 4 2222 950 / 1069 Mob:+ 355 69 20 78630 @ akoca@pp.gov.al
	2. Prosecutor; Serious Crimes Court; Tirana, Mr. Ened Nakuci	☎ +355 4 2254 326 Mob: + 355 69 20 76 220 @ enakuci@pp.gov.al

BULGARIA		
TRM Measures	Responsible Body	Contact Details
<i>Identification</i>	1. Ms.. Antoaneta Vassileva Secretary General National Commission for Combating Trafficking in Human Beings; Sofia	☎ +359 2 807 8050 @ office@antitraffick.government.bg www.antitraffick.government.bg
	2. Mr. Dobromir Dochev Head of Sector Sector "Trafficking in Human Beings"; Directorate "Combating Organised and Serious Crime"; Chief Directorate "Criminal Police"; Ministry of Interior; Sofia	☎ +359 2 982 8038 @ 170@mvr.bg
	Ms. Ilyana Derilova Chief of Mission International Organisation for Migration (IOM); Sofia	☎ +359 2 93 94 774 Hotline:+359 2 93 94 788 @ iomsofia@iom.int www.iom.bg/
<i>First Assistance & Protection</i>	1. Ms.. Antoaneta Vassileva Secretary General National Commission for Combating Trafficking in Human Beings; Sofia	☎ +359 2 807 8050 @ office@antitraffick.government.bg www.antitraffick.government.bg
	Ms. Nadejda Stoycheva Director Animus Association; Sofia	☎ +359 2 983 5205 Hotline: +359 0800 186 76 www.animusassociation.org
	2. Ms. Ilyana Derilova Chief of Mission International Organisation for Migration (IOM); Sofia	☎ +359 2 93 94 774 Hotline:+359 2 93 94 788 @ iomsofia@iom.int http://iom.bg/
<i>Long-Term Assistance & Social Inclusion</i>	1. Ms.. Antoaneta Vassileva Secretary General National Commission for Combating Trafficking in Human Beings; Sofia	☎ +359 2 807 8050 @ office@antitraffick.government.bg www.antitraffick.government.bg
	Ms. Nadejda Stoycheva Director Animus Association; Sofia	☎ +359 2 983 5205 Hotline: +359 0800 186 76 www.animusassociation.org

	2. Ms. Ilyana Derilova Chief of Mission International Organisation for Migration (IOM); Sofia	☎ +359 2 93 94 774 Hotline:+359 2 93 94 788 @ iomsofia@iom.int http://iom.bg/
<i>Return & Social Inclusion</i>	1. Ms.. Antoaneta Vassileva Secretary General National Commission for Combat- ing Trafficking in Human Beings; Sofia	☎ +359 2 807 8050 @ office@antitrafficking.government.bg www.antitrafficking.government.bg
	2. Mr. Dobromir Dochev Head of Sector Sector "Trafficking in Human Be- ings"; Directorate "Combating Organised and Serious Crime"; Chief Directorate "Criminal Police"; Ministry of Interior; Sofia	☎ +359 2 982 8038 170@mvr.bg
	Ms. Ilyana Derilova Chief of Mission International Organisation for Migration (IOM); Sofia	☎ +359 2 93 94 774 Hotline:+359 2 93 94 788 @ iomsofia@iom.int http://iom.bg/
<i>Criminal & civil proceedings</i>	1. Ms.. Antoaneta Vassileva Secretary General National Commission for Combat- ing Trafficking in Human Beings; Sofia	☎ +359 2 807 8050 @ office@antitrafficking.government.bg www.antitrafficking.government.bg
	2. Mr. Evgeni Dikov Prosecutor Supreme Cassation Prosecutor's Office; Sofia	☎ +359 2 9219 235

CZECH REPUBLIC

TRM Measures	Responsible Body	Contact Details
<i>Identification</i>	1. Police of the Czech Republic	☎ Focal Points of Mol: +420 974 832 574 +420 974 833 232 +420 974 832 255 @ sifferova.olga@mvcr.cz holusova@mvcr.cz www.mvcr.cz

	2. NGOs: La Strada Czech Republic	☎+420222 72 18 10 Info a SOS linka: +420 222 71 71 71 @ lastrada@strada.cz www. strada.cz
	Caritas	☎+420 224 246 523 NON-STOP hotline: +420 737 234 078 www.charita-adopce.cz
<i>First Assistance & Protection</i>	1. La Strada Czech Republic	☎+420222 72 18 10 Info a SOS linka: +420 222 71 71 71 @ lastrada@strada.cz www. strada.cz
	2. Caritas	☎+420 224 246 523 NON-STOP hotline:+420 737 234 078 www.charita-adopce.cz
<i>Long-Term Assistance & Social Inclusion</i>	1. Ministry of the Interior	☎+420 974 832 574 +420 974 833 232 +420 974 832 255 @ sifferova.olga@mvcrcz holusova@mvcrcz www. mvcrcz
	2. La Strada Czech Republic	☎+420222 72 18 10 Info a SOS linka: +420 222 71 71 71 @ lastrada@strada.cz www. strada.cz
	Caritas	☎+420 224 246 523 NON-STOP hotline: +420 737 234 078 www.charita-adopce.cz
<i>Return & Social Inclusion</i>	1. International Organisation for Migration (IOM)	@prague@iom.int www. iom.cz www.iom.int
	2. La Strada Czech Republic	☎+420222 72 18 10 Info a SOS linka: +420 222 71 71 71 @ lastrada@strada.cz www. strada.cz
	Caritas	☎+420 224 246 523 NON-STOPhotline: +420 737 234 078 www.charita-adopce.cz

<i>Criminal & civil proceedings</i>	1. Ministry of the Interior	☎ +420 974 832 574 +420 974 833 232 +420 974 832 255 @ sifferova.olga@mvcv.cz holusova@mvcv.cz www. mvcv.cz
	2. Ministry of Justice State Prosecutor Police of the Czech Republic	☎ Focal Points of Mol: +420 974 832 574 +420 974 833 232 +420 974 832 255 @ sifferova.olga@mvcv.cz holusova@mvcv.cz

HUNGARY

TRM Measures	Responsible Body	Contact Details
<i>Identification</i>	1. Ministry of Foreign Affairs, Consular Service (incl. Consular Department in Hungary and Hungarian Consulates abroad)	☎ 00 36 1 458 1737 @ konz@kum.hu www.kulugyminiszterium.hu
<i>First Assistance & Protection</i>	1. Office of Justice Victim Support Service	☎ +36-1-460-4700 @ aldozatsegites@pjsz.gov.hu www.kih.gov.hu
<i>Long-Term Assistance & Social Inclusion</i>	1. OKIT	☎ +36-80-20-55-20
<i>Return & Social Inclusion</i>	1. Ministry of Foreign Affairs, Consular Service (incl. Consular Department in Hungary and Hungarian Consulates abroad)	☎ 00 36 1 458 1737 @ konz@kum.hu www.kulugyminiszterium.hu
<i>Criminal & civil proceedings</i>	1. Andrea Kenéz, judge Metropolitan Court in Budapest H-1055 Budapest Markó u. 27	☎ +36-1-354-6000

ITALY

In Italy, a formalised NRM is still non-existent. However, a well-spread system of assistance and social integration is functioning in most parts of the country as a result of the programmes funded by the Department for Equal Opportunities within the framework of the Art. 13 and Art. 18 social protection programmes aimed at trafficked persons.

In order to identify the proper state or non-state organisation to contact, it is possible to contact:

- **800-290.290** *Numero Verde Anti-Tratta* (Hotline against Trafficking in Human Beings) (phone calls from Italy only)

The anti-trafficking specialised operators provide detailed information on legislation and services granted to trafficked persons in Italy; they assess the caller's request and forward the call to the most appropriate Italian organisation that will take care of the case at the local level. Information is provided in the various languages spoken by the target group, including: English, Albanian, Russian, French, Spanish, Rumanian, Bulgarian.

- **Anti-Trafficking Secretariat**

Department for Equal Opportunities – Prime Minister's Office

Largo Chigi 19

00187 Rome

Tel. (+39) 06-67.79.24.50

Fax: (+39) 06-67.79.24.44

E-mail: v.quadri@governo.it a.barberi@governo.it

It is a national authority in charge of promoting and coordinating programmes and policies implemented at national level to prevent and combat trafficking in human beings and to provide assistance to trafficked persons. It deals with transnational cooperation too. Since it does not carry out operational tasks, it should not be contacted in case of emergencies. Yet, it can give advice on specific matters related to trafficking in human beings in Italy and it can provide, if appropriate, the contact details of the main state or non-state registered organisations working in the anti-trafficking field.

