Vienna, 31 July 2020

This contribution is based on ICMPD's anti-trafficking expertise and the experience of two decades of work in the EU and third countries. Through its **Anti-Trafficking Programme**[1] ICMPD has been supporting governments in their efforts to develop, implement and monitor the implementation of their national anti-trafficking response. This includes work on the topic under the auspices of the regional migration dialogues for which ICMPD is the Secretariat: the Rabat Process[2], the Budapest Process[3], the Prague Process[4], the EU-funded Migration EU eXpertise (MIEUX), and the Network of Anti-Trafficking Coordinators of South-Eastern Europe[5] established under the Brdo Process.

ICMPD's ant-trafficking policy and capacity building expertise covers numerous areas: development of **national anti-trafficking strategies and action plans**[6]**; data collection;**[7], support for the development, implementation and assessment of national referral mechanisms for victims of trafficking (NRM) and Standard Operating Procedures for identification of victims (SOPs); development of a **model for Transnational Referral Mechanism** (TRM)[8] for victims of trafficking. Since 2014, ICMPD has carried out extensive empirical research on the phenomenon of human trafficking in dynamic mixed migration contexts and in humanitarian crises. The focus of this work has been on the **vulnerability to trafficking and indications of actual trafficking cases** as a result of armed conflicts and displacement[9]. Also, on uncovering the gaps, needs and challenges in the identification, referral, protection and rehabilitation of trafficked people who use migration routes to Europe, including unaccompanied and separated children[10]; and determining the factors contributing to resilience or vulnerability to human trafficking among people *en route* to Europe.[11]

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[1] ICMPD, Anti-Trafficking Programme: shorturl.at/djP67

[2] Rabat Process: https://www.icmpd.org/our-work/migration-dialogues/rabat-process/

[3] Budapest Process: https://www.budapestprocess.org/silk-routes-partnership/istanbul-ministerial-declaration

[4] Prague Process: https://www.pragueprocess.eu/en/

[5] Network of Anti-Trafficking Coordinators of South-Eastern Europe: shorturl.at/nsCDY

[6] ICMPD (2005), *Guidelines for the Development and Implementation of a Comprehensive Anti-Trafficking Response* *(currently under revision)* and ICMPD (2010), *Monitoring and Evaluation Handbook for National Action Plans against Trafficking in Human Beings*

[7] ICMPD (2009), *Anti-Trafficking Data Collection and Information Management in the European Union* and ICMPD (2010), *Handbook on Anti-Trafficking Data Collection in South-Eastern Europe: Developing Regional Criteria*

[8] ICMPD (2009) *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons: South-Eastern Europe;* ICMPD (2010), *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in EU* and ICMPD (2012), *The Way Forward in Establishing Effective Transnational Referral Mechanisms in Trafficking Cases. A Report Based on Experiences in South-Eastern Europe.* The model was successfully piloted in South-Eastern Europe and several EU Member states and is currently used as a basis for the ongoing development of a regional referral mechanism for victims of trafficking in West Africa.

[9] ICMPD (2015), *Targeting Vulnerabilities: The Impact of the Syrian War and Refugee Situation on Trafficking in Persons – A Study of Syria, Turkey, Lebanon, Jordan and Iraq*

[10] ICMPD (2018), *Trafficking along Migration Routes. Bridging the Gap between Migration, Asylum and Anti-Trafficking*

[11] ICMPD (2019), *The Strength to Carry On: Resilience and Vulnerability to Trafficking and Other Abuses among People Travelling along Migration Routes to Europe*

This contribution builds upon ICMPD's submission to the Inter-Agency Coordination Group against Trafficking in Persons, upon their call to its members for input to the Targeted Consultations for the New EU Strategy towards the Eradication of Trafficking in Human Beings, providing a more elaborated opinion and detailed recommendations for measures to be included in the new Strategy.

Prevention

The majority of interventions consist of awareness-raising and information provision to potential victims of trafficking. We propose to move beyond such measures in order to promote a more accurate understanding of the drivers of trafficking, facilitating more effective prevention and eradication of trafficking, in line with SDGs 5.2, 8.7 and 16.2. The focus should be on understanding and effectively approaching the **demand in the context of trafficking**, as well as understanding the **vulnerability to trafficking** and supporting the **factors of resilience** among the potential victims.

