

In Partnership with



# Regional Best Practice Guidelines for the Development and Implementation of a Comprehensive National Anti-trafficking Response



Project funded by the European Union



## **Regional Best Practice Guidelines for the Development and Implementation of a Comprehensive National Anti-trafficking Response**

***DRAFT AS OF FEBRUARY 2005***

The guidelines contained in this document constitute standards and best practices for a comprehensive human rights-based, multidisciplinary and victim sensitive national anti-trafficking response (national strategies and action plans) in South-eastern Europe, based on relevant UN and European (EU) standards. The guidelines were elaborated in conjunction with the National Anti-Trafficking Co-ordinators and National Anti-Trafficking Teams of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Serbia, Montenegro, the UN administered territory of Kosovo, the FYR of Macedonia, Moldova and Romania, including local NGOs.

The guidelines were produced within the framework of ICMPD's "Programme for the Development of Anti-Trafficking Training for Police Programme for the Enhancement of Anti-trafficking Responses in South Eastern Europe". The present draft version was validated by participating countries/territories and now serves as basis for the drafting and/or revision of national anti-trafficking strategies and action plans. The guidelines are a living document and will continue to be developed within the programme in the course of 2005.

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## Introduction

The Regional Best Practice Guidelines for the development and implementation of a comprehensive National Anti-trafficking Response, has been prepared in the framework of the Programme for the Enhancement of Anti-trafficking Responses in South Eastern Europe (SEE) implemented by the International Centre for Migration Policy Development (ICMPD) in partnership with the non-governmental organisations (NGOs), Zenska Soba (Croatia), Victimology Society (Serbia) and La Strada (Moldova) and in consultation with the organizations and actors engaged in anti-trafficking activities in South Eastern Europe.

Its purpose is to provide anti-trafficking actors in the SEE region with guidelines on how to develop and implement a comprehensive anti-trafficking response, by describing best practices for inclusion at both the strategic and the operational level.

The suggested response is based on international and European (EU) standards that were endorsed by South-East European countries. Furthermore, it is based on the results of the Kick-off meeting of the project held in Gloggnitz, Austria on 13-15 May 2004, the best practices of participating countries and on the results of the Regional Seminar that took place in Opatija, Croatia on 6-9 October 2004. The document will continue to be further developed in the course of the present Programme and beyond.

The document first describes the proposed two-level structure for an anti-trafficking response (see **Pt. A**), then outlines the main interrelated components that should be reflected at the strategic and operational level (see **Pt. B**) and finally formulates the strategic goals (WHAT) and the means of implementation to operationalise the strategic goals (HOW) of a comprehensive anti-trafficking response (see **Pt. C**). Based on such best practices a model Strategy-Action Plan is developed (see **Pt. D**).

## How to use this document

The document acknowledges that SEE countries are no longer country of origin and transit, rather also destination countries. Consequently, the approach towards the establishment of a comprehensive anti-trafficking response is very extensive and could contribute to enhance the anti-trafficking response also in other regions of the world.

The guidelines can be used as a “checklist” for existing anti-trafficking strategies and action plans, and has to be considered a ‘living document’.

The document may be used to:

- Gain an overview on the recommended structure and contents of a national anti-trafficking response and to become familiar with the distinction between the strategic and operational level as outlined under **A**.
- Develop a new or adapt an existing national anti-trafficking Strategy and Action Plan according to the best practices listed under **B** and **C** as well as to the model Strategy-Action Plan under **D**.

The best practices listed in this document are recommendations of the region for the region; consequently they should be considered while revising and updating the national strategy and/or action plan and adapted to national circumstances.

Please note that the following symbol “ ↔ ” indicates cross-references to paragraphs related to the topic within the guidelines.

## Definitions

|   |   |
|---|---|
| <p><b>Trafficking in human beings</b></p> | <p>According to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime. (2000) “Trafficking in persons” shall mean ‘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’ (art. 3 (a)).</p> <p>The recruitment, transportation, transfer, harbouring or receipt <b>child</b> for the purpose of exploitation shall be considered “trafficking persons” even if this does not involve any of the means set forth subparagraph (a) of this article; (art.3 (c))</p> <p>“<b>Child</b>” shall mean any person under eighteen years of age. (art.3 (d))</p> |
| <p><b>Smuggling</b></p>                   | <p>According to the United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime (2000) "smuggling of migrants" shall mean: ‘The procurement 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’ (art. 3 (a)).</p>   |
| <p><b>Victim of crime</b></p>             | <p>According to the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985) "Victims" means ‘persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power’ (1.).</p> <p>‘A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term "victim" also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to</p>  |

|                      |   |
|----------------------|---|
|                      | assist victims in distress or to prevent victimization' (2.).   |
| <b>Forced Labour</b> | According to the ILO Forced Labour Convention No. 29 (1930) the term "forced or compulsory labour" shall mean 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'. |

**Note on usage of terminology:** The present guidelines use the terms trafficked persons, as well as victims of trafficking interchangeably, except for victims appearing as witnesses in criminal proceedings, in which case the term victim is utilised.

## Difference between smuggling and trafficking<sup>1</sup>

| Element  | Smuggling   | Trafficking  |
|--|---|--|
| Type of crime  | Crime against State – no victim!<br>(Violation of immigration laws/public order; the crime of smuggling by itself does not include crimes which might be committed against the smuggled migrants) | Crime against person – victim!<br>(Violation of person’ human rights; victim of coercion and exploitation that give rise to duties by the State to treat the individual as a victim of a crime and human rights violation) |
| Why do we fight it?  | To protect sovereignty of the state   | To protect a person against human rights violations  |
| Nature of crime and duration of customer relationship <sup>2</sup> | Commercial; relationship between smuggler and migrant ends after illegal border crossing achieved and fee paid  | Exploitative; relationship between trafficker and victim continues in order to maximise economic and/or other gains from exploitation  |
| Rationale  | Organised movement of persons for profit  | Organised recruitment/ movement and (continuous) exploitation of the victim for profit   |
| Border crossing  | Illegal border crossing is a defining element   | Purpose of exploitation is the defining element, border crossing is not an element of the crime  |
| Consent  | Migrant’s consent to illegal border crossing  | Either no consent, or initial consent made irrelevant because of use of force, coercion, at any stage of the process   |

<sup>1</sup> Regional standard for anti-trafficking training for judges and prosecutors in SEE;ICMPD, 2004, p. 30.