TRM Measures	Responsible Body	Contact Details
<i>Identification</i>	Identification is performed by the competent law enforcement agencies at the local level. Also the accredited anti-trafficking agencies can initially identify trafficked persons whose official victim status is solely given by the <i>Questura</i> (Police headquarter) and the Public Prosecutor's Office. The identification is generally performed through a multi-agency system.	
<i>First and Long-Term Assistance & Protection</i>	In Italy, more than a hundred organisations provide first and long-term assistance and protection to trafficked persons. In the following table, the contact details of the ones that took part to the TRM-EU project as partners are listed. All other organisations can be identified through the above-mentioned <i>Numero Verde Anti-Tratta</i> or the <i>Anti-Trafficking Secretariat</i> .	
	Associazione Mimosa Via Falloppio 39 35121 Padova	☎ (+39) 335-78.14.46 @ info@associazionemimosa.org www.associazionemimosa.org
	Associazione On the Road Via delle Lancette 27-27A 64014 Martinsicuro (Teramo)	☎ (+39) 0861-79.66.66 (+39) 0861-76.23.27 Fax (+39) 0861-76.51.12 @ mail@ontheroadonlus.it www.ontheroadonlus.it
	Comunità Oasi 2 Via Pedaggio S. Chiara 57bis 70059 Trani (Bari)	☎ (+39) 0883-58.05.46 Fax: (+39) 0883-50.21.46 @ segreteria@oasi2.it www.oasi2.it

	<p>Coop. Soc. Dedalus Via Vicinale S. Maria del Pianto 61 Centro Polifunzionale Inail Torre 1 – 11° piano 80143 Napoli</p>	<p>☎ (+39) 081-78.77.333 (+39) 081-19.57.13.68 @ info@coopdedalus.it www.coopdedalus.it</p>
	<p>CNCA (Coordinamento Nazionale Comunità di Accoglienza – Na- tional Coordination of Care Com- munities)</p> <p>N.B. Its Thematic Group on Traf- ficking and Prostitution is com- prised of about 30 anti-trafficking organisations from all over Italy</p>	<p>e-mail: prostituzione_tratta@cnca.it www.cnca.it/prostituzione-e-tratta</p>
<i>Return & Social Inclusion</i>	<p>International Organisation for Migration Via Nomentana 62 00161 Roma</p>	<p>☎ (+39) 06-44.23.14.28 Fax: (+39) 06-44.02.533 @ mrfrome@iom.int www.italy.iom.int</p>
<i>Criminal & civil proceedings</i>	<p>Direzione Nazionale Antimafia Via Giulia 52 00186 Roma</p> <p>This state body is responsible at the central level for coordination of judicial cases on organized crime, including trafficking in human be- ings. Its territorial offices (<i>Direzioni Distrettuali Antimafia</i>) are special Prosecutor's Offices working on the cases in co-operation with the local law enforcement agencies (Police, Carabinieri).</p>	<p>☎ +39-06.68.28.22.76 @ segr.particolare.dna@giustizia.it</p>

PORTUGAL

TRM Measures	Responsible Body	Contact Details
<i>Identification</i>	1.Border and Foreigners Service (SEF) Rui Paulo Zilhão	☎ +351962733736 +351222061280 @ Rui.Zilhao@sef.pt www.sef.pt
	2.Commission for Citizenship and Gender Equality	☎ + 351 222074370 @ mjalbano@cig.gov.pt www.cig.gov.pt

<i>First Assistance & Protection</i>	1. Espaço Pessoa (Family Planning Association)	☎ +351 222008377 @ espacopessoa@gmail.com www.apf.pt
	2. Commission for Citizenship and Gender Equality	☎ + 351222074370 @ ngradim@cig.gov.pt www.cig.gov.pt
<i>Long-Term Assistance & Social Inclusion</i>	1.Espaço Pessoa (Family Planning Association)	☎ + 351964608288 @ Cap.apf@gmail.com www.apf.pt
<i>Return & Social Inclusion</i>	1.International Organisation for Migration (IOM)	☎ +351213 242 940 @ mgoracci@iom.int www.iom.int
<i>Criminal & civil proceedings</i>	1. Border and Foreigners Service (SEF)	☎ +351962733736 +351222061280 @ Rui.Zilhao@sef.pt www.sef.pt

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

TRM Measures	Responsible Body	Contact Details
<i>Identification</i>	1. Sector for Trafficking in Human Beings and Illegal Migration; Ministry of Internal affairs; Skopje Mr. Sande Kitanov Head of the Sector	☎ Tel: +389 2 3116280 Fax: +389 2 3142201 Mob: +38970323497 @ sande_kitanov@moi.gov.mk
	2. Office of the National Referral Mechanism; Ministry of Labour and Social Policy; Skopje, Ms. Elena Grozdanova, State Councillor Ms. Svetlana Cvetkovska NRM Coordinator	☎ Tel: +389 2 3106 558 Mob:+389 70 311 726 @ egrozdanova@mtsp.gov.mk Tel: +389 2 3129308 Mob: +38970498113 @ scvetkovska@mtsp.gov.mk
<i>First Assistance & Protection</i>	1. Sector for Trafficking in Human Beings and Illegal Migration; Ministry of Internal affairs; Skopje, Mr. Sande Kitanov, Head of the Sector Office of the National Referral Mechanism; Ministry of Labour and Social Policy; Skopje, Ms. Elena Grozdanova	☎ Tel: +389 2 3116280 Fax: +389 2 3142201 Mob: +38970323497 @ sande_kitanov@moi.gov.mk Tel: +389 2 3106 558 Mob:+389 70 311 726 @ egrozdanova@mtsp.gov.mk

	<p>2. NGO Open Gate; Skopje</p> <p>NGO For Happy Childhood; Skopje Ms. Verica Stamenkova Trajkova</p>	<p>☎ Tel/fax:+389(0)2700107 Mob: +38970367639 @ mvaroslija@lastrada.org.mk www.astrada@on.net.mk</p> <p>☎ +389 2 2615628 +389 2 2622491 Fax: +389 2 3118143 Mob: +38970227289 @ vericatrajkova@gmail.com</p>
<i>Return & Social Inclusion</i>	<p>1. Sector for Trafficking in Human Beings and Illegal Migration; Ministry of Internal Affairs; Skopje, Mr. Sande Kitanov</p> <p>Sector for Border Affairs; Ministry of Internal Affairs; Skopje, Mr. Jovance Asprovski</p>	<p>☎ Tel: +389 2 3116280 Fax: +389 2 3142201 Mob: +38970323497 @ sande_kitanov@moi.gov.mk</p> <p>☎ Tel: +389 2 3238034 Fax:+38923143335 Mob:+38970364370 @ jovance_asprovski@moi.gov.mk</p>
	<p>2. Transit Centre; Skopje, Mr. Pero Sareski</p>	<p>☎ Tel/fax:+389 2 3142613 Mob: ++38970276022</p>
<i>Criminal & civil proceedings</i>	<p>1. Public Prosecution; Department for prosecution of perpetrators for criminal acts concerning Organized Crime and Corruption; Skopje, Mr. Petar Anevski</p> <p>Department for Protection of Witnesses; Ministry of Internal Affairs; Skopje, Mr. Ljupco Fidanovski</p> <p>Sector for Trafficking in Human Beings and Illegal Migration; Ministry of Internal Affairs; Skopje, Mr. Sande Kitanov</p>	<p>☎ Tel: +389 2 3219850 Fax:++389 2 3219866 Mob:+38970367386 @ petar_anevski@yahoo.com</p> <p>☎ Tel: +389 2 3225765 Fax: +389 2 3142277 Mob: +38970330347 @ ljupco_fidanovski@moi.gov.mk</p> <p>☎ Tel: +389 2 3116280 Fax: +389 2 3142201 Mob: +38970323497@ @ sande_kitanov@moi.gov.mk</p>
	<p>2. Office of the National Referral Mechanism; Legal Support; Ministry of Labour and Social Policy; Skopje, Ms. Lence Kocevaska</p>	<p>☎ Tel: +389 2 3129308 Mob:+38975365045 @ kocevskal@yahoo.com</p>

ROMANIA		
TRM Measures	Responsible Body	Contact Details
<i>Identification</i>	1. Ministry of Administration and Interior (MAI), National Agency against Trafficking in Persons	☎+40 21 311 89 82 + 40 21 31 33 100 (non-stop) fax: + 40 21 319 01 83 mobile: +40 723 19 59 59 @ anitp@mai.gov.ro anitp.ci@mai.gov.ro www. anitp.mai.gov.ro
	Directorate for Countering Organized Crime (DCOC)– Anti-Trafficking Unit	☎+ 40 21 310 05 28 fax: + 40 21 310 05 22 @ combating_thb@politiaromana.ro
<i>First Assistance & Protection</i>	1. National Agency against Trafficking in Persons (NAATIP)	☎+ 40 21 311 89 82 + 40 21 31 33 100 (non-stop) fax: + 40 21 319 01 83 mobile: +40 723 19 59 59 @ anitp@mai.gov.ro anitp.ci@mai.gov.ro www. anitp.mai.gov.ro
	2. ADPARE NGO	@ adpare@adpare.eu
<i>Long-Term Assistance & Social Inclusion</i>	1. National Agency against Trafficking in Persons (NAATIP)	☎+ 40 21 311 89 82 + 40 21 31 33 100 (non-stop) fax: + 40 21 319 01 83 mobile: +40 723 19 59 59 @ anitp@mai.gov.ro anitp.ci@mai.gov.ro www. anitp.mai.gov.ro
	2. ADPARE NGO	@ adpare@adpare.eu
<i>Return & Social Inclusion</i>	1. Ministry of Foreign Affairs and diplomatic missions	☎+ 40 21 318 49 49 fax: + 40 21 319 68 69 www.mae.ro
	2. National Agency against Trafficking in Persons (NAATIP)	☎+ 40 21 311 89 82 + 40 21 31 33 100 (non-stop) fax: + 40 21 319 01 83 mobile: +40 723 19 59 59 @ anitp@mai.gov.ro anitp.ci@mai.gov.ro www. anitp.mai.gov.ro
<i>Criminal & civil proceedings</i>	1. Public Ministry (PM)	☎+40 21 319 38 28 fax: +40 21 319 38 58 www.mpublic.ro
	2. Ministry of Justice (MJ)	☎+ 40 21 314 40 19 fax: + 40 21 315 53 89 www.just.ro