1. Addressing Demand

Discouraging and reducing "*the demand that fosters all forms of exploitation related to trafficking in human beings*" is a requirement of <u>Directive 2011/36/EU (</u>Article 18), though with limited detail as to what such measures could entail. In 2014, the project "Demand-side measures against trafficking" (DemandAT) - a research study funded under the EU's 7th framework programme and involving a multidisciplinary team from seven European countries, was launched to examine demand-side approaches in the context of trafficking in different perspectives, to clarify the meaning and relevance of demand in relevant policy areas as well as to contribute to a better formulation of anti-trafficking policies addressing demand.[12] The study combined theoretical analyses of the concept of demand and different types of policies interventions with a mapping of policy debates and implemented policies across a large range of countries as well as different fields in which trafficking occurs with in-depth studies of particular fields (domestic work, supply chains, sex work) and approaches (law enforcement, campaigns). The combined results of this research have a number of important implications for the relevance, scope and usefulness in addressing different types of trafficking on the one hand, and for policy formulation and policy evaluation in the field of anti-trafficking, on the other.

Based on the research findings, ICMPD suggests the new EU Strategy should include actions covering the following aspects:

- **Better understanding of the nature and scope of demand-side policies**. Demand-side measures are policies that aim to influence the behaviour of (final) consumers on a particular market; narrowing the notion of demand-side policies to interventions targeting (final) consumers will help to improve the consistency and coherence of policies.[13] In developing national-level demand-side policies, Member States should be encouraged to specify how particular measures will address demand.

- **Policies focusing solely on the demand–side cannot be expected to provide solutions to human trafficking.** As relevance of demand varies according to different areas where human

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[12] *[Demand in the Context of Human Trafficking: DemandAT Research on Interventions](#)*

[13] In economic theory, demand is defined as the willingness and ability of potential buyers to purchase a particular commodity at a particular price. Demand-side policies are indirect, in that they are based on assumptions that demand for a particular service or good is associated with trafficking. Demand-side measures are thus complementary to policies directly addressing trafficking, most prominently through prosecuting human trafficking as a crime. Promoting such an approach to demand-side measures does not mean that broader policies addressing some of the contextual factors which are sometimes discussed in the context of demand are not worth pursuing.

trafficking occurs, addressing demand has to be done in parallel with other preventive and protection measures for those potentially affected, and in partnership with all stakeholders engaged in tackling trafficking. Demand-side measures have to be custom made for particular markets. Involvement of those affected by exploitation and/or trafficking in the elaboration, implementation and monitoring of demand-side measures is more likely to lead to progress in addressing exploitation, including trafficking.

In some situations policies focusing on the demand-side are *harmful*. Countries need to make sure the policies addressing demand in the context of trafficking are contextualised to specific policy areas and not used as a general measure for all types of exploitative situations.

In some trafficking situations the demand-side is *not relevant*. Without a meaningful use of the concept of demand in particular anti-trafficking policies (explaining how the expected outcome is achieved by addressing demand), 'demand' can become just a label for policies that would be in place anyway in the context of human trafficking. Demand is an economic concept and this research suggests to make use of it in an economic way, by referring to the market in which the measure is expected to have an effect.

- **Types of intervention.** Like other criminal activities, states address the crime of trafficking in human beings predominantly with command-and control measures involving the detection and sanctioning of socially undesirable forms of demand. However, states can also redesign the legal infrastructure of markets to make undesirable forms of demand less likely. They can use market-based incentives such as taxes and subsidies, or use measures promoting specific values or behaviours through peer pressure, promoting, for example, relevant initiatives by businesses, NGOs or other actors either by incentives (subsidies, cooperation) or through legal obligations (e.g. introduction of reporting obligations on measures taken against the risk of human trafficking in supply chains). Yet, measures may also be used for symbolic reasons. They are embedded in political frames that link measures to value-loaded problem definitions. The latter is a particular challenge in the context of trafficking, which, as a policy area, is poor in information given the challenges in collecting robust and conclusive scientific evidence on the extent and impact of policy interventions.

- **Resources to fight trafficking are limited. Addressing situations of various degrees of exploitation can contribute to detecting and preventing trafficking.** Research on labour inspections in domestic work showed that people are trafficked into exploitation of various and increasing degrees. Sole emphasis on extreme situations is unhelpful in identifying forced labour and trafficking in human beings. When it comes to demand for labour, particularly in labour relations, there is a need to look beyond (demand, supply, price), at the relational aspect of the employment arrangements. Vulnerabilities may not be obvious at the beginning of a labour relation, but can evolve or come to the attention of the employer in the course of a relation. In that sense, combatting labour exploitation is a prevention measure against the emergence of more severe forms of exploitation. Access of (migrant) workers to mechanisms for reporting exploitative situations is expected to contribute to detecting and preventing trafficking for labour exploitation. In addition, situations of severe exploitation may not meet all trafficking criteria and situations might not be addressed. If resources are mobilised for addressing exploitation, trafficking cases are less likely to be overlooked.