## A. National Anti-trafficking Response

### Two-level Structure

It is suggested that a comprehensive national anti-trafficking response, formulated in one document, should cover two levels: the strategic level (Strategy) and the operational level (Action Plan). They should comprise the following components:

**Strategic Level (Strategy):** refers to “ **WHAT** shall be achieved” (↔B).

It should include:

- Preamble
- Background/Analysis of Trafficking Situation in the Country and Institutional Framework
- Guiding principles
- Strategic goals and specific objectives for the four main components:
  - Supporting Framework
  - Prevention
  - Support and Protection of Victims and Witnesses
  - Investigation and Prosecution of Trafficking

**Operational Level (Action Plan):** refers to “ **HOW** should be done” (↔C).

The operational level should identify means of implementation to operationalise the strategic and specific objectives for the four components:

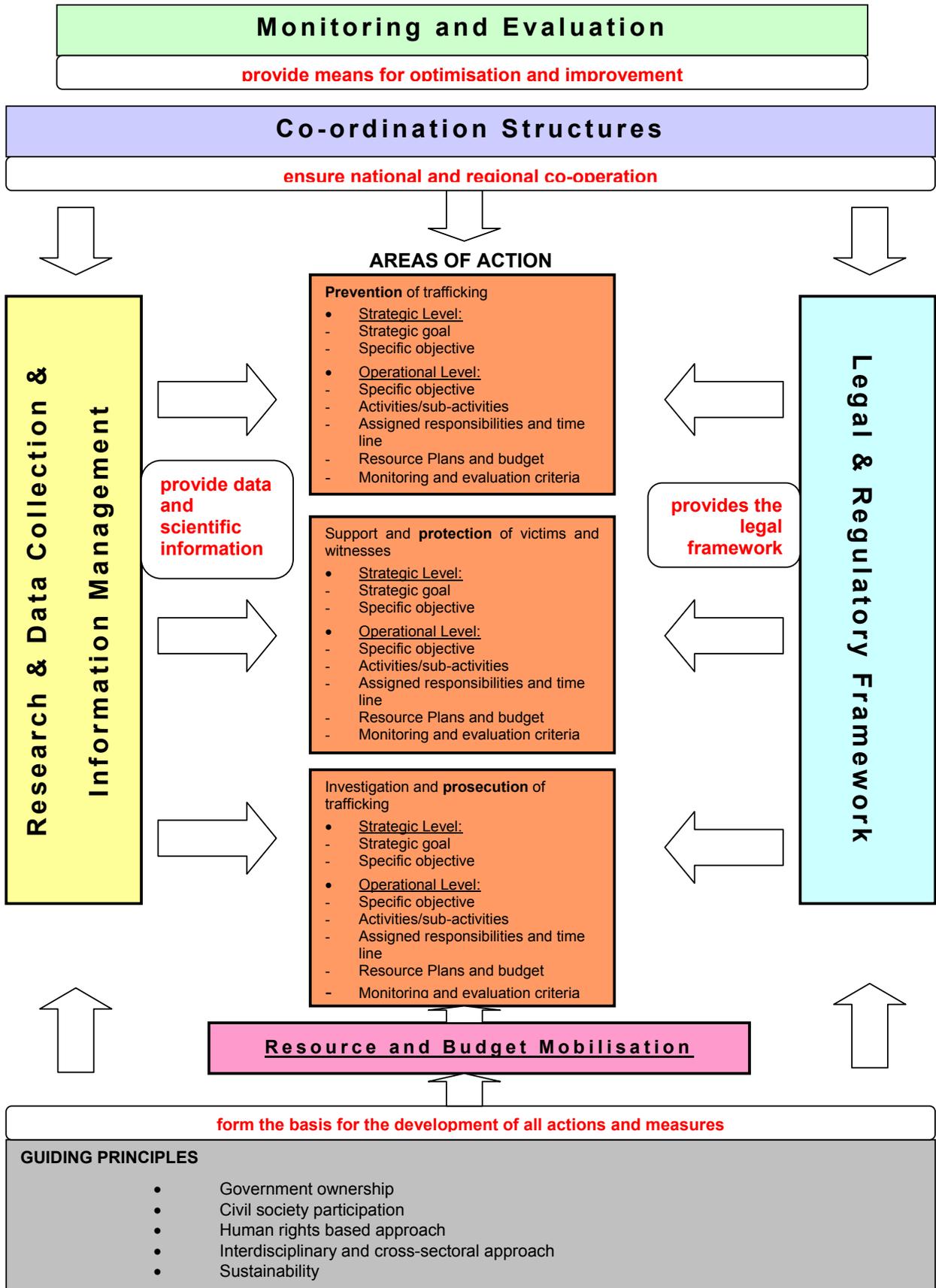
- Supporting Framework
- Prevention
- Support and Protection of Victims and Witnesses
- Investigation and Prosecution of Trafficking

The action plan for each specific objective should contain:

- Activities/sub-activities
- Assigned responsibilities and time lines
- Resource plans and budget
- Monitoring and evaluation criteria

In the following table, the integrated nature of an anti trafficking response, according to these four areas, is demonstrated.

**COMPONENTS OF A NATIONAL ANTI-TRAFFICKING RESPONSE**



## **B Strategic Level (Strategy)**

The strategy forms the basis of a national anti-trafficking response. Basically, each strategy consists of two parts: the first should describe the present trafficking situation in the country, including the main actors involved, and the so-called conceptual framework, namely the definitions of the problem and the guiding principles upon which the strategy is based. Building on that, the second part of the strategy should formulate the strategic goals and of a comprehensive anti-trafficking response.