List of TRM-EU Contacts of Project Partners

Country/ Organisation	Name	Position/ Institution	Contact
Albania	Ms. Irena TAGA	Director of Anti-trafficking Unit Office of National Co-ordinator for Anti-trafficking, Ministry of Interior	Tel:+355 42269404 Mobile:+355 694109117 Fax:+355 42269404 E-mail:anja_lj@hotmail.com anja_lj@yahoo.com
Albania	Ms. Marjana MUSLIA (MESHI)	Executive Director Shelter for VoTs "Different and Equal"	Tel:+355 42254532 Mobile:+355 6988696 Fax:+355 42254532 E-mail:mmeshi@yahoo.co.uk different&equal@icc-al.org
Albania	Ms. Anila TRIMI	Specialist at the Sector against Illicit Trafficking at the General Directorate of State Police	Tel:+355 42279303 Mobile:+355 694102005 Fax: E-mail:trimia@mrp.gov.al
Albania	Ms. Iva ZAJMI	National Anti-trafficking Coordinator in Albania	Tel: +355 4/233540 Mobile: +355 692071488 Fax:+355/4233539 E-mail: at_nationalcoordinator@yahoo.com
Bulgaria	Ms. Denitsa BOEVA	Chief Expert, National Commission for Combating Trafficking in Human Beings	Tel:+359 2 807 80 50 Mobile:+359 885 532 319 Fax:+359 2 807 80 59 Email:d.boeva@antitraffic.government.bg
Bulgaria	Ms. Lilia BLIZNASHKA	Junior Expert, National Commission for Combating Trafficking in Human Beings	Tel: +359 2 807 80 50 Fax: +359 2 807 80 59 Mobile:+359 885 532 391 Email:l.bliznashka@antitraficc.government.bg
Bulgaria	Dr. Rossanka VENELINOVA	Executive director Foundation "Centre Nadia".	Tel:+359 2 981 93 00 Mobile:+359 888 626 085 Fax:+359 2 989 41 74 E-mail:nadja@cablebg.net

Country/ Organisation	Name	Position/ Institution	Contact
Czech Republic	Ms. Olga SIF- FEROVA	Official Ministry of the Interior Crime Prevention De- partment	Tel.: +420 974 832 574 Mobile: +420 603 190 465 Fax: +420 974 833 504 E-mail: sif- ferova.olga@mvcz.cz
Czech Republic	Ms. Petra KU- TALKOVA	Vice director La Strada	Tel:+420 222 721 810 Mobile:+420 731 101 293 Fax:+420 222 721 810 E-mail: petrak@strada.cz
Czech Republic	Ms. Věra LIN- HARTOVÁ	Public Prosecutor Public Prosecution Service	Tel:+420 25144 5429 Mobile:+420 777 006 325 Fax:+420 251 445 412 E- mail:vera.linhartova@centru m.cz
Hungary	Ms. Viktoria VEGH	Counsellor Ministry of Justice and Law Enforcement	Tel: +36 14412860 Mobile: +36 302933421 Fax: +36 14412872 E-mail: veghv@irm.gov.hu
Hungary	Mr. Adel REVESZ	Project Coordinator Hungarian Baptist Aid	Tel:+36 1 466 5978 Mobile:+36 1 20 770 5330 Fax:+36 1 365 6406 E-mail:adel@hbaid.org
Hungary	Mr. József PÖLTL	Head of Unit National Bureau of Investigation	
Italy	Ms. Valerie QUADRI	Project Manager Department for Equal Opportunities	Tel:+39 0667792381 Mobile:+39 3356129977 Fax:+39 06 67792444 E-mail:v.quadri@governo.it
Italy	Mr. Roberto DELLA ROCCA	Deputy Vice-rector State Police	Tel:+39 0412715681 Mobile:+39 3346908092 Fax:+39 412715513 E-mail: roberto.dellarocca@libero.it
Italy	Mr. David MANCINI	Public Prosecutor Ministry of Justice	Tel:+39 0861326660 Mobile:+39 3492196435 Fax:+39 08661326648 E-mail: david.mancini@giustizia.it

Country/ Organisation	Name	Position/ Institution	Contact
Italy	Ms. Amalia TATA	Psychologist – Coordinator of residential assistance for victims of trafficking Cooperativa "Il Cammino" onlus CNCA	Tel:39.065572871 39065566483 Mobile:39.3341399376 Fax:39.0655363182 E-mail: ailamax@hotmail.com ilcammino@mclink.it
Italy	Ms. Isabella ORFANO	Transnational Officer On the Road	Tel: +39 348 85 16 944 Mobile: Fax: +39 0861 765112 E-mail: i.orfano@libero.it
the Former Yugoslav Republic of Macedonia	Mr. Sande KITANOV	Head of Unit for the fight against THB-OCD Ministry of interior	Tel: +389 23116280 Mobile:+389 70323497 Fax: +389 2 314 2201 E-mail: sande_kitanov@moi.gov.mk
the Former Yugoslav Republic of Macedonia	Ms. Maja VA- ROSHLIJA	Representative from NGO "Open Gate – La Strada" Program Manager	Tel:+389 2700 107 Mobile:+389 70 367639 Fax:+389 70 367639 E-mail: majavaros- lija@yahoo.com Official Email: mvaros- lija@lastrada.org.mk
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Part D: Annexes

Annex 1

Working Definitions and Terminology

Assistance: Measures, programmes and services aimed at the recovery of trafficked persons that might include, but are not limited to, appropriate housing; medical, psychological and material assistance; educational, training and employment opportunities; legal counselling and assistance. First, short- and long-term assistance may be offered by non-governmental, governmental or international organisations in countries of destination, transit and origin and they may involve one or multiple services.

Assisted Victim of Trafficking: A person who has been identified as a victim of trafficking and who has agreed to accept assistance from a non-governmental, governmental, international or other relevant organisation (also referred to as “assisted trafficked person” or “assisted person”).

Best Interests Determination: It “describes the formal process with strict procedural safeguards designed to determine the child’s best interests for particularly important decisions affecting the child. It should facilitate adequate child participation without discrimination, involve decision-makers with relevant areas of expertise, and balance all relevant factors in order to assess the best option⁶⁰”.

Best Interests Assessment: It “is an assessment made by staff taking action with regard to individual children, except when a best interest determination (see *supra*) procedure is required, designed to ensure that such action gives a primary consideration to the child’s best interests. The assessment can be done alone or in consultation with others by staff with the required expertise and requires the participation of the child⁶¹”.

⁶⁰ UN High Commissioner for Refugees, *UNHCR Guidelines on Determining the Best Interests of the Child*, May 2008, available at: <http://www.unhcr.org/refworld/docid/48480c342.html> [accessed 12 August 2009], p. 8.

⁶¹ *Idem*.

Case Manager: A case manager is the primary point of contact for a trafficked person and shall co-ordinate the services deemed necessary to provide her/him assistance throughout the whole process. The case manager works within a consultative team of other professionals when decisions are to be made about each victim's care plan. In a TRM instance, a case manager shall be appointed in the country of origin and in the destination country.

Child: A person under 18 years of age (also referred to as a "minor").

Compensation: It is the procedure to support the victim to obtain – through criminal proceeding, civil action or administrative systems – material and moral damages from the perpetrator(s) and/or from the State for the physical and psychological harm suffered and wages lost during the trafficking and exploitation experience (also generally referred to as "restitution", "reparation", "redress", "damages").

Country of Origin: The country a trafficked person comes from (also referred to as "source country").

Country of Transit: The country a trafficked person travels through to reach her/his final destination.

Country of Destination: The country that is the ultimate destination of a trafficked person (also referred to as "receiving country").

Cultural Mediator: A foreigner him/herself, the mediator is a professional who functions as an intermediary between the needs of migrants and the response of public services and NGOs to facilitate the placement of foreign citizens into the hosting social context. S/he works respecting neutrality, professional secrecy and equidistant mediation between institution and user (also referred to as "cultural-linguistic mediator").

Data Protection: This must be guaranteed through the regular implementation of security measures for the protection of personal data collected, stored, and used in full compliance with the pertinent laws that protect the right to privacy of any individual.

Empowerment: It is the process of improving the capacity of a person to gain the knowledge, skills and attitude to cope with her/his private and professional life and make self-determined choices and changes. In order to do so, a person must have access to information and resources for taking full,

properly informed decisions and have a wide range of options to choose from.

Guardian: The individual who acquires the primary responsibility for the well-being of the child and co-ordinates the efforts of all involved agencies to ensure the best interests of the child. This individual also serves as the case manager in the cases of referral of child victims of trafficking.

Family Tracing: This is the procedure aimed at identifying the family of the trafficked person assisted when she or he cannot contact or reach them. Such procedure should be put in place only if the trafficked person expresses the wish to return home and stay with her/his family. In the case of a child victim, the family should be found only when this is in the best interests of the child, given the fact that sometimes it is the family, or family members, who are at the source of the trafficking. Family tracing may involve different governmental and non-governmental institutions.

Family Reunification: This is the act of reuniting the trafficked person with her/his family after a thorough risk assessment has been made. It should be made upon the assisted trafficked person will and considered as a long-term solution for her/his social inclusion. Follow-up visits should be made to monitor the process of family reunification and social inclusion, particularly with a view to ensuring that no risks for re-trafficking are present.

First Point of Notification: Institution/organisation that acts as a central point of information, referral and initial support for presumed victims; this institution bears responsibility for nominating the case manager.

Human Rights: Fundamental and universal rights and freedoms that all human beings are entitled to. They consist of civil, political, economic, social and cultural rights that States are obliged to fully respect according to common standards ratified by national and international legislation.

Identified Victim of Trafficking: a person who has been identified as a victim of trafficking according to a formal or informal identification mechanism (also referred to as "Identified trafficked person").

Identity Document: A personal paper or card that gives identifying data (e.g. name, age, nationality, address, etc.) about a person. It is generally issued by local or national institutions.

Individual Assistance Plan (IAP): It is a written agreement jointly developed by the case manager and the assisted trafficked person where goals, activities and services – tailored to the individual’s needs – are clearly defined.

Informed Consent: Any free, voluntary permission or approval to something proposed or requested based on full exposure to all facts; fully informed decisions-making, including awareness of any risks involved and any available options. Information-sharing is an essential component of “informed consent”.

Integration: See “Social inclusion”.

National Referral Mechanism or System (NRM or NRS): “It is a co-operative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, co-ordinating their efforts in a strategic partnership with civil society. The basic aims of an NRM are to ensure that the human rights of trafficked persons are respected and provide an effective way to refer victims of trafficking to services. In addition, NRMs can work to help to improve national policy and procedures on a broad range of victim-related issues such as residence and return regulations, victim compensation, and witness protection. NRMs can establish national plans of action and can set benchmarks to assess whether goals are being met. The structure of an NRM will vary in each country; however, NRMs should be designed to formalise co-operation among government agencies and non-governmental groups dealing with trafficked persons.”⁶²

Non-residential Programme: This is an assistance programme offered to trafficked persons who do not face safety risks and enjoy an autonomous accommodation usually shared with significant others (i.e. partners, family members, friends). The rationale of the non-residential programme is that it is fundamental to value the assisted person’s network in order to support her/his process of social inclusion in the community s/he is living in.