2. Vulnerability and Resilience to Trafficking in Mixed Migration Context and Humanitarian Crises

ICMPD has been conducting empirical research on the phenomenon of **human trafficking in dynamic mixed migration contexts and humanitarian crises** since 2014. In 2015 ICMPD published a comprehensive study entitled *Targeting Vulnerabilities: The Impact of the Syrian War and Refugee Situation on Trafficking in Persons – A Study of Syria, Turkey, Lebanon, Jordan and Iraq[14],* the first empirical, multi-country research study to assess the links between conflict, displacement and trafficking. The research focus was initially on the effects of the Syrian conflict and displacement on human trafficking in Syria and its neighbouring countries: Turkey, Lebanon, Jordan and Iraq. In mid-2018, ICMPD published *Trafficking along Migration Routes: Bridging the Gap between Migration, Asylum and Trafficking[15]*, a research assessment of gaps, needs and challenges in the identification, referral, protection and rehabilitation of trafficked people who used migration routes to Europe, covering Greece, Bulgaria, North Macedonia, Serbia, Austria, Germany, Sweden and Finland. ICMPD then adapted the research methodology used for *Targeting Vulnerabilities* to carry out *The Strength to Carry On: Resilience and Vulnerability to Trafficking and Other Abuses among People Travelling along Migration Routes to Europe, published in March 2019[16]*. The countries under study are situated along the main Balkan migration route: Greece (which is also the first country of arrival along the Eastern Mediterranean route), Bulgaria, North Macedonia, Serbia and Hungary. In addition, the research covered Germany, the main destination country for people travelling along these routes, and Italy, the first country of arrival along the Central Mediterranean route.

Based on the research findings, ICMPD suggests the new EU Strategy should include actions covering the following aspects:

- **Need for a paradigm shift in how trafficking, refugee, migration and child protection policies are viewed in terms of access to protection.** While policy-makers and practitioners might see themselves as working in distinct fields, on specific topics, the human beings in need of protection do not always fall under one single, clear-cut category. People on the move are vulnerable because of their need to move, and because this means that they often simultaneously hold multiple legal statuses (refugees, internally displaced persons (IDPs), irregular migrants or trafficked people). In order to avoid a situation where such girls and boys, women and men, fall through the cracks of state policy and legislative frameworks just because they do not fit into one specific category, the anti-trafficking stakeholders must collaborate closely with the stakeholders working on internal displacement, international protection, child protection, irregular migration and migrant smuggling.

- **Continue to mainstream anti-trafficking efforts into broader migration legislation, policy and actions.** Ensure that all legislation, policy and actions, particularly in the areas of asylum, preventing irregular migration and migrant smuggling, and border management, are assessed to ensure that they do not increase vulnerabilities to human trafficking. Urgently review and revise any policy or legislative measures found to have an adverse effect on vulnerability to trafficking and/or actual incidence of trafficking.

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[14] ICMPD (2015), *Targeting Vulnerabilities: The Impact of the Syrian War and Refugee Situation on Trafficking in Persons – A Study of Syria, Turkey, Lebanon, Jordan and Iraq*

[15] ICMPD (2018), *Trafficking along Migration Routes. Bridging the Gap between Migration, Asylum and Anti-Trafficking*

[16] ICMPD (2019), *The Strength to Carry On: Resilience and Vulnerability to Trafficking and Other Abuses among People Travelling along Migration Routes to Europe*

- **Build capacities of anti-trafficking stakeholders to identify trafficked people among those using migration routes**. The effects of the war and refugee crisis, placing people in a situation of increased vulnerability to trafficking in persons, have in some cases resulted in actual trafficking cases. This has not, however, manifested itself in a significant increase in the identification by the authorities of trafficking related to the war and refugee crisis. Put procedures in place and provide specialist training to ensure that people on the move, including asylum applicants, who have potentially been trafficked, are screened, identified and referred to anti-trafficking stakeholders for protection and access to justice.

- **Ensure effective protection of accompanied, unaccompanied and separated children** by providing access to decent education, and other child protection measures particularly while residing at official accommodation centres. Unaccompanied and separated children should be correctly identified as such with accurate and faire age assessment in accordance with UNCRC General Comment No.6 (2005) *Treatment of Unaccompanied children and Separated Children Outside their Country of Origin* and EASO (2018) *Practical Guide on Age Assessment*. Protection must be ensured also for those children transiting into adulthood (when they turn 18) by allowing a transitional period during which certain child protection measures are still applied (incl. legal representation). When children have access to appropriate child protection measures in transit and destination countries, their resilience to abuse and exploitation can be increased and their best interest promoted.