The components for inclusion at the strategic level of an anti-trafficking response are elaborated below:

### **B.1. Preamble**

The “Preamble” should at the minimum outline the overall purpose of the national anti-trafficking response, explain that a comprehensive, efficient and appropriate anti-trafficking strategy is needed i.a. in order to foster a shared understanding and co-ordinated action of all stakeholders and actors, but also to ensure political and financial (including external donor) support. The Preamble should also include a paragraph on the commitment of the State actors involved in supporting the implementation of this response.

### **B.2. Background/Analysis of Trafficking Situation in the Country and Institutional Framework**

A thorough analysis of the current situation is important for two reasons: Firstly, it helps to define the problems and on the basis of these, the strategic goals. Secondly, it provides baseline data needed for future assessments of the anti-trafficking response. A comprehensive background analysis should therefore cover all fields for which strategic goals are being formulated. At a minimum, it should contain an analysis of the status quo (including the available statistical data) of the four areas mentioned above (↔A). Special attention should also be given to the analysis of new trends with regard to forms and types of trafficking.

Furthermore, the analysis of the existing institutional framework should identify both the main actors presently involved in the combat of trafficking and their respective roles as well as stakeholders for future engagement. Such an analysis is of special importance to the design and implementation of a well functioning co-ordination structure (↔C.1.1.)

Inter alia, the following issues should be considered:<sup>2</sup>

#### **Supporting framework**

- How are measures against trafficking presently co-ordinated at the national, regional, and local levels? Which actors are involved? Is there a clearly understood and institutionalised division of tasks and co-ordination mechanisms relating to the assistance to and protection of victims (SOPs and MOUs), especially between state and non-state actors?
- Which laws relevant to trafficking are in place (especially concerning the rights of victims) and which international instruments have been ratified?

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<sup>2</sup> The OSCE/ODIHR Handbook on the establishment of national coordination mechanisms for ensuring the protection of and assistance to trafficked persons, the ‘National Referral Mechanisms’, provides useful questionnaires for assessment of Country-Specific conditions and needs, legal framework and a mapping of actors and organizations involved. See: National Referral Mechanisms: Joining Efforts to protect the Rights of Trafficked Persons. A Practical Handbook; OSCE/ODIHR, 2004, p. 31-46.

- Which forms of trafficking (transnational vs. internal trafficking) and which types of trafficking (e.g. forced labour, sexual exploitation, child trafficking) do occur in the country?
- Which laws relevant to child protection are in place?
- Which documentation and data are available on trafficking? Are there any major information deficits?
- What research relevant to trafficking has been conducted? By whom? What are the results?
- Which projects have been implemented in the field of trafficking? By whom? Are there any monitoring or evaluation results available on these projects? If yes, what are their findings?

### **Prevention**

- How is the overall socio-economic situation, (e.g. unemployment, conditions of employment, informal labour market)?
- How is the educational situation, especially with regard to women and children?
- What are the anti-discrimination measures targeted at minorities and women in the labour market?
- How is gender based violence countered (e.g. domestic violence)?
- How well are regular migration schemes functioning?
- Have there been any surveys on the population's general awareness on legal migration options?
- Have there been any surveys on the population's awareness of trafficking? If yes, what were the results?
- Are child protection systems in place?

### **Protection**

- Number of identified trafficking victims (at national and regional level)
- Do all victims of trafficking in persons enjoy the necessary assistance? What is necessary to do in order to improve the situation in this field?
- Are their sufficient protection schemes for all victims of human trafficking, and victim/witnesses?
- Profile of the victims according to age, sex, ethnicity, etc.
- Number and types of shelters (for national vs. international victims, child victims, short term or long term etc.) and services offered
- Legal redress and compensation offered

### **Prosecution**

- Number of investigations, parallel financial investigations (national/regional), etc
- Number of court cases and convictions on human trafficking and related offences
- Confiscation of assets,
- Compensation of victims etc.

## **B.3. Guiding Principles**

The following principles should form the conceptual framework for the design as well as the implementation of a comprehensive national anti-trafficking response. Thus, they should be reflected by all elements at both the strategic as well as the operational level.

### **B.3.1. Government ownership**

#### **Definition**

The term “government ownership” is used to describe the relation the government should have to the anti-trafficking measures applied in its country, namely that it should “own” them. “Government” refers to state actors, i.e. those actors that are part of the public administration and directly linked to it (local, regional and national authorities). “Own” in this context means that the Government assumes full participation, responsibility and accountability in defining the objectives, implementing the activities and meeting the outcomes of the anti-trafficking response. This includes the involvement of non-state actors, and especially the civil society/NGOs in the design and implementation of this response. To ensure the active participation of the government is also of special importance to programmes and projects that are implemented by the European Union or other actors and is often a precondition for granting financial assistance.

#### **Relevance**

The active involvement of state actors at all levels of the national anti-trafficking response is important for several reasons:

- It is needed for a harmonization of legal definitions, procedures and co-operation at the local, regional and national level, in order to develop an appropriate legal framework;
- It is necessary for an interdisciplinary and cross-sectoral approach (↔**B.3 .4.**);
- It is an important mean to promote the sustainability of measures taken to prevent and combat trafficking (↔**B.3 .5.**).

#### **Proposed procedure of implementation**

Government authorities should:

- Bear the overall responsibility for the design and the implementation of the national anti-trafficking response.
- Ensure a co-ordinated approach, therefore they should appoint a National Governmental coordinator and a multi-disciplinary National Working Group (NWG) to combat trafficking in human beings.
- Actively involve the civil society in the design and implementation of national anti trafficking strategies and action plans.
- Be consulted on and actively involved in all anti-trafficking programmes and projects implemented by international actors.
- Be consulted by, and seek to guide and coordinate, to the largest extent possible, the donors in view of optimal funds and resources allocation.