Person at Risk of Trafficking: Any person (minor or adult) who has not been trafficked but, given her/his profile or the appearance of certain indicators, faces a greater possibility of being trafficked in the future⁶³.

⁶² T. Kröger, J. Malkoc, B.H. Uhl, *National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook*, Osce-Odihir, Warsaw, 2004, p. 15.

⁶³ Adapted from Save the Children Italia, *Agire. Austria, Greece, Italy and Romania. Acting for stronger private-public partnerships in the field of identification and support of child victims and at risk of trafficking in Europe. Agire methodology*, mimeo, pp. 6-7.

Personal Data: Identifying (direct or indirect) information or sensitive data related to an identified or identifiable person.

Potential Victim: An individual identified before being exploited who shows strong signs of being in the trafficking process. This differs from a presumed victim, the definition for which appears below (also referred to as “potential trafficked person”).

Presumed Victim: A person who is presumed to be a victim of trafficking but who has not been formally identified by the relevant authorities or has declined to be formally or legally identified (also referred to as “presumed trafficked person”). Presumed victims are entitled to the same treatment as the identified victims from the beginning of the identification process. In some countries, this category of persons is referred to as “potential victim”; however, in this document, potential victim has a different meaning. Please see definition above.⁶⁴

Protection: This is an essential component of any assistance scheme, both for the trafficked person’s physical safety and for the safeguard of her/his prospects of social inclusion in the country of origin, destination, or a third country.

Recovery: The process by which trafficked persons are stabilised and their well-being restored psychologically, socially and physically.

Reintegration: See “Social inclusion”.

Residence Permit: Any permit or authorisation issued by the authorities of a country, in the form provided for under that State’s legislation, allowing a third country national or stateless person to reside on its territory.

Risk Assessment: A formal procedure to identify and assess the risks associated with the trafficked person’s situation and future plan of assistance in the country of origin and/or transit and destination.

Risk Management Plan: A plan that outlines the steps and measures to take in order to reduce to a minimum the risks and effectively manage the ac-

⁶⁴ Each country in the region has different terminology for trafficked persons, particularly those considered ‘at-risk’ of trafficking and those considered to be trafficked but not formally identified as such by authorities. In addition, different organisations also often employ different terms for these categories. In the context of this study, we use the terminologies of ‘potential victim’ and ‘presumed victim’ as outlined in the definitions above and not in conformity with any one country’s or organisation’s terminology.

tivities planned for the trafficked person assisted (e.g. voluntary assisted return, etc.). The plan should be regularly reviewed and updated by the case manager and the assisted trafficked person.

Return: To return to one's country and/or community of origin. In the context of anti-trafficking work, return involves not only the physical transportation of the victim but also mechanisms to ensure that the return is voluntary, assisted, safe and dignified.

Separated Child: A child under 18 years of age who is outside her/his country of origin and separated from both parents, or her/his previous legal/customary or primary caregiver. S/he may be alone or living with extended family members. In either case the child is entitled to international protection under a broad range of international and regional instruments⁶⁵.

Service Providers: Organisations and individuals that provide one or more of the support and assistance measures supplied to trafficked persons. These may include social workers, psychologists, shelter staff, medical personnel or legal professionals from NGOs, IOs and GOs.

Shelter/Residential Facilities: Premises where trafficked persons are hosted. Shelters may be open or closed; offer short- or long-term stay; provide round-the-clock, part-time or no in-house assistance. Shelter should be run by qualified and specifically trained staff. In the case of children, the accommodation has to be appropriate to their specific needs.

Smuggling of Migrants: "(...) the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident"⁶⁶.

Social Inclusion: This refers to the process that ensures that those at risk of poverty and social exclusion have the opportunities and resources necessary to participate in economic and social life, securing a standard of living that is considered acceptable in the society in which they live⁶⁷. It also en-

⁶⁵ Separated Children in Europe Programme, *Statement of Good Practice*, International Save the Children Alliance – Unhcr, Geneva, 2004, p. 2.

⁶⁶ Art. 3 of Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing The United Nations Convention against Transnational Organized Crime (2000).

⁶⁷ http://ec.europa.eu/employment_social/spsi/poverty_social_exclusion_en.htm and Joint Report by the Commission and the Council on social inclusion (2003) http://europa.eu.int/comm/employment_social/soc-prot/soc-ncl/final_joint_inclusion_report_2003_en.pdf.

sure that they have greater participation in decision-making that affects their lives and access to their fundamental rights. Through such a process vulnerable groups are granted access to education, training, employment, accommodation, collective services, and health assistance. A social inclusion programme can take place either in the country of origin or in that of destination.

Trafficked Child: Any person under eighteen who is recruited, transported, transferred, harboured or received for the purpose of exploitation, either within or outside a country, even if no element of coercion, deception, abuse of authority or any other form of abuse is used⁶⁸.

Trafficker: Person complicit in the trafficking of another human being (or human beings) for any form of exploitation.

Trafficking in Human Beings: "(...) the recruitment, transportation, transfer, harbouring or receipt of 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs"⁶⁹.

Transnational Referral Mechanism: This refers to mechanisms and systems designed for the comprehensive assistance and transnational support of victims of trafficking. Transnational referral mechanisms link the full process of referral from initial identification, through return and assistance between countries of transit, destination and origin and involve co-operation between different government institutions and non-governmental actors. This may involve one or all of the steps in the process.

Travel Document: Any identification document required to travel and enter into another country (e.g. passport, identity card, visa, etc.).

⁶⁸ Separated Children in Europe Programme (SCEP), *op. cit.*

⁶⁹ Art. 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (also known as the "Palermo Protocol"), 2000.

Unaccompanied Child: An accompanied child or minor who has been separated from both parents and other relatives and is not being cared for by an adult who, by law or custom, is responsible for doing so⁷⁰.

Victim of Trafficking/Trafficked Person: A person who is subject to the crime of trafficking in human beings (see definition *supra*).

Witness Protection: The range of security measures employed to assure the safety of a witness involved in legal proceedings. Witness protection may be offered, before, during and/or after the legal proceedings and may include any single or combination of measures that are geared towards assuring the safety and security of the witness and her/his family.

⁷⁰ Unicef, *Guidelines on the Protection of Child Victims of Trafficking*, New York, 2006, p. 3.

Annex 2

European and International Legislation on Trafficking in Persons and related-matters

European Legislation

Council of the European Union

- 2008 *Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters.*
- 2006 *Follow-up to the Action Plan on trafficking in human beings, 15321/2/06 REV 2 CRIMORG 177 MIGR 164 ENFOPOL 192, 14 December 2006.*
- 2005 *EU Plan on Best Practices, Standards and Procedures for Combating and Preventing Trafficking in Human Beings, Official Journal C 311 of 9 December 2005.*
- 2004 *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 subjects of an action to facilitate illegal immigration, who cooperate with the competent authorities, Official Journal L 261, 06 August 2004.*
- 2002 *Council Framework Decision on Combating Trafficking in Human Beings (2002/629/JHA).*
- 2001 *Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (2001/220/JHA).*

European Commission

- 2008 *Commission Working Document – Evaluation and monitoring of the implementation of the EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings, COM (2008) 657 final, 17 October 2008.*
- 2006 *Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions – A Roadmap for equality between women and men 2006-2010 (COM 2006/92 final).*
- 2006 *Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee – Developing a comprehensive and coherent EU strategy to measure crime and criminal justice: An EU Action Plan 2006-2010, COM(2006) 437 final, 7 August 2006.*
- 2005 *Communication from the Commission to the European Parliament and the Council – Fighting Trafficking in Human Beings – An Integrated Approach and Proposals for an Action Plan (COM 2005/514).*
- 2002 *Brussels Declaration on Preventing and Combating Trafficking in Human Beings.*

European Parliament

- 2006 *Draft Report with a proposal for a European Parliament recommendation to the Council on fighting trafficking in human beings – an integrated approach and proposals for an action plan (2006/2078(INI)), Committee on Civil Liberties, Justice and Home Affairs.*
- 2004 *European Parliament resolution on strategies to prevent the trafficking of women and children who are vulnerable to sexual exploitation (2004/2216(INI)).*
- 2000 *Charter of Fundamental Rights of the European Union, Official Journal C 303 of 14 December 2007.*

European Parliament and Council of European Union

- 2002 *Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector, Official Journal L 201/37, 31 July 2002.*
- 1995 *Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, Official Journal L 281, 23 November 1995.*

Council of Europe

- 2005 *Convention on Action Against Trafficking in Human Beings, CETS no. 197, 16 May 2005.*
- 1981 *Convention for the protection of individuals with regard to automatic processing of personal data, Council of Europe, ETS 108, 28.1.1981.*
- 1950 *Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocol No. 11, Rome, 04.11.1950.*

Organisation for Security and Co-operation in Europe (OSCE)

- 2006 *Brussels Ministerial Council Decision No. 14/06, Enhancing efforts to combat trafficking in human beings, including for labour exploitation, through a comprehensive and proactive approach, MC(14) Journal No. 2, Agenda item 8, 5 December.*
- 2003 *Action Plan to Combat Trafficking in Human Beings, Annex, PC.DEC/557, 462nd Plenary Meeting, 24 July 2003.*
- 2003 *Maastricht Ministerial Council Decision No. 2/03 Combating Trafficking in Human Beings, 1- 2 December 2003.*

International Legislation

United Nations

- 2000 *Convention against Transnational Organized Crime (General Assembly resolution 55/25).*

- 2000 *Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime* (General Assembly resolution 55/25, Annex III).
- 2000 *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* (General Assembly resolution 55/25, Annex II).