- **Acknowledge new forms of trafficking related to the migration flows**: deprivation of liberty for extortion and forced migrant smuggling. People who have suffered human rights abuse of deprivation of liberty for extortion, often accompanied by physical, sexual or other abuses, might meet the definition of human trafficking. These people are rarely identified as victims of trafficking and therefore, do not have access to protection. The vulnerable position of undocumented migrant irregularly crossing national borders is sometimes used by traffickers to force people into smuggling of other migrants.

  Adapt the national legislation and regulations and ensure that the relevant stakeholders are informed and trained.

- Consequently, adopt **non-punishment provisions for trafficked victims among people on the move**. People who have committed crimes such as forced migrant smuggling or other forced criminal activities like drug trafficking, or are in a situation of irregular employment and immigration violations as a result of their condition as trafficked persons, should be subject to non-punishment provisions and not held liable. The actual perpetrators should be brought to justice.

3. Addressing the root causes of trafficking

To strengthen people's resilience to human trafficking, the Strategy should encourage the governments to extend their prevention efforts beyond the awareness-raising campaigns and the capacity building trainings and implement activities related to the root causes of human trafficking. Therefore, ICMPD suggests that the new EU Strategy should strongly focus on:

- **Research the factors that increase people's vulnerability** to abuse and particularly to human trafficking. Therefore, an effective prevention policy would be one feeding **evidence-based targeted actions**, focused on generating livelihood opportunities, facilitating the access to

education and health care, ensuring equal access to labour market, addressing the gender-based violence, and supporting people in situations of armed conflicts, natural disasters, medical emergencies, etc.

Comprehensive National Anti-Trafficking Response

ICMPD has extensive experience in supporting the national governments to develop, implement and monitor their overall anti-trafficking response. For instance, ICMPD has been supporting the anti-trafficking stakeholders in South Eastern Europe (SEE) in this regard since 2005. As a result of these efforts, first national strategies and action plans (NAP) were developed in each country in the SEE region followed by capacity building actions such as designing training curricula and conducting multi-agency trainings for law enforcement officers, labour inspectors, judges, prosecutors and staff of non-governmental organisations. In 2016-2019, ICMPD supported the Jordanian authorities to evaluate their expired strategy and develop new Strategy and Action Plan according to the international standards. In 2018, upon an official request from the authorities of Azerbaijan, ICMPD provided an opinion on the current 2014-2018 NAP and recommendations for the development of NAP 2019-2023.

Based on its, ICMPD has developed Guidelines for the *Development and Implementation of a Comprehensive Anti-Trafficking Response*[17] (currently under revision) as well as *Monitoring and Evaluation Handbook for National Action Plans against Trafficking in Human Beings*[18], a practical tool that provides easy-to-follow guidelines on how to monitor, review, evaluate and report on the implementation of national Action plans against trafficking in human beings.

ICMPD, in partnership with Migration, Asylum, Refugees Regional Initiative (MARRI) is currently conducting an assessment of the national anti-trafficking strategies and action plans in the six Western-Balkan countries (MARRI Participants[19]). The focus is to examine the existing or most recent anti-trafficking strategies and action plans in the countries, to identify good practices in developing strategic anti-trafficking responses, and to formulate assessment-based recommendations on the structure, context, gaps and needs of the reviewed anti-trafficking strategies and action plans. Based on this assessment and on the overall experience in the past years, ICMPD will revise publish the Guidelines for the Development and Implementation of a Comprehensive Anti-Trafficking Response.

A sustainable and comprehensive anti-trafficking response addressing all forms of trafficking requires government ownership, a multi-disciplinary approach involving civil society as well as coordinated action according to well defined strategic goals and objectives and action plan for implementation of those objectives. This approach should be sustainable and human rights based, following a thorough assessment of the trafficking situation in the country and integrated into national anti-trafficking strategy and national action plan.

A comprehensive, efficient and appropriate **anti-trafficking strategy** is needed in order to foster a shared understanding and coordinated action of all relevant stakeholders and actors, but also to ensure political and financial (including external donor) support. A detailed **national action plan** should

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[17] ICMPD (2005) Guidelines for the Development and Implementation of a Comprehensive Anti-Trafficking Response

[18] ICMPD (2010) Monitoring and Evaluation Handbook for National Action Plans against Trafficking in Human Beings

[19] Albania, North Macedonia, Bosnia and Herzegovina, Serbia, Montenegro and Kosovo*. See: http://marri-rc.org.mk/about-us/

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence.

complement the Strategy and operationalise the specific objectives identified, define for each activity assigned responsibilities and timelines, contain resource plans and budget and include monitoring and evaluation criteria.