### **B.3.2. Civil society participation**

#### **Definition**

The principle of “Civil society participation” requires that both the development and the implementation of programmes and measures against trafficking are not only carried out by government authorities, but that they also involve stakeholders who are independent from the state and outside the government and public administration. Amongst these stakeholders, which usually are referred to as “representatives of the civil society” or “Non-state actors”, the civil society play a very crucial role in the fight against trafficking<sup>3</sup>. To involve it in the national anti-trafficking response does not only mean that civil society representatives are being allowed to take part in meetings, working groups, etc., but that they play an active role in decision-making and that their views and opinions are reflected adequately in the design and implementation of the anti-trafficking response.

#### **Relevance**

The involvement of civil society representatives is important, because based on their concrete experience they are able to transport the victims’ perspective and complement the support provided by the state. Their inclusion in a national strategy helps to balance the law enforcement needs with a victim-centred, human rights-based approach as civil society participation not only ensure adequate assistance to the victims, but also, as the victims’ willingness to cooperate improves with better attention to their needs, render prosecutions more effective. Furthermore, civil society representatives should be free to assist trafficked persons regardless of whether the victims cooperate with law enforcement. Thus, the possibility for them to receive funding and/or to actively being involved in the anti-trafficking national response should not be conditional on the collaboration between the victim and the law enforcement.

#### **Proposed implementation procedure**

To ensure an active participation of civil society in the national anti-trafficking response:

- Some members of the National Working Group (NWG) and of the Thematic Working Group (TWG) must be NGOs (↔C.1.1).
- NGO members of the NWG and TWG must have voting rights
- Civil society must be involved in the implementation of anti-trafficking measures in the areas of prevention, protection and prosecution (in providing assistance to the victim during the duration of legal proceedings, e.g. psychological assistance, safe housing etc), thus must be part of the national referral mechanisms (↔C.3.) and have a prominent role in the identification, social assistance and protection of the victims.
- NGOs must be part of a national information exchange mechanism.
- NGOs must obtain sufficient funding to be able to carry out their activities.

### **B.3.3. Human rights based approach**

#### **Definition**

The term “Human rights based approach” means that the National Anti-Trafficking Response (as well as every single measure) should be normatively based on international human rights standards and operationally directed to promoting and protecting human rights, especially

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<sup>3</sup> Since Non-governmental organisations (NGOs) are the most important civil society actors with regard to trafficking in human beings, the guidelines often refer to ‘NGOs’, which does not exclude other civil society actors.

those of the victims. Thus, a human rights perspective that considers the full range of indivisible, interdependent and interrelated civil, cultural, economic, political and social rights of each individual should be part of any strategy, measure and policy to address trafficking. Indispensable elements of a human rights based approach are the observance of human rights standards and the principle of non-discrimination, standard setting and accountability, the integration of a gender perspective and the recognition of human beings as subjects and holders of rights. The notion “right” expresses that it should be a legally enforceable entitlement, which entails the obligation for the government to respect, promote, protect, and fulfil it. This includes that those not enjoying their rights (e.g. trafficking victims) are given the possibility to claim them. By definition, such an approach is incompatible with policies or activities that have the effect of violating rights, and it permits no “trade-offs” between e.g. the prosecution of perpetrators and the rights of the victim<sup>4</sup>.

⇒In essence, a human rights based approach asserts that the human rights of victims are at the core of the anti-trafficking response and take precedence over other considerations.

### **Relevance**

The human rights based approach offers a conceptual and normative framework that should give direction to the further development of policies in the area of trafficking. At the same time it offers a framework to monitor and evaluate anti-trafficking policies, practices and actions for their real and potential impact on trafficked persons and other groups concerned.<sup>5</sup>

### **Proposed implementation procedure**

To ensure a human rights based approach

- The rights of those who have been trafficked<sup>6</sup> must be at the centre of all anti-trafficking measures.
- Tools to control for the human rights impact of anti-trafficking laws and relevant policies should be developed by the states.
- States must observe the international human rights standards set in the signed and ratified human rights conventions as well as international labour standards and child rights standards. Therefore, laws, policies and practices on anti-trafficking must not contravene such provisions.
- States must introduce measures to identify trafficked persons rapidly particularly amongst detained irregular status migrants.
- All measures taken by all actors for preventing and combating trafficking must be designed not to infringe on the safety and well being of the victims and more generally, the human rights of all persons concerned.
- In all actions concerning children, the best interest of the child shall be the primary consideration<sup>7</sup>.
- Measures should be taken to provide effective remedies– including access to complaints mechanisms.

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<sup>4</sup> Report of the European Experts Group on Trafficking in Human Beings,, December 2004.

<sup>5</sup> Idem.

<sup>6</sup> “Recommended Principles and Guidelines on Human Rights and Human Trafficking, Report of the UNHCHR to the Economic and Social Council” – E/2002/68/Add.1, p. 3.

<sup>7</sup> Art. 3 Convention on the Rights of the Child, 1989.

- Victims of trafficking must be informed about their status before the law and their potential right to take legal action against discriminatory practises as well as on their rights to claim asylum in the destination countries.

### **B.3.4. Interdisciplinary and cross-sectoral approach**

#### **Definition**

Trafficking in human beings is a complex phenomenon, which is related to different fields and interests, such as migration, organized crime, corruption, labour, prostitution, human rights, unequal international economic relationships, gender issues, violence against women, the feminisation of poverty, etc. Effective counter-strategies must take this complexity into consideration in order to address the different aspects of trafficking simultaneously. To this end, it is necessary to work “interdisciplinary”, which means that the knowledge and expertise of different disciplines as well as their respective methods are combined to develop measures to prevent and combat trafficking (e.g. legal instruments, educational methods, social research, economic empowerment, psychological assistance etc.). The term “cross-sectoral” expresses that interventions should be designed and implemented in a way that they cover all sectors of society (e.g. judiciary, education, labour market, etc.).

#### **Relevance**

An interdisciplinary and cross-sectoral anti-trafficking response is important, because trafficking is a complex and multi-faceted phenomenon. Only a holistic approach allows tackling all aspects of trafficking at the same time.