United Nations Office of the High Commissioner for Human Rights

- 1990 *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. Adopted by General Assembly resolution 45/158 of 18 December 1990. Enters into force on 1 July 2003.
- 1989 *Convention on the Rights of the Child*. Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25, of 20 November 1989, entry into force 2 September 1990, in accordance with article 49.
- 1956 *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery*. Adopted by a Conference of Plenipotentiaries convened by Economic and Social Council resolution 608 (XXI) of 30 April 1956 and done at Geneva on 7 September 1956 entry into force 30 April 1957, in accordance with article 13.
- 1926 *Slavery Convention*, entered into force in 1927. The *Slavery Convention* was amended by the *Protocol*, 182 U.N.T.S. 51, entered into force December 7, 1953.

International Labour Organisation

- 1999 Worst Forms of Child Labour Convention No. 182.
- 1957 *Abolition of Forced Labour Convention* No. 105.
- 1930 Convention on Forced Labour No. 130.

Annex 3

The Child's Guardian⁷¹

Appointment Process

As soon as a child victim is identified, a guardian shall be appointed by a competent authority to accompany the child throughout the entire process until a durable solution that is in his or her best interests has been identified and implemented⁷².

If the trafficked child is not unaccompanied, care should be taken to assess whether his or her current guardian is indeed suitable to ensure the child's best interests are fully represented. If the existing guardian cannot represent the child's best interests, another guardian shall be appointed.

States shall define the competent authority in charge of appointing the guardian (guardianship service), the legal status of the guardianship (legal guardian, temporary guardian, adviser/representative, social worker or NGO worker), and all the necessary protocols and procedures.

In appointing the guardian, the competent authority shall take into consideration whether the child is unaccompanied, separated, or with his or her parents. Agencies or individuals whose interests could conflict with those of the child, or any individual or institution who is accused of or complicit in the trafficking of the child, cannot be eligible for guardianship⁷³

In appointing the guardian, the competent authority shall give due weight to the child's views and shall keep the child informed⁷⁴.

The guardianship service will be held accountable for the acts of the appointed guardian. Review mechanisms shall be put in place to monitor the

⁷¹ UNICEF, *Guidelines on the Protection of Child Victims of Trafficking*, New York, 2006, pp. 16-17.

⁷² CRC General Comment 06 c.21, c.33; Council of Europe Convention art. 10. The appointment of a guardian may be perceived as a challenging task in many developing countries due to administrative and financial constraints. Viable solutions at the local level may be explored.

⁷³ CRC General Comment 06 c.33, c.37, c.55.

⁷⁴ CRC General Comment 06 c.25; CRC art. 12.

quality of the exercise of guardianship in order to ensure the best interests of the child are being represented throughout the decision-making process and, in particular, to prevent abuse⁷⁵.

The State shall ensure that the guardianship service is empowered to take any action that is in the best interests of the child victim⁷⁶.

All law enforcement personnel involved and any other relevant official services or NGOs shall be informed of the contact details of the guardianship service⁷⁷.

Individuals appointed as guardians must have relevant child protection experience, knowledge of child rights/human rights and an understanding of the specific needs of child victims, including those specific to gender.

Guardians shall be given specialized training, professional support and appropriate assistance in the performance of their responsibilities⁷⁸.

In large-scale emergencies, where it will be difficult to establish guardianship arrangements on an individual basis, the rights and best interests of separated children should be safeguarded and promoted by States and organisations working on behalf of these children⁷⁹.

Such guardianship shall be maintained until the child has reached the age of majority, or has permanently left the territory and/or jurisdiction of the State⁸⁰, or is returned to his or her parents or legal guardian within the territory of the State⁸¹. Whenever possible, guardians should be the same gender of the child victim and the same person shall accompany the child victim as guardian throughout the entire process.

Responsibilities of the Guardian

Regardless of the legal status of the individual appointed as the guardian, their responsibilities shall include⁸²:

⁷⁵ CRC General Comment 06 c.35.

⁷⁶ CRC art. 18.

⁷⁷ SEE Guidelines art. 3.3.3.

⁷⁸ CRC art. 18; Council of Europe Convention art. 29; CRC General Comment 06 c.95.

⁷⁹ CRC General Comment 06 c.38; Interagency Guidelines p. 47.

⁸⁰ It will be important to plan the transitioning to new guardian if children are sent to another country, in order to enhance cooperation and coordination during the process.

⁸¹ CRC General Comment 06 c.33.

⁸² CRC art. 20; CRC General Comment 06 c.25, c.28.

1. To ensure that all decisions taken are in the child's best interests;
2. To ensure that the child has appropriate care, accommodation, health care provisions, psycho-social support, education and language support;
3. To ensure that the child has access to legal and other representation where necessary;
4. To consult with, advise and keep the child victim informed of his or her rights;
5. To contribute to the identification of a durable solution in the child's best interests;
6. To keep the child informed of all the proceedings;
7. To establish and maintain a link between the child and the various organisations which may provide services to the child;
8. To assist the child in family tracing;
9. To ensure that if repatriation or family reunification is possible, it is done in the best interests of the child;
10. To ensure the relevant paperwork is completed.

The guardian shall have the right to refuse the child to give testimony in criminal and civil (judicial) proceedings if this is in the best interests of the child⁸³.

The guardian shall help the child throughout the law enforcement procedures. If the guardian feels at any time during police interviews that the child should have benefit of legal counsel, he or she shall have the right and responsibility, to inform the police of the need to terminate the interview until legal counsel may be present⁸⁴.

In cases where children are involved in asylum procedures or administrative or judicial proceedings, they shall, in addition to the appointment of a guardian, be provided with legal representation⁸⁵.

Until a durable solution has been found for the child's future, the child shall remain under the responsibility of the appointed guardian.

⁸³ SEE Guidelines art. 3.2.2.

⁸⁴ *Ibidem*.

⁸⁵ CRC General Comment 06 c.36; Inter-agency Guidelines p. 47.

Annex 4

The Cultural Mediator

The cultural-linguistic mediator⁸⁶ does a job that facilitates the placement of foreign citizens into the hosting social context.

The cultural-linguistic mediator⁸⁷ works within services, structures, bodies, institutions, public offices, schools, police stations and courts, respecting neutrality, professional secrecy and equidistance between institution and user.

The role of the mediator is an auxiliary role alongside people performing jobs that have already been consolidated and legitimated socially and institutionally (educator, teacher, social worker, etc.) A foreigner him/herself, the mediator is a professional who functions as an intermediary between the needs of migrants and the response of public services.

The mediator is generally called upon to intervene at the first symptoms of conflict to reduce the risk that these generate particularly negative and/or violent actions.

When circumstances allow, she/he takes preventive action by serving as a go-between who encourages and facilitates the relationship between people who belong to different cultures. By acting before conflicts appear, she/he prevents social selection mechanisms from discriminating simply on the basis of ethnicity.

Mediation may require highly differentiated measures, techniques and ways of getting involved: listening, company, support, guidance, information, translation and consultancy on aspects of cultural belonging.

The **main tasks** of a cultural mediator may be summarized as follows. He or she:

⁸⁶ In this context, the terms “cultural-linguistic mediator” and “cultural mediator” are used as synonyms.

⁸⁷ Adapted from a document developed by the International Training Centre of the International Labour Organisation and the Italian Government (Turin), see: training.itcilo.it/esf/tantetinte/docs/Cultural_mediator.doc

- Enables and ensures correct communication and mutual understanding between service operators (social services, medical staff, teachers, etc.) and foreign users;
- Deals with the reception given to foreign users;
- Guides foreign users and informs them about other locally available services;
- Accompanies foreign users to local services;
- Sees to the translation of information material and documents;
- Helps with the writing of information material by handling aspects specific to the culture of ethnic minorities;
- Undertakes cultural interpretation (providing consultancy on cultural assumptions and stereotypes);
- Explains to foreign users the roles and competences of the staff who work for the local/national body or service;
- Makes suggestions to services on planning their activities with the specific needs of foreign users in mind.

The **skills needed** for the role of cultural-linguistic mediator are as follows. He or she:

1. Has an excellent oral and written command of her/his mother tongue, together with a good command of the local language;
2. Is well informed about locally available services and opportunities;
3. Has good listening and communication skills;
4. Can render explicit what is often said implicitly;
5. Knows the customs, habits and specific features of both cultures;
6. Knows the institutional and regulatory framework governing health care, the school system, the training system, and access to the job market in the hosting country;
7. Is emotionally neutral;
8. Knows how to keep an equal distance between institution and user, without imposing or taking sides;
9. Knows how to handle micro-conflicts;
10. Knows how to encourage and enhance the factors that make for social inclusion by facilitating immigrants' access to the world of work, the education system, and public and private care;
11. Has the ability to endow each mediation action with a meaning that goes beyond the resolution of an individual problem or conflict to form part of a project of socio-cultural development for both the migrant and the host community;

12. Follows a method and an action model based both on professional competence, and hence on the acquisition of knowledge and techniques, and on reference to a strategy of actions carried out in conjunction with other local services.

One professional skill is especially important, namely the ability to use feedback mechanisms to monitor the effects of measures taken.

The mediator must be able to compare him/herself with other mediators and with other mediation situations by periodically analysing the problems encountered and identifying new ways to provide support. It is therefore important for the mediator to be part of an associative context. This context (mediators' associations, groups or cooperatives) provides opportunities for comparison with other people doing the same work, together with access to consultants and experts regarding the most serious cases.

Three are the **main spheres of action** of a cultural-linguistic mediator.

The cultural mediator acts first at the individual level, through relationships that re-establish immigrants' identities and enhance respect for them. The mediator must make an unexpressed cry for help heard, and must seek shared areas of understanding between the parties.

The second sphere of action is at the organisational level, where the mediator mobilizes local public and private institutions and improves their ability to network, so that supply matches demand.

The third sphere of action is at the social level, where the mediator helps a welfare community to emerge, developing an education in rights not just in possession, together with a new social policy based on education in solidarity.