Monitoring, review and evaluation of the implementation of the strategic objectives and foreseen activities in NAPs are essential for provision of effective anti-trafficking response on national level and beyond. The monitoring, review and evaluation process allows constant assessment of the quality and impact of the anti-trafficking response foreseen with the existing strategies and action plans. It provides the basis for accurate reporting and allows for the identification of lessons learned and obstacles faced, which can be used to plan new anti-trafficking actions or to adjust the existing ones. It is also a valuable planning and management tool. Building monitoring systems and envisaging evaluations helps to design and review objectives and to anticipate needed resources.

Accordingly, we suggest the new EU strategy should stress the following areas in the implementation of a comprehensive and successful response to trafficking in human beings:

- Adopt **realistic action plans** and **ensure funding for their implementation**. The initially planned budgets for the implementation of the national strategies and action plans are often very ambitious and the national budget cannot fully cover the required expenses. Therefore planned activities are left behind or their implementation relies on external donors. National anti-trafficking stakeholders should focus on planning activities that are financially secured, on lobbing for more state funds, and on attracting external donors to compliment already planned and funded actions. Thus, the sustainability of the achieved results, as well as the strategic goals of the national anti-trafficking response would be achieved.

- Ensure **expert support** and **available resources** for the relevant state authorities **to design their strategic anti-trafficking response** according to the international standards (strategy and action plan) and by implementing the human rights based and multi-disciplinary approach.

- Ensure **effective monitoring, review** and **evaluation mechanisms** in order to: (a) periodically monitor the achievements of the foreseen goals and objectives and implementation of the planned activities; (b) review the implementation of the action plan in order to plan new anti-trafficking actions or to adjust the existing ones and (c) evaluate the overall response in order to assess the lessons learned and the efficiency, effectiveness and the impact of the anti-trafficking action taken.

During the migrant influx to Europe in 2015 and the current situation of world-wide pandemic, one particular gap in the anti-trafficking response has emerged – the lack of adequate strategies for operating in crisis situations. Based on the lessons learned, ICMPD suggests the new EU Strategy to address the development of adequate strategies for operation in different crisis scenarios:

- Develop **contingency planning** to ensure minimum functionality of the anti-trafficking system in emergency conditions**.** The victims' access to immediate services like shelter, medical and social support, as well as the transnational referral of victims was challenged due to the quarantine measures. The contingency plan must ensure a minimum package of services available to the victims to meet their immediate needs during the period of reduced possibilities for referral, protection, investigation of the case and court proceedings. The contingency planning does not, necessarily, have to be part of the National Anti-trafficking

Strategy. It can be part of wider planning on state level that will ensure minimum functionality of the anti- trafficking system in emergency conditions;

- Prepare for the **native effects of the economic crisis following the ongoing COVID-19 pandemic**. UNODC has demonstrated, that the trends observed during the 2008-2010 Global Financial Crisis suggest that increased unemployment rates resulted likely in increased cross-border trafficking in persons from countries experiencing the fastest and longest-lasting drops in employment.[20] As the World Bank describes the current economic downturn as the deepest recession since the World War II, it is likely that such trends of increased cross-border human trafficking will manifest again. Therefore, the new Strategy should focus on planning the **countermeasures** to the consequences of the upcoming economic crisis – lack of resources for supporting the implementation of anti-trafficking policies, decrease of reintegration opportunities for victims due to the challenges the national economies will face, decrease of employment opportunities, increased vulnerability to irregular labour migration, etc.

Protection of victims

ICMPD has extensive experience guiding anti-trafficking stakeholders to develop models and procedures for referral, protection and support of victims of trafficking. During the last decade, we have supported the governments of EU member states and third countries to assess the implementation of their **national referral mechanisms (NRM)** or Standard Operating Procedures (SOPs) for trafficked persons, proposing recommendations for their improvement or development and formalisation.

ICMPD has piloted and successfully implemented a **model for transnational referral** of victims of human trafficking (**TRM**). The model was piloted in SEE and several EU Member States, and currently serves as a basis for the ongoing process of development of regional referral mechanism for victims of trafficking in West Africa.

In 2019-2020 ICMPD and Human Trafficking Studies Centre of the Warsaw University carried out a review of the functioning of EU Member States' national and transnational referral mechanisms.[21] In 2020 ICMPD concluded an Operational Mapping, funded by the European Return and Reintegration Network (ERRIN) – *Operational mapping on Strengthening the Provision of Support for Safe Return and Reintegration of Victims of Trafficking to Nigeria.* The Mapping provided an inventory of the strategies and mechanisms in place for trafficked persons and those vulnerable to trafficking returning to Nigeria from Belgium, Denmark, Germany and Italy. ICMPD has also supported the development of standards and procedures for support of victims, targeting social workers, shelter employees, labour inspectors, NGOs, etc.