#### **Proposed implementation procedure**

To ensure an interdisciplinary and cross-sectoral approach the national anti-trafficking response:

- Must address explicitly different fields and sectors at both the strategic as well as the operational level.
- Must involve all relevant state and non-state actors, such as governmental authorities, law enforcement and migration authorities, judiciary, NGOs, researchers, etc.
- Must ensure a regular exchange of information between the different actors.

### **B.3.5. Sustainability**

#### **Definition**

The most common and broad definition of sustainability is ‘Meeting the needs of the present generation without compromising the ability of future generations to meet their own needs.’

In terms of an anti-trafficking response it would mean that the structure and system to be implemented is able to endure over the long term and to creatively adapt to changing conditions over time. There should be no critical dependencies (such as on major external donor funding), which could make the system easily collapse.

#### **Relevance**

Sustainability ensures that the anti-trafficking response serves the victims and the society at large not just within a limited short time-frame, but basically as long as the problem of human trafficking persists. From an economic point of view it ensures that the use of existing resources is maximised and that investments into the response are not lost. A sustainable anti-trafficking response will thus more easily attract the necessary funding, both internal and external.

### **Proposed implementation procedure**

The sustainability of an anti-trafficking response is ensured:

- Through government ownership.
- Through civil society participation.
- Through periodical review of the national action plan as well as regular/parallel monitoring and evaluation of the measures already implemented.
- By including human right standards, which strengthens the legitimacy of political processes.
- If the measures taken integrate with, and build on, local management structures.
- If the programme and project designs take adequate account of the capacity of local administrative systems.
- If regular state budget allocations are ensured for the financing of the anti trafficking coordination structures, as well as activities and measures of key actors. (↔**B.4.1**)
- If anti-trafficking measures are mainstreamed (e.g. anti-trafficking training for police officials to be included in the regular police training curriculum of the academies).
- If the multiplier approach (train the trainer) is pursued.

### **B.4. Strategic goals and specific objectives**

The goals that should be formulated at the strategic level are **medium and long-term objectives**, which should be achieved within the next 2 to 5 years<sup>8</sup>.

Each strategic goal should have a clear reference to the background analysis and being formulated in accordance with the guiding principles.

Furthermore, each strategic goal can be further detailed in two or more specific objectives.

- Each strategic goal should have a SMART format, i.e. it should be  
**Specific:** concrete; who or what is expected to change  
**Measurable:** possible to count, see it  
**Attainable:** likely to be achieved  
**Results-oriented:** meaningful, valued results  
**Timed:** target date

For each of the four areas (Supporting framework, Prevention, Support and Protection, Investigation and Prosecution) separate strategic goals must be formulated. They should refer to the following issues:

#### **Supporting framework**

- Co-ordination structures
- Legal framework
- Capacity Building
- Information management, research and data collection
- Resource and budget mobilisation
- Review, monitoring and evaluation

#### **Prevention**

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<sup>8</sup> This is a period estimation, some objectives such as socio-economic development might be achieved in a longer term.

- Awareness raising and education
- Reduction of vulnerability
- Administrative controls

#### **Support and Protection of Victims and Witnesses**

- Victim identification
- Reflection/ stabilisation period and residence status
- Social support and protection of victims
- Witness protection and judicial treatment of trafficked persons
- Return and integration

#### **Investigation and Prosecution of Trafficking**

- Proactive and reactive investigation
- International law enforcement and judicial co-operation
- Prosecution and conviction of offenders
- Legal redress and compensation for victims
- Police and judicial treatment of victims/witnesses
- Corruption

#### **Examples:**

To install a compensation system for victims of trafficking until 2007.

To install a national referral mechanism by the end of 2006.

- For each strategic goal at least one indicator should be defined that allows to assess the progress towards it (↔**C.1.6.Review**).

## **C. Operational level (Action Plan)**

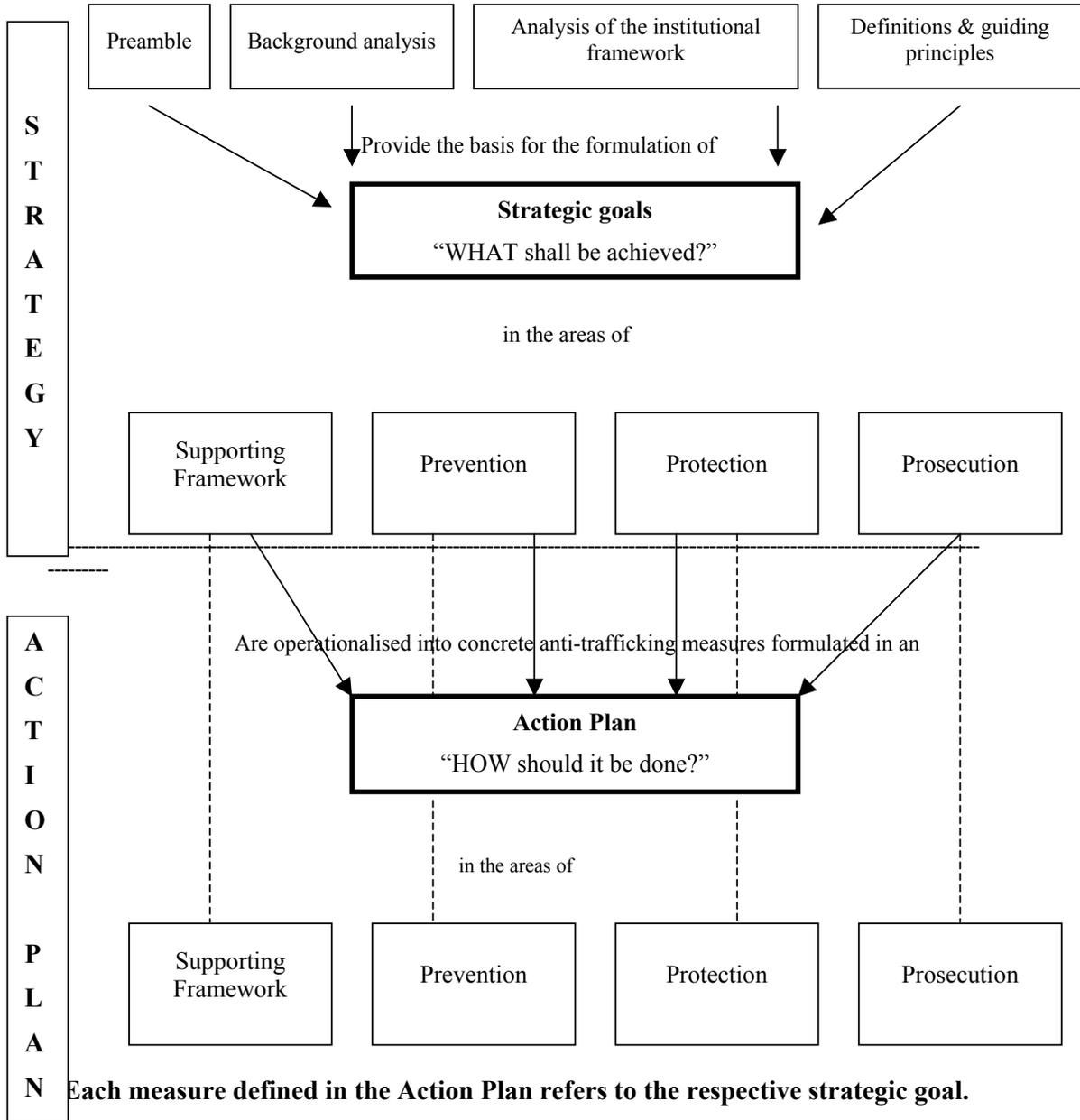
In order to convert the strategic goals into concrete activities, an action plan needs to be developed. The action plan should operationalise the specific objectives by identifying the respective activities and sub-activities to achieve them.