Annex 5

The Age Assessment⁸⁸

Age-assessment procedures must balance physical, developmental, psychological, environmental and cultural factors. They should only be undertaken as a measure of last resort, not as standard or routine practice, where there are grounds for serious doubt and where other approaches, such as interviews and attempts to gather documentary evidence, have failed to establish the child's age. If an age assessment is thought to be necessary, informed consent must be gained and the procedure should be multi-disciplinary and undertaken by independent professionals with appropriate expertise and familiarity with the child's ethnic and cultural background. It is important to note that age assessment is not an exact science and a considerable margin of uncertainty will always remain inherent in any procedure. In making an age assessment separated children should be given the benefit of the doubt. Examinations must never be forced or culturally inappropriate. The least invasive option must always be followed and the child's dignity must be respected at all times. Particular care must be taken to ensure assessments are gender appropriate and that an independent guardian has oversight of the procedure and should be present if requested to attend by the child.

The procedure, outcome and the consequences of the assessment must be explained to the child in a language that they understand and there should be a procedure to appeal against the decision.

In cases of doubt there should be a presumption that someone claiming to be less than 18 years of age will provisionally be treated as such. A child should be allowed to refuse to undergo an assessment of age where the specific procedure would be an affront to their dignity or where the procedure would be harmful to their physical or mental health. In such instances a refusal to agree to the procedure must not prejudice the assessment of age or the outcome of the application for protection.

⁸⁸ Separated Children in Europe Programme (SCEP), *op. cit.*, p.

Annex 6

The WHO Ten Guiding Principles to the Ethical and Safe Conduct of Interviews with Trafficked Persons⁸⁹

1. Do no harm

Treat each person and the situation as if the potential for harm is extreme until there is evidence to the contrary. Do not undertake any interview that will make a person's situation worse in the short term or longer term.

2. Know your subject and assess the risks

Learn the risks associated with trafficking and each person's case before undertaking an interview.

3. Prepare referral information – do not make promises that you cannot fulfil

Be prepared to provide information in a person's native language and the local language (if different) about appropriate legal, health, shelter, social support and security services, and to help with referral, if requested.

4. Adequately select and prepare interpreters, and co-workers

Weigh the risks and benefits associated with employing interpreters, co-workers or others, and develop adequate methods for screening and training.

5. Ensure anonymity and confidentiality

Protect a respondent's identity and confidentiality throughout the entire interview process – from the moment s/he is contacted through the time that details of her/his case are made public.

6. Get informed consent

Make certain that each respondent clearly understands the content and purpose of the interview, the intended use of the information, her/his right

⁸⁹ Adapted from World Health Organisation, *WHO Ethical and Safety Recommendations for Interviewing Trafficked Women*, Geneva, 2003, p. 4.

not to answer questions, her/his right to terminate the interview at any time, and her/his right to put restrictions on how the information is used.

7. Listen to and respect each person's assessment of her/his situation and risks to her/his safety

Recognize that each person will have different concerns, and that the way s/he views her/his concerns may be different from how others might assess them.

8. Do not re-traumatize a person

Do not ask questions intended to provoke an emotionally charged response. Be prepared to respond to a person's distress and highlight her strengths.

9. Be prepared for emergency intervention

Be prepared to respond if a person says s/he is in imminent danger.

10. Put information collected to good use

Use information in a way that benefits an individual person or that advances the development of good policies and interventions for trafficked persons generally.

Annex 7

The Teramo Protocol for the Identification of and the Approach to Potential Victims of Trafficking in Human Beings⁹⁰



PUBLIC PROSECUTOR'S OFFICE Teramo Court of Justice

**To The Chief of Police of Teramo
To The Provincial Chief of the Teramo Carabinieri
To The Provincial Chief of the Teramo Financial Police
To Officers of the Judiciary Police Divisions - Headquarters**

Subject: Guidelines for the approach to potential victims of trafficking in human beings or exploitation, and of aiding and abetting illegal immigration.

Considering the proceedings of the conference held in Teramo on 16 June 2005 on the subject of integrated actions to combat trafficking in human beings and further victim protection within the province of Teramo, in which various criminal police forces took part, divided also into specific working groups;

Having sought the opinions of the representatives of the various criminal police forces and the Head of the Immigration Office at the Teramo *Questura* (Police Headquarters), who took an active part in the aforementioned seminar;

⁹⁰ This document was jointly drawn up by the Public Prosecutor's Office in Teramo, the Associazione On the Road, the Immigration Office at the Teramo Police Headquarter ("Questura") and the other Law Enforcement Agencies. The Protocol was circulated by the Public Prosecutor's Office in Teramo to all Law Enforcement Agencies within the province along with a list of indicators to identify trafficked persons and an interview format for the initial screening of the potential victim.

Considering the Chief Prosecutor's Directive ***** at the L'Aquila Court of Appeal, Prot.*****, dated *****;

Considering the Protocol***** between the Public Prosecutors' Offices of the Appeal Court district of L'Aquila and the District Anti-Mafia Prosecutor's Office, signed and dated *****;

Considering the existence of a further district policy project on how to carry out the investigations and develop "good practices" with regard to the subject of trafficking in human beings and the aiding and abetting of illegal immigration, intended to standardise investigative procedures;

Acknowledging that it is necessary to identify common and consistent coordination criteria for the various stages of the approach to potential victims, as well as the subsequent related investigations

The following has been agreed:

Appointment of responsible officers and contact persons

A) The appointment of one or more contact persons (and their substitutes) within the Teramo *Questura* Immigration Office is a matter of priority – in line with Ministerial Circulars. Under the umbrella of and in line with the objectives set out in Art. 18 of Legislative Decree No. 286/1998, this person or persons would be responsible for:

- a) Ensuring that all organisational procedures and administrative regulations are fully explained to the entire staff of the various law enforcement agencies who, by nature of their office, come into contact with potential victims of trafficking and exploitation. To this end, the afore-mentioned contact person may also hold meetings for the purposes of information and planning;
- b) Coordinating the activities of the aforementioned members of staff (in relation to the identification and initial support of potential victims of trafficking and exploitation) and any needs and requirements of an administrative nature under Legislative Decree No. 286/98;
- c) Maintaining contacts with the referring Counsel for the Prosecution's Office and the accredited public and private social services within their own area of competence.

B) The provincial chiefs of the State Police, the *Carabinieri* and the Financial Police, each within their own sphere of competence, shall identify one or

more officers to be responsible for: 1) procedures for identifying potential victims of trafficking and exploitation; 2) managing inquiries into crimes as detailed in Articles 600, 600 bis, 601, 602 of the Criminal Code, Art. 12 of Legislative Decree No. 286/1998, Art. 3 of Law No. 75/1958 (and related crimes).

The aforementioned officers should always work in tandem with the contact person under Art. 18 of Legislative Decree No. 286/1998 (Immigration Office Contact Person), with a view to planning investigative requirements that dovetail with those of an administrative nature, undertaken by the Immigration Office.

They should, furthermore:

- Deal directly with the Counsel for the Prosecution;
- Conduct relationships with the accredited public and private social services, heedful of victim management obligations during on-going investigations, and mindful of victim protection and the latter's active collaboration with these investigations.

Criteria for approaching potential victims:

A) When the first contact with a potential victim of trafficking in human beings or exploitation is initiated by members of the law enforcement agencies on the street or in indoor locations, officers shall:

1. Not lose sight of the fact that they may be dealing with potential victims of extremely serious crimes;
2. Bear in mind the possibility that behind even the simplest case of "illegal" immigration there may lie a story of trafficking, exploitation or aiding and abetting these crimes;
3. Avoid intimidating behaviour;
4. Keep the Immigration Office contact person fully informed about the person being watched and keep him/her up to date;
5. Inform the investigative contact person from the criminal police force in question (obviously the need for this will be obviated when the official contact persons in question are working directly and in the front line such as, for example, where a victim is being accompanied to a police station by one of the protection agencies to make a report).

In any case, moreover, the investigative contact person attached to the criminal force has a duty to:

1. Inform the person concerned that information and help are available 24 hours a day on Toll Free Hotline - *Numero Verde* Number 800.290.290, where female mediators who speak all the languages of the victims' main countries of origin are available;
2. Inform the social services (accredited public or private services) operating in the field so they can verify whether there are possible situations of exploitation or trafficking;
3. Set the victim identification procedures in motion, based on the "interview" models, subject to contact with the cultural mediator (as per the registers provided by the Immigration Office reporter). *The interview procedures* shall be adopted as the standardised model to be used by the Immigration Office at the *Questura* and, therefore, by all the criminal police forces. They should be drawn up in writing and kept among the official records;
4. Should they consider the person to be a possible victim of trafficking, they shall make contact with an accredited association or the social service. Once contact has been made, the aforementioned referent, subject to agreement with the contact person under Art. 18 of Legislative Decree No. 286/98, should accompany the potential victim to the accredited bodies or invite them, in writing, to appear before the Immigration Officer;
5. Simultaneously, they shall **inform, also in writing, the Counsel for the Prosecution (in charge of an existing procedure or whosoever is on duty)** for the adoption of instructions in the case, both in terms of the immediate instigation of the investigations and in terms of the provisions of Art. 18 of Legislative Decree No. 286/98.

B) When the first contact with a potential victim of trafficking or exploitation takes place inside the Questura involving members of the Immigration Office staff.

The Immigration Office staff shall:

1. **Inform the contact person at the Immigration Office immediately**, who should then:
 - a) Take the possible victim away from the place in which potential traffickers/exploiters or persons who might make contact with them may be found. To this end, a room should be assigned inside the Police Headquarters, possibly free of distinguishing features and in which the victim can be sure that his or her

- primary needs will be satisfied (possibly overseen by the accredited social services);
- b) Inform the possible victim, in easily-understood language, about the provisions offered by the Italian legal system;
 - c) Contact the cultural mediator (on the basis of the aforementioned lists), together with whom a preliminary interview with the possible victim will be conducted, based on the agreed procedures;
 - d) Depending on the outcome of the interview, the contact person under Art. 18 of Legislative Decree No. 286/98 shall agree the potential victim management procedure and referral with the accredited association or the social service, in order to plan the follow-up visit to the Immigration Office to submit the relevant documentation in conformity with Art. 18 of Legislative Decree No. 286/98.