Based on the above experience, we have found that the cycle of **protection measures of victims of trafficking** has gaps that require urgent attention and solutions: **early and equal access to assistance**, effective **coordination of services** for victims and implementation of **case monitoring. Protection of the most vulnerable groups** must remain a priority, ensuring immediate care for children and

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[20] UNODC (2020) *Research brief: How COVID-19 restrictions and the economic consequences are likely to impact migrant smuggling and cross-border trafficking in persons to Europe and North America*

[21] The review was carried out in the framework of a consortium led by Ecorys Polska Sp. z o.o and funded by the European Commission as a key action of the *2017 Commission Communication* and stepping up the *EU action* to address trafficking in human beings, *Priority B – Improving access to and realisation of the rights of the victims of trafficking in human beings*.

unaccompanied children along the migration routes as well as for potential victims of trafficking among migrant workers, migrants and refugees. The implementation of the measures of NRMs or equivalent practices as well as TRMs and regional mechanisms should be **regularly assessed** and updated according to the actual needs of the victims and the overall response to human trafficking. Therefore, ICMPD proposes the new EU strategy to accommodate the following recommendations:

- Ensure **effective early identification of victims.** This is the key first step to appropriate referral of all victims, EU and non-EU nationals. It requires adequate, focused and targeted capacity building measures for all relevant actors likely to come into contact with trafficked persons. Such measures include appropriate training and information on the main identified patterns of trafficking, including the main forms of exploitation, in order to facilitate early identification of victims.

- Ensure the **unconditional and easy access** of victims to supporting services. Identifying victims efficiently and at an early stage is the first step towards making sure they are treated as rights holders, have access to their rights and can exercise them effectively, which includes receiving appropriate assistance and protection. Often victims failed to be identified due to the highly formalised procedure performed usually by law enforcement representative. The unsuccessful identification process leads to limited access to immediate assistance and support.

- **Protection stakeholders** should be given a much more central role in the process of identification. State service providers and NGOs must be able in parallel with the law enforcement agencies (but independently of the criminal justice responses) to officially identify victims and grant immediate access to services.

- Ensure **equal focus** of the anti-trafficking policies and measures on all victims and on all forms of exploitation. This includes ensuring appropriate and tailored assistance and support for girls, boys, women and men victims of trafficking, as well as considering the consequences of the specific form of exploitation that they have been subjected to. Girls and women have special needs, but often men and boys are not considered "vulnerable groups" and might be denied access to protection and essential services, rendering them more vulnerable to trafficking and other abuses (especially unaccompanied and separate teenage boys among migration flows to Europe).

- Invest in official establishment and implementation of **case monitoring system** for one to three years in the country where the victim is (re)integrated. This measure is an additional guardian of the effective support, successful (re)integration, and prevention of re-trafficking or other forms of abuse.

Establishment and enhanced implementation of NRM or equivalent mechanisms should continue to be a priority action in the new EU Strategy. NRMs officialise and improve the coordination between the anti-trafficking actors on national level to effectively address the identification, referral and support for trafficked people. Therefore, the following aspects should be taken into consideration:

- The adopted national mechanisms should **cover all forms of human trafficking**. Adaptation and expansion of the existing NRM (and TRM models - e.g. ICMPD EU TRM Guidelines[22]) is necessary in order to reflect recent trends and various forms of exploitation, and ensuring that

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[22] ICMPD (2010). Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU. Available at: shorturl.at/pvDUY

such models are compatible and complementary with other existing tools for international co-operation. The adaptation will also allow all victims of trafficking to be recognised as such and to receive support and protection.

- The frontline responders and all anti-trafficking stakeholders participant in the NRM should be continuously trained on the procedures in place in their countries, as well as on every adopted updates.

- The implementation of NRMs should expand throughout the territory of country and should ensure **equal access of victims to services on local and central level.** Often better quality of services in the capital or in big cities can be identified, compared to the provinces and the border areas. There could be low awareness on the trafficking phenomenon and low quality of response or no services at all.

- Incorporate specific adequate **measures related to the context of people on the move** into NRMs and TRMs for the protection of trafficked people, setting out the roles and responsibilities of asylum, migration and anti-trafficking stakeholders in the screening, identification, referral, protection and assistance of trafficked people.

- Ensure **available, accessible and sustainable funding**. Access to appropriate assistance and protection relies on adequate budgeting at national level for assistance and support in all phases of referral and for all actors involved, including national authorities and civil society.

- Establish **regular assessment** of the implementation of the referral mechanism. The majority EU Member States are currently lacking sustainable frameworks for measuring the implementation and the impact of their national procedures for referral of victims.