The guidelines for the areas Supporting Framework, Prevention, Support and Protection and Investigation and Prosecution presented under section C. below contain:

- Suggestions for best practices to be considered in the formulation of strategic goals (please refer to the headings What/Strategic level).
- Best practices that should be included in a national action plan (please refer to the sections How/Operational level).

Since there should be a close correlation between the strategic and the operational level, it is structured according to the issues for which strategic goals should be formulated.

The following table illustrates the workflow, from background analysis, to the elaboration of strategic goals (strategy), as well as their translation into concrete operational activities (action plans):



## C.1. Supporting Framework

### C.1.1. Co-ordination structures

#### **WHAT shall be achieved?**

Establishment of an enduring institutional framework which allows full co-ordination and ensures co-operation among the main actors involved in the fight against trafficking in human beings in the country. It is therefore essential to identify the main actors from the Governmental Institutions as well as the civil society and the other international organisations, which are prepared to take responsibility in the anti-trafficking response. These actors should be included and actively engaged in the functioning of efficient anti-trafficking structures.

The co-ordination structure should consist of multidisciplinary and cross-sector participation and should be created at the governmental level and include:

- National Anti-trafficking Governmental Co-ordinator overall responsible for the design and implementation of the comprehensive national anti-trafficking response (i.e. strategy and action plan);
- National Working Group counting all the relevant bodies (i.e. governmental, non-governmental, international) responsible for the design, implementation and regular review of the National Strategies and Action Plans;
- National Secretariat;
- Thematic Working Groups (subgroups of the national working group), responsible for the design, implementation and regular review of the National Strategies and Action Plan<sup>9</sup> in their respective thematic areas.

#### **Who should be involved?**

National Co-ordinator, National Secretariat, National Working Group and Thematic Working Groups including governmental, non-governmental and international actors/bodies. At various levels, inter service co-operation among the different Ministries involved (Ministry of Interior, Ministry of Foreign Affairs, Ministry of Labour, Ministry of Social Welfare, Ministry of Public Health, Ministry of Justice, Ministry of Finance, Ministry of Education) as well as other actors as the Public Prosecutors Office, Police Academy, Judicial Training Institute, Labour market officials and institutions, workers and employers organisations, labour inspectors, trade unions, child agencies, national statistics and research institutions, domestic experts and NGOs etc.

#### **HOW should it be implemented?**

##### I. National Co-ordinator (NC):

- The Government should nominate an NC holding a high-ranking position, i.e. representative of one of the national-level ministries with the necessary political and executive power, and should provide to him/her political and administrative support. Terms of Reference for his/her position (ToR) that

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<sup>9</sup> On 13th December 2000, SEE Governments signed the “Anti trafficking Declaration” in Palermo, whereby they committed to nominate governmental co-ordinators and set up official structures in order to effectively tackle trafficking at the national and regional level.

should clearly define the objectives and the mandate of the NC should be drafted.

- According to the ToRs, the NC should have the overall responsibility for the anti-trafficking response. The NC shall be responsible for the internal co-ordination and design and implementation of the anti-trafficking response including all the anti-trafficking related activities. The NC should have direct access to the government and limited other responsibilities exceeding the anti-trafficking co-ordination in order to duly fulfil his/her tasks.
- The NC should co-ordinate all activities within the country by assuring local and regional as well as international co-operation, including data collection.
- The Government and/or the NC should furthermore create ToR for the role, responsibilities and functioning of the<sup>10</sup>:
  - a) National Secretariat (see below II)
  - b) National Working Group (NWG) (see below III)
  - c) Thematic Working Groups (TWGs) (see below IV)
- Such ToR should also include mechanisms to ensure accountability of all relevant bodies engaged in the implementation of the activities at the local, regional and national level in order to guarantee a functioning network as well as self-monitoring schemes.
- The establishment of intra-service (within same agency or ministry) and inter-service, or inter-agency (between the different ministries/authorities) co-operation among the actors involved in the anti-trafficking response should be formalised and made effective (i.e. governmental agreements and/or specific guidelines).
- The NC shall:
  - Be responsible for reporting back to the government and parliament;
  - Liaise with external partners, agencies and donors and organize meetings on a regular basis;
  - Be responsible for budget and resource mobilisation and coordination;
  - Be responsible for the overall monitoring, review and evaluation of the action plan;
  - Co-ordinate information and data collection, analysis and sharing;
  - Chair the NWGs and ensure regular meetings of NWGs;
  - Ensure political support from all ministries and agencies concerned in order to support the focal points of the NWGs.