The contact person and the Immigration Office employees shall, however:

- 2. Bear in mind the fact that despite appearances they could be dealing with a possible victim of extremely serious crimes;
- 3. Bear in mind the possibility that behind even the simplest case of “illegal” immigration there may lie a story of trafficking, exploitation or aiding and abetting these crimes;
- 4. Set the victim identification procedures in motion in line with the afore-mentioned interview protocols, above all when dealing with “at risk categories” (children, prostitutes, etc.);
- 5. Within the bounds of the investigation, where there is strong evidence of the distinguishing signs of trafficking or exploitation, advise the investigative contact persons at the flying squad without delay, advising in writing the Counsel for the Prosecution so that the investigative procedures can be instigated.

The following steps shall be followed even outside the interviewing environment:

- a) Inform the person about the provisions of the Italian legal system: the workings of “Social Protection” Art. 18 (and the correlative legalisation, which carries no obligation to denounce the trafficker) and assisted voluntary return; inform the person that information and help are available 24 hours a day on Toll Free Hotline - *Numero*

- Verde* Number 800.290.290, where female mediators who speak all the languages of the victims' main countries of origin are available;
- b) Where possible, pamphlets dealing with legal matters and information in several languages should be circulated to and made available in the Immigration Office centres where the desks dealing with the receipt of applications and the consignment of permits are located, as well as in other places that foreign citizens may frequent for whatever reason;
 - c) Inform detainees that they have a right to the services of a lawyer and possibly also to free legal aid.
- There is clear evidence, even at this stage, that there is a need for (six-monthly) meetings to be organised, on the initiative of any one of the participants, among the Immigration Office contact persons, the responsible investigating officers in each law enforcement agency, the officers of the accredited associations and social services involved to the greatest extent, in order to monitor the results of activities carried out in line with this directive and suggest any updates and/or amendments.

The same directives apply to all cases, whether the potential victim is referred to the Public Prosecutor's Office or to the Immigration Office by the accredited public or private social services.

Public Prosecutor

Annex 8

Comments and Complaints Procedures⁹¹

How to make a complaint about a service offered

- In person;
- By phone or e-mail;
- By post;
- A complaint can be made anonymously.

Making a complaint by phone or email:

- Tell the operator/ write in your e-mail the nature of your complaint;
- The operator/ receptor of your complaint must raise your complaint with the service manager;
- Upon receiving your complaint, the service manager will respond within 15 days.

You can be sent a response by e-mail or post. If you wish to remain anonymous, then a response to your complaint will be posted on our website. In the event that our organisation is at fault, steps will be taken to remedy the problem. In the event that you have already complained and are still not happy with the outcome, we recommend that you contact:

- Our manager (at the organisation's address or by phoning the office);
- La Strada's board (which is responsible for naming the organisation's manager, and which is responsible for the course the organisation follows. You can contact the board by writing to us at our normal address);
- Prague City Hall (City Hall hands out the authorisation which allows us to provide social services. Its address is: Odbor socialni pece a zdravotnictvi MHMP, Charvatova 145/9, 11000 Praha 1).

⁹¹ These are the practical procedures developed by La Strada Czech Republic to allow the assisted trafficked persons to make a complaint about the services offered or give any sort of recommendation on how to improve the quality of the services provided. See: www.strada.cz

Making a verbal complaint

When making a verbal complaint you may use one of La Strada's interpreters. You must make a written complaint in the language that you use when communicating with your social worker or consultant. When making a complaint you can also choose a representative; you have complete freedom in the choice of your representative.

Comments

If you have any recommendations on how to improve the quality of our services, you can also share your comments with us. You can address your comments to your social worker or consultant, or indeed the service manager. These individuals will take your comments into consideration. They, however, do not have to react to a comment and are not bound to tell you about what they will do in light of your comment.

Annex 9

Co-ordination Mechanism for Referral, Care and Protection of Repatriated Bulgarian Unaccompanied Minors



REPUBLIC OF BULGARIA
COUNCIL OF MINISTERS

NATIONAL COMMISSION FOR COMBATING
TRAFFICKING IN HUMAN BEINGS

Introduction

This Mechanism was created to set up obligations for co-operation between stakeholders, involved in fight against trafficking in human beings and children in particular. Implementing this mechanism, the stakeholders are guided by the principles of the best interest of the child, inter-institutional information exchange and collaboration, multidisciplinary approach at a national and local level, flexibility in decision making process and setting of long-term goals, case ethics. The mechanism provides opportunities for its inclusion in municipal child protection strategies, as well as in job descriptions of the professionals involved in its implementation. The effective functioning of the mechanism is provided by the development of a continuing training program of professionals and provision of handouts.

The Co-ordination mechanism (CM) is based on the national child protection legislation and on legislation against trafficking in human beings and is in conformity with the international acts, ratified by Republic of Bulgaria. It is a part of the National Action Plan against Commercial Sexual Exploitation of Children 2003 – 2005 and the basic principles of the Mechanism are included in the National Program against Trafficking in Human Beings for 2005.⁹²

⁹² The Cooperative Mechanism is subject to amendment after the opening of shelters for temporary placement and support of children –victims, envisaged under LTHB, crisis teams or providers of social services, so they can be included in this mechanism.

The Co-ordination mechanism will be updated, if necessary, no later than 12 months after its official distribution. Reporting of the achieved results will be done by the Co-ordinative Expert Council, SACP and MI being the co-ordinators.

I. System for Inter-institutional Referral of Exact Cases

The system for inter-institutional referral to exact cases makes the complex, quick and effective study of exact cases easier, after receiving a signal from abroad and includes the system of bodies at national and local level, which identify, lead, rehabilitate and reintegrate the child and study the case. The system at national level includes MI, SACP, ASA, MES, MFA, NCTHB, IOM, ILO, etc. At local level, multidisciplinary teams are created in CPD, which include representatives from RPD, REI, EA, NGO, providers of social services and others, appointed by SAD/CPD⁹³. In case the child – victim of trafficking is a foreign citizen on the territory of Republic of Bulgaria, the same CM is implemented, by including a representative from the State Agency for Refugees.

II. Stages of the Co-ordination Mechanism

The stages, under which the referral of the exact case of child – victim operates, are as follows:

- Identifying the child and investigating the reasons for him/her going abroad and for the involvement in exploitation;
- Studying the family and social environment of the child in order to take measures in the best interest of the child /reintegration, placement with family and relatives, etc., envisaged in CPA, rehabilitation of the child by enrolling him/her in the educational system, alternative education, professional consultation and training and/or provision of social services⁹⁴;
- Following up the case for a certain period in order to prevent the next taking the child abroad, submitting a trimester report by the team, working on the exact case at local level;

⁹³ This mechanism will be integrated in the Child Labor Monitoring System, which will be piloted in four country regions, according to the ILO Program against child labor and the Memorandum for agreement between ILO and Republic of Bulgaria, signed on March 22, 2005.

⁹⁴ NGO, working in the interdisciplinary team, have to be licensed by the President of SACP for the provision of social services for children

- Obligation of the working team to inform the partners for every change in the circumstances;
- The returning institution provides if possible, maximum information about the health and emotional status of the child, including his attitude to the fact that he/she returns to his country, as well as the position of the involved professionals, who have worked with the child during his stay in the country of destination.

IV. Signals for Children Victims

Bulgarian and other relevant bodies receive signals for cases of unaccompanied Bulgarian children abroad or of children-victims of trafficking.

V. Hypotheses for Repatriation:

5.1 The child returns to Bulgaria after a longer stay abroad, which gives an opportunity for detailed preliminary assessment of the case.

Under this hypothesis the following bodies are informed simultaneously: “CIAAD”, NPD, NBP to MI and SACP. Authorities of these bodies are as follows:

MI:

- States or confirms the identity and the address of the child, the family and relatives;
- Provides a representative during the meeting when necessary and after a preliminary agreement with the ASA professionals. In case of intervention of MI personnel, the meeting and accompanying of Bulgarian adolescents and minors is done as usual;
- Begins the identification of the child and his/her addresses after receiving information from NPD, NBP, CPD, RPD;
- Sends information to CIAAD with a copy to SACP, which undertakes assessment of social and family environment, as mentioned above;
- Initiates assessment of circumstances surrounding leaving the country by the child for prosecuting the perpetrators if data is available for parental participation in taking the child abroad for labor and sexual exploitation⁹⁵.

⁹⁵ Meeting and accompanying of the repatriated from abroad adolescents and minors is done to the relevant MI structure as usual

SACP:

- Informs SAD by the address when there is data or by the birthplace of the child and sends a copy to ASA and RPD;
- Informs SAD for the organisation of the child meeting and sends a copy to the MI and ASA;
- Provides the co-ordination and co-operation between the institutions until the end of the reintegration process or the provision of the child protection measure;
- Initiates an investigation of the social and family environment, by sending an inquiry to the SAD with a copy to ASA.

ASA:

- Provides a representative from the competent SAD to meet the child at the border checkpoints.

SAD/CPD:

- Creates a multidisciplinary team with police officers, specialized in working with children and other professionals, after the approval from SAD;
- Makes a social report and action plan with a proposal for taking measures in the best interest of the child in the shortest term possible⁹⁶.

HTPJM:

- Provides relevant specialists for rendering psychological and/or social support;
- Applies the procedures of Regulation for the organisation and work of the homes for temporary placement of juveniles and minors.