TRM is a tool for advanced coordination of the anti-trafficking efforts among the EU Member States, as well as coordination with the third countries. It ensures a harmonised approach, preconditions for successful prosecutions and safeguarding of the rights of the victims. Specifically, the new Strategy should highlight the following issues:

- Set out specific actions related **to transnational coordination and cooperation on THB** between countries of origin, transit and destination based on **harmonised EU standards**. These actions should be embedded in the regional policy dialogues and in the existing and future cooperation frameworks between the EU and third countries, such as Mobility Partnerships and Common Agendas for Migration and Mobility.

- The countries of exploitation among the EU Member States should make efforts to **better coordinate** the actions on **victims' return** with the source countries**.** The process of return is a current challenge in the bilateral cooperation on THB cases. As a result of the lack of coordination, it is often impossible for the receiving organisation to prepare properly. Such actions could jeopardise the safety of the victim, and reflect negatively in the increased risk of re-trafficking. Therefore, we stress upon the need of coordinated approach for transnational referral of cases, based on the **principles for safe return** of trafficked persons and built upon the existing national response mechanisms in the countries of exploitation and origin.

- **Set up or strengthen further bilateral and multilateral mechanisms** for identification, protection, investigation and prosecution particularly **between transit and destination countries along the migration routes to Europe.** Trafficking cases that take place in the transit countries may only be

identified in the intended destination country. Thus, the cooperation between these countries is crucial for the support of the victim and the successful prosecution of the traffickers.

- Ensure **detailed and informative pre-departure counselling** for victims of trafficking. The majority EU MSs have referral mechanisms that integrate some sort of risk assessment in the procedures for assisted voluntary return. Usually the counselling takes part during the reflection period of the victim. It includes conducting of a risk assessment prior to return, family tracing, obtaining travel documentation and preparations for travel. However, a more elaborated pre-departure counselling is needed and it should include development of **detailed reintegration plan** for the victim and possible **vocational training** prior to the return. It should be performed in close coordination with the receiving organisation in the country of origin.

- Include **measures for integration and social inclusion of victims of trafficking in the destination countries** as alternative to the return and reintegration in the country of origin.

- Conduct **regular assessment** of the efficiency of the cooperation mechanisms for referral of victims of trafficking. Update the measures according to victims' needs and according to the developments in the national legislations and policies in the source and destination countries, part of the mechanism.

Regional cooperation networks. Recognising ICMPD's anti-trafficking competence, it was entrusted to serve as Secretariat for the Network of Anti-Trafficking Coordinators of South-East Europe (NATC-SEE). Brought to life at the initiative of the Republic of Slovenia in 2010, it is a state-led platform joining Anti-Trafficking Coordinators from Albania, BiH, Bulgaria, Croatia, Kosovo[*], Moldova, Montenegro, North Macedonia, Serbia, Slovenia and Romania, offering a venue for sharing good practices, discussing the needs of the participating countries and identifying the areas for potential cooperation, building upon the regional TRM model. The Ministers of Interior of the Brdo Process member states have recognised the importance of this regional mechanism in promoting closer cooperation and coherent approach, and endorsed the Strategy Paper 2020-24 at the Ministerial Meeting on 4 March 2020, to further strengthen NATC-SEE. The value of NATC-SEE is in its geopolitical structure as it includes EU Member States and others either already in the accession negotiations or aspiring to start, allowing for the sharing of anti-trafficking experience in the accession context. With that in mind, ICMPD together with the Bulgarian EU Presidency and with the support of NATC-SEE, developed in 2018 a **Non-Paper** on Combating Trafficking in Human Beings in the Western Balkans Region. The Non-Paper is to serve as the compass for EU's near-future engagements in the field of countering human trafficking in the Western Balkans. The platform also serves as a learning tool for a regional cooperation mechanism being initiated in cooperation with ECOWAS in West Africa. In light of this experience, the new EU Strategy should:

- Encourage the EU Member States to draw on regional or sub-regional cooperation mechanisms and platforms where existing, to ensure better transnational cooperation and coordination between individual Member States and third countries;

- Support the creation and enhancing of the operational capability of already existing regional and sub-regional cooperation frameworks in the fight against human trafficking.

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[*] This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

Capacity building

One of the main pillars of ICMPD's anti-trafficking expertise is to provide capacity building and technical assistance to national government and civil society stakeholders, involved in the identification, assistance and protection of victims of trafficking and other vulnerable groups. The largest percentage of our capacity building portfolio belongs to the training activities. These are always **tailored made to fit the needs** of the trained authorities and based on the request of the training beneficiaries or on the results of a completed training needs assessment. For instance, in 2019 ICMPD supported the government of Brazil to enhance their capacity to deal with human trafficking on federal and regional levels. Training modules for law enforcement representatives, civil servants and civil society organisations were prepared and 11 training sessions in seven cities, covering five different Brazilian regions were delivered, more than 500 representatives of more than 200 state and civil society organisations were trained.[23]