⇒ In all these activities the NC shall be supported by the National Secretariat.

## II. National Secretariat:

An office shall be created that should serve as secretariat for the National co-ordinator Office and provide support to the NC for the co-ordination of all the anti-trafficking activities.

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<sup>10</sup> In some countries, the National co-ordination role is split between the President (a high political person) and the Co-ordinator (a senior official within a Ministry) in charge with of coordinating the implementation of the anti-trafficking activities.

At least a full time employee should work in the secretariat solely on trafficking issues in order to provide administrative and logistical support for the work of the NC and serving as a focal point. Ideally a second or third person, if required, should also work (at least part-time) for the Secretariat as advisor to the NC as well as driving force for the implementation of the Anti-trafficking Response.

Headed by the NC, the Secretariat should:

- Regularly liaise with the members of the National Working Group and with those of the Thematic Working Groups and ensure that the communication flow as well as a regular exchange of views among the stakeholders is in place (i.e. with a newsletter and/or website).
- Ensure that all relevant information is disseminated at the local and regional level within the country.
- Preferably run a database of projects/contacts, as well as a roster of NGOs, which is regularly updated and made available to all the stakeholders.
- Maintain regular contact with the donors in the country and, in order to co-ordinate funding and avoid duplication and/or overlapping of projects, call for regular meetings with all the donors.
- Assist the NC in all matters, as necessary.

### III. National Working Group (NWG):

A National Working Group (NWG) involving all relevant Ministries, International and Intergovernmental Organizations (IOs) and Non-Governmental Organizations (NGOs) active in the anti-trafficking field as well as other relevant actors should be established under the coordination of the NC.

Such body should be inter-ministerial, inter-disciplinary and include the following actors:

#### **At the governmental level:**

- Ministry of Interior
- Ministry of Foreign Affairs
- Ministry of Labour
- Ministry of Social Welfare
- Ministry of Public Health
- Ministry of Justice
- Ministry of Finance
- Ministry of Education

#### **Other actors:**

- Public Prosecutors Office
- Police Academy
- Judicial Training Institute

#### **Labour officials and institutions:**

- Workers and employers organisations
- Labour inspectors
- National statistics and research institutions

- Child agencies

**NGOs working in the anti-trafficking field (see below):**

- Social partners
- International organisations (see below)

All representatives of the NWG should act as representatives of their respective ministry/agency and should:

- Have the authority to take decisions and voting right during the adoption of NWG decisions.
- Liaise between the NWGs and their agencies, and ensure information flow between these two bodies.
- Co-ordinate the input of their ministry/agency.
- Be available with regard to terms of time and capacity<sup>11</sup>.

The representatives of the ministries shall coordinate with their respective ministry.

The NWG should be involved in the development and implementation of strategy and action plan and their regular monitoring, evaluation and review. The NWGs should have a clear mandate and be accountable according to agreed Terms of Reference (TORs).

**IV. Thematic Working Groups (TWG):**

TWGs should be constituted as subgroups of the NWG which work on specific topics. They should be formed at working level according to the 3Ps division of the anti-trafficking response, i.e. Prevention, Protection and Prosecution, in order to establish regular channels of communication and action to develop, implement and regularly review the National Strategy and Plan of Action in their respective thematic areas.

A fourth TWG should be created for Trafficking in Children. This working group should if possible be ‘owned by’, and be able to attain additional funding from, the relevant ministries responsible for child protection, and should refer to the UNICEF guidelines on Protection of Child Victims of Trafficking (see references documents on E.).

Representatives of the TWG should:

- Have the authority to make decisions and
- Be flexible to pursue projects without political constraints.
- Be available with regard to terms of time and capacity.
- Act on behalf of the NWG in their respective substance area.
- Have a clear mandate and be accountable according to TOR.
- The working group on Children should have the authority and capacity to produce a separate National Action Plan on Trafficking in Children, that shall be endorsed by the NC, either as a separate document or as a fully formed annex to the NAP.

The TWGs, or their chairs, should convene in regular intervals in order to ensure full co-ordination of all anti-trafficking measures.

**Role of the NGOs:**

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<sup>11</sup> OSCE Mission to Bosnia and Herzegovina, “Overview of six Institutional Anti-Trafficking Frameworks currently existing in selected South Eastern European countries”, May 2004.

- The civil society participation in the co-ordination structure should be compulsory, taking into consideration the crucial role-played by the NGOs especially in the areas of prevention and victim assistance.
- NGOs should be represented in the NWG and it should be mandatory to include NGOs representatives in each TWG. In this framework NGOs must be part of the decision making process and shall be consulted in order to provide their opinion and expertise.
- Governments should therefore ensure the participation of the NGOs in the NWG by signing formal co-operation agreements i.e. Memorandum of Understanding (MoU). Such an agreement should clearly set out the specific responsibilities of each actor and as well as the distinction of tasks<sup>12</sup>.

#### Role of the IOs:

- International and intergovernmental organisations active in the country should support the development of the national co-ordination structures by providing the main actors with technical expertise, training when needed and financial support for the implementation of the National Action Plan.
- The IOs should promote the human rights perspective and facilitate the implementation of the anti-trafficking activities as per the NAP leaving the leading role to the national stakeholders.
- IOs should participate in the NWGs as “observers” in order to advise the NC and the NWG upon request.
- IOs should provide support for NGOs networking and active participation within the co-ordination structure.
- IOs should also provide support to governmental structures and social partners in order to ensure sustainability of anti-trafficking initiatives.