Specialized child institutions:

- In a case of confirmed child identity, according to the case specifics, he/she is placed in specialised institution, according to CPA and the

⁹⁶ The action plan has to envisage a package of measures and services and a proposal for action, which has to be taken by the institutions, as well as the terms and the people responsible for their completion. The plan has to be coordinated with the multidisciplinary team. The assessment of every case has to include also a risk assessment whether the child can be taken abroad again or can become a victim of another form of violence and discrimination. Governmental institutions on national and local level support the implementation of the action plan activities.

Ordinance for the Terms and Procedure for Providing Police Protection of the Child.

Parents or persons raising the children-victims:

- Parents are informed of all actions, envisaged in the Action Plan unless there is a risk to the child;
- The identity of the parents is taken according to the LBID and Law for MI⁹⁷.

Person, submitting signal for child-victim:

- Is informed about the taken measures by the relevant institutions

5.2 The child returns to Bulgaria with minimal notice to the Bulgarian authorities (time, which does not allow the measures under hypothesis 1). Accordingly, the study and the assessment of the case are to be done after the return of the child. Bearing in mind the urgency of the measures taken it is appropriate that communication between institutions is done by fax or e-mail.⁹⁸

The authorities of the responsible institutions under this hypothesis are as follows:

MI:

- Determines or confirms the child's identity and place of residence, the family and relatives;
- Provides a representative at the meeting especially in case of unidentified people, by sending the investigation results to the competent institution with a copy to SACP and ASA;
- In cases of undefined identity the child is accompanied to the nearest structure section /PO, RPO, RDI/, or to the nearest HTPJM close to the

⁹⁷ In case of undertaking measures for protection of the child or return of the child to the parents, the system for social assistance must be used for the specific case.

⁹⁸ The specific of the hypothesis requires urgent action when there is little information from the different institutions and there are parallel procedures regulated in different legal acts that demand better knowledge of the legislation in order to meet the needs and to protect the best interest of the child. This specificity enforces meeting the children taken back according to this hypothesis and taking care of them till the other protection bodies join the procedure to be done by the structures of MI /this part of the mechanism will be changed by the creation of asylums for temporary accommodation of persons victims of trafficking in accordance with Combating Trafficking in Persons Act – CTPA/ or by a crisis center at a municipal level.

border post, where the child has been met. SAD by actual or permanent address must be informed /with a copy to SACP and ASA/ for starting a research and protection measures. After having collected sufficient data about the child's place of birth or the parents' place of residence, the SAD, RPO in charge are informed with a copy to SACP and ASA for undertaking protection measures at a local level;

- In cases of clarified child identity he/she is placed in a specialized institution in accordance with the Child Protection Act.⁹⁹

SACP:

- Informs SAD at residence or when data exists at the child's place of birth with a copy to ASA and RPO;
- Provides the co-ordination and co-operation between the institutions until the end of the reintegration process or the launching of protection measures.¹⁰⁰

VI. System for Social Support of Exact Cases

Considering the place of residence of the child after his/her return there are two hypotheses standing:

6.1 After the child's return to Bulgaria he/she is placed in a specialized institution or in an asylum for temporary accommodation under the Law Against Trafficking in Human Beings.

- Responsible institutions and functions

MI, SACP and ASA

- Co-ordination and methodological support.

SAD/CPD by actual address of the child

- Undertakes social work with the child;
- Undertakes social inquiry;
- Prepares short and long-term action plans;

⁹⁹ The meeting and accompanying of the repatriated adolescents and minors is done to the relevant MI structure as specified.

¹⁰⁰ In case the child does not agree with his/her returning into family environment and/or is a victim of violence in the family and/or there is serious danger of damaging his/her physical, mental, moral, intellectual and social development, or risk for child's life and health, immediate action for placing the child outside the family, should be taken, under CPA. In this case relevant bodies should be informed for beginning of investigation

- In case of moving the child to another settlement during the current work on the case, informs and transfers the whole information to the SAD/CPD department by present residence of the child/deadline 1 week;
- Performs an investigation and prepares a social report including a statement about the opportunities for continuing the already existing reintegration plan. If necessary, proposes new measures;
- Informs SACP and MI with a copy to ASA and to the signal submitter for every change of the circumstances;
- Prepares trimester reports for every case of returned child and for the planned activities on the case by the multidisciplinary team at a local level until finishing the reintegration plan or launching long-term protection measures;
- Co-operates and continuously exchanges information with other SAD/CPD, working on the case for guaranteeing the best interest of the child.

Multidisciplinary team on local level

- Prepares trimester reports for every case of returned child and for the planned activities on the case under the SAD/CPD supervision.¹⁰¹

Other

- Representatives from RHC, RIE to MES for involving the child in different reintegration programs, and preventing taking the child abroad again.¹⁰²

6.2 The child is given back to the holders of the custody rights - trustees, guardians or relatives and close family where the child is placed in accor-

¹⁰¹ It is applicable that more than one multidisciplinary team is involved according to the specificity of the exact case.

¹⁰² A hypothesis of a foreign child, with double citizenship or without citizenship - victim of trafficking is also possible. In accordance with article 2 from the Convention on Child's Rights the countries on the Convention respect and provide the envisaged there rights of every child in the borders of their jurisdiction without any form of discrimination no matter of the race, skin color, gender, language, religion, political or other views, national, ethnic or social origin, property status, disability, birth or other status of the child or of his/her parents or legal guardians. Actions should be undertaken by the competent SAD/CPD by present residence of the asylum. The actions should include supporting work guaranteeing the physical and mental health of the child, his/her rights and interests.

dance with the Child Protection Act. In these cases the returning of the child is done when:

- The identity of the child and the holders of custody rights, guardians and trustees or relatives and close family is determined and confirmed;
- A document for exercising parental rights/e.g. a document from CRAS, that persons are not deprived of parental rights/ or providing care, is issued;
- An existence of a statement from SAD/CPD by present residence of the holders of custody rights, guardians and trustees or relatives and close family /not considering the cases of urgent return of the child.

Responsible Institutions and Functions

MI, SACP and ASA

- Co-ordination and methodological support.

SAD/CPD by actual address of the child

- Undertakes social work with the child;
- Undertakes social inquiry;
- Prepares short and long-term action plans, which can include support measures for the family, bearing in mind the new risk from taking the child abroad or involvement in labor and sexual exploitation;
- In case of moving of the family to another settlement during the current work on the case, informs and transfers the whole information to the SAD/CPD department by present residence of the family /deadline 1 week/;
- Investigates and prepares social report with an opinion about possibilities for prolonging the reintegration plan, proposes new measures, if necessary;
- Informs SACP and MI with a copy to ASA and to the signal submitter for every change of the circumstances¹⁰³;
- Prepares trimester reports for every case of returned child and for the planned activities on the case by the multidisciplinary team at a local level until finishing the reintegration plan or launching long-term protection measures.

¹⁰³ In the reintegration process, according to the specificity of the case representatives of LCJD and their counselor centers may be involved for the purpose of undertaking actions according to JDL.

Multidisciplinary team on local level

- Prepares trimester reports for every case of a returned child and for the planned activities on the case under the SAD/CPD supervision.

Abbreviations used in the Co-ordination Mechanism

CM Co-ordination Mechanism	MH Ministry of Health
SACP State Agency for Child Protection	RHC Regional Health Centers
MI Ministry of Interior	ASA Agency for Social Assistance
NPD National Police Directorate	SAD Social Assistance Directorate
NBP National Border Police	CPD Child Protection Department
CIAAD Co-ordination and Information Analysis Activities Directorate	EA Employment Agency
RDI Regional Directorate of Interior	NCTHB National Commission against Trafficking in Human Beings
SDI Sofia Directorate of Interior	LCJD Local Commission against Juvenile Delinquency
RPO Regional Police Office	UN United Nations
PO Police Office	IOM International Organisation for Migration
CRAS Citizen Registration and Administration Service	ILO International Labor Organisation
HTPJM Home for Temporary Placement of Juveniles and Minors	CPA Child Protection Act
MFA Ministry of Foreign Affairs	LBID Law on Bulgarian Identity Documents
MES Ministry of Education and Science	JDL Juvenile Delinquency Law
RIE Regional Inspectorate of Education	

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Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU

The Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe (TRM-EU Guidelines) have been elaborated in the framework of the project "Development of a Transnational Referral Mechanism for victims of trafficking between countries of origin and destination, TRM-EU". The project was implemented by the Department for Equal Opportunities – Presidency of the Council of Ministers Italy and the International Centre for Migration Policy Development (ICMPD) and funded by the European Commission – Directorate General Justice Freedom and Security, Prevention of and Fight Against Crime Programme – Action Grants 2007.

The TRM-EU Guidelines are largely based on the TRM-SEE Guidelines developed within the "Programme to Support the Development of Transnational Referral Mechanisms (TRM) for Trafficked Persons in South-Eastern Europe" implemented by ICMPD and funded by USAID (2006-2009). These Guidelines have been revised and extended to meet the needs of the countries participating in the TRM-EU project: the Czech Republic, Hungary, Italy, Portugal, in addition to Albania, Bulgaria, The Former Yugoslav Republic of Macedonia, and Romania. They are meant to serve as practical tools and indicators to be applied in the context of standard operating procedures (e.g. initial screening, formal identification, risk assessment, etc.) have been included.

The TRM-EU Guidelines are a set of recommendations and practical measures – in full compliance with existing human rights standards – which outline the crucial steps necessary to implementing a sound transnational referral mechanism, as well as local and national referral mechanisms, for all relevant anti-trafficking actors.

While addressing the entire process of the transnational referral, the TRM is a flexible tool, which builds on existing structures and procedures at the national, bilateral and multilateral level to ensure thorough assistance to trafficked persons during the phases of identification; first assistance and protection; long-term assistance and social inclusion; return and social inclusion; criminal and civil proceedings between countries of transit, destination and origin and involves cooperation between different government institutions and non-governmental actors.

Recalling the analysis of EU documentation on joint efforts both to combat trafficking in human beings, and to provide adequate protection of victims across the EU, the TRM-EU Guidelines aim at contributing to a stable basis for international cooperation in the process of referral of trafficked persons in a wider EU context.