Training activities can also be **targeted, tailored made and country specific capacity building for single stakeholders**. For this reason, ICMPD bases its efforts in capacity building on the results of the **training needs assessments** conducted prior to the development and implementation of any capacity building activities. ICMPD was one of the first international organisations to provide trainings on trafficking in human beings and to train internal trainers of the Directorate General of Migration Management (DGMM) within the Ministry of Interior of Turkey. Since 2013 we are providing continuous training for their central and regional staff on different aspects of human trafficking – identification and protection of victims, trafficking and migration flows, etc. In 2018, ICMPD implemented series of targeted trainings on identification of trafficking victims for labour inspectors in Jordan and developed and provided to the authorities a training curriculum and Train-the-trainer (ToT) programme targeting specifically the role of the labour inspectors in the identification process and the human trafficking context in Jordan.[24]

It is important to stress that the implementation of **full-fledged training programmes** to beneficiaries and less ad hoc training events are important for the overall impact of the support. This means that through a ToT programme, we try to build the capacities of national stakeholders to be able to conduct trainings to their colleagues based on a Training curricula and variety of training materials which would ensure sustainability of efforts. Our experience reconfirms the importance of the **multidisciplinary approach** when implementing training activities and the necessity of **active involvement**, from the very beginning, of the national stakeholders in the conceptualisation and development of the training programme and materials. **Evaluation of the immediate and long-term impact** of the training modules should be part of the training conceptualisation. Often the training evaluation happens at the end of each training module. However, it is more difficult to implement a long-term impact assessment. It requires availability of time, funds and remote access to the training participants, factors that are usually restricted in the framework of a project implementation. Currently, ICMPD is in a process of implementation of an evaluation of the impact of the training sessions to the work performance of the trained representatives of social services, NGOs and prosecutors in the framework of the above mentioned project in Brazil. The evaluation process is supported by the donor of the project.

In addition, we believe that accurate and effective **media reporting of trafficking in human beings** is needed in order to create a better understanding of the phenomenon among members of the public,

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[23] Available at: shorturl.at/bMRZ5
[24] ICMPD (2018), Training Curriculum for Labour Inspectors on Trafficking in Human Beings in Jordan

policy makers and politicians.[25] Therefore, the capacity building efforts should be more efficiently extended to the **media representatives** in order to nurture a critical thinking about the phenomenon, an understanding for the victims' experiences and ethical writing on the subject among the journalists and other media representatives, as well as to other, rarely targeted for THB trainings professionals, representing institutions and organisations not directly involved with human trafficking, but part of the **supporting network for vulnerable groups.**

In this regard, we propose the following recommendations to be addressed in the new EU Strategy:

- Develop capacity building activities based on the **needs of the beneficiary institution**, while allowing **sufficient time** for preparation through a dialogue with them**.** Prior to the development and implementation of the training programmes, encourage conducting training needs assessments to provide an answer to the question of what role actual stakeholders in a certain country must play in combating human trafficking, what skills and knowledge are required to fulfil this role, and what the current gaps are in the skill and knowledge levels in that target group. Actively involve, from the very beginning, the national stakeholders in the conceptualisation and development of the training programme and materials to ensure targeted, tailor-made and country specific activity**.** Each good quality training itself becomes a powerful advocate for the success of future activities.

- **Coordinate with other organisations and stakeholders** implementing trainings and other capacity building activities. Take due care to avoid overlaps by identifying other organisations that are delivering training in the target country and to the target audience. Coordinate with them and with the beneficiaries. When viable, merge efforts and budgets in order to obtain the best result possible. Avoid training the same representatives of the same target groups on the same topics.

- **Train media** in ethical journalism and human trafficking. Support journalists and media professionals to improve the quality of reporting on human trafficking, to shape stories in ways that avoid the dangers lurking in an aggressive and competitive media landscape. Furthermore, to understand the legal and human rights considerations when reporting trafficking, the treatment of victims, their privacy and welfare; and how to tell a trafficking story with humanity and style while helping the audience understand better what must be done.

- Provide capacity building to professionals that support vulnerable groups in general, incl. potential and actual human trafficking, or are part of the social, educational, medical system in the country, such as institutions for vocational training and adult education, medical doctors (general practitioners, gynaecologists, emergency room doctors, etc.), legal practitioners, social services (dealing with people with substance addictions, homeless people, people in situation of domestic violence, etc.).

- Invest resources in **evaluating the long-term impact** of the training activates. Plan in advance the time, human and financial resources needed for the evaluation. Such evaluation provides the necessary information about the effect of the capacity building efforts as well as the need for adjustment and further development of these efforts.

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[25] ICMPD (2017), Media and Trafficking in Human Beings Guidelines