#### Creation of a National Referral Mechanism<sup>13</sup>

- Institutionalised, multi-agency co-ordination mechanisms must be established to ensure that all victims of human trafficking obtain the necessary and appropriate, human rights based, assistance, support and protection. Such mechanisms should be centred on the needs of individual victims and include the initial detection and identification, their referral to appropriate services and support, legal stay, support during investigation, prosecution and trial, if any, leading to a durable solution, i.e. return, (re)-integration, resettlement or social inclusion. Such systems must be institutionalised yet flexible to allow for process/case management tailored to the needs of individual victims.
- The TWGs on protection should assume the responsibility for setting up such a national referral mechanism at the operational level, as well as monitoring, evaluating and regularly reviewing its work with a view to optimising the process. See further (↔C.3.) Support and Protection to victims of trafficking.

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<sup>12</sup> For a comprehensive information on co-operation agreements please refer to “National Referral Mechanisms – A Practical Handbook”, OSCE Office of Democratic Institutions and Human rights (ODIHR), 2004.

<sup>13</sup> The concept of National Referral Mechanism (NRM) was developed by the OSCE Office of Democratic Institutions and Human Rights (ODIHR) and is defined as “a co-operative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, co-coordinating 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 to provide an effective way to refer victims of trafficking to services. In addition, NRMs can work to help improve national policy and procedures on a broad range of victim-related issues...”, National Referral Mechanisms – A Practical Handbook, OSCE Office of Democratic Institutions and Human rights (ODIHR), 2004.

## C.1.2. Legal and regulatory framework

### WHAT shall be achieved?

Adequate legislation on trafficking is one of the major steps to effectively tackle human trafficking. Thus, policy makers and competent authorities should consider undertaking legislative reforms with the view to bring legislature in compliance with international instruments such as:

- United Nations Convention Against Transnational Organized Crime
- United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime
- Other UN Conventions and documents
- EU legislation and other documents
- Council of Europe Conventions and Recommendations
- Stability Pact Anti-trafficking of South Eastern Europe Declarations and Statements
- ILO Conventions and other documents<sup>14</sup>

This includes the harmonisation of the national legislation according to international human rights standards. The element of human rights is crucial and should be regarded when drafting and/or applying anti-trafficking laws, by-laws, regulations, procedures, code of conducts, agreements, Memoranda of Understanding, etc.

An appropriate legal and regulatory framework should encompass the criminalisation of trafficking, the provision of assistance and protection to victims of human trafficking, including the protection of victims in legal proceedings, legal redress and compensation for victims, and the co-operation and co-ordination framework, especially between state actors and the civil society/NGOs, as required by national law.

Legislative reform should provide for the protection of the basic human rights of presumed victims of trafficking, regardless of immigration status and include the adoption of laws to detect illegal employment, punish organisers of clandestine movement and those employing in abusive conditions as well as promote national policies aimed at equal treatment of migrants workers with national.

The legislation relevant for an effective implementation of the national anti-trafficking response especially includes criminal, civil, labour and administrative law.

### Who should be involved?

The review of legislation and practices according to the well-established anti-trafficking international standards based on human rights law should actively involve policy makers as well as the legislators at the national and local level. Experts from other countries as well as from international organisations active in the field should be consulted in order to provide expertise and legal advice.

### HOW should it be implemented?

- The issues to be addressed include *in primis* human rights law. The country should ratify human rights instruments and incorporate them into national law.

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<sup>14</sup> For a complete list of sources please refer to Part E. of the guidelines.

- Trafficking in human beings should be made a distinct offence included in the national criminal law, in compliance with the UN Trafficking Protocol
- Furthermore, separate legal provisions on smuggling of and trafficking in persons, not only reflected in the definition but also in the practice.
- All practices covered by the definition of trafficking such as debt bondage, forced labour and forced prostitution should also be criminalized, moreover all the activities related to trafficking should be criminalized.
- Special provisions for child trafficking should apply<sup>15</sup>.

**With regard to co-ordination and co-operation:**

The anti-trafficking co-ordination structure including appointment of National Coordinator, National Working Group (and their tasks as well as the co-operation between state actors and NGOs in the framework of a National Referral Mechanisms) needs to be regulated.

**With regard to prevention the following issues should be regulated:**

- Border control measures related to trafficking;
- Legal migration;
- Establishing regulatory instruments on exchange of information and training;
- Anti-discrimination and gender equality provisions;
- Recognition of model employment contracts and their enforcement in destination country courts, even for irregular status workers.

**Concerning the protection of the victims, lawmakers should *inter alia* consider the following main issues:**

- Ensure identification of victims (i.e. in the form of circulars of directives for law enforcement personnel and/or prosecutors, and formal co-operation agreements with NGOs);
- Measures to ensure access to civil procedures;
- Protection of the privacy of the victims;
- Victim and witness protection programmes;
- Physical and psychological assistance to the victim, including right to safety;
- Legal counselling to the victims including interpretation services and cultural mediation;
- (Temporary) residence permit for the victim;
- Data protection regulations;
- Measures to ensure social inclusion of victims;
- Measures to ensure trafficked persons are not returned to a country where they would be at risk of ill-treatment or re-trafficking.
- Special needs of children to be considered for all of the above

**As far as prosecution is concerned *inter alia* the following topics should be addressed:**

- Mutual legal assistance;
- Extradition provisions;

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<sup>15</sup> References to the relevant articles of the Hague Conventions on Child abduction etc. should be referred to/reinforced in countries that are signatories to those conventions of the Hague Conferences.

- Seizure and confiscation of proceeds;
- Compensation for the victims;
- Specific provisions for under-cover operations;
- Financial investigation procedures integrated within the criminal investigation procedures;
- Appropriate sanctions to the crime of trafficking;
- Data and information exchange at the international level<sup>16</sup>.

### C.1.3. Capacity building

#### WHAT shall be achieved?

Training is a crucial component for an appropriate response to trafficking in human beings. Hence, training activities for all the stakeholders involved in the implementation of anti-trafficking measures should be foreseen in national strategies.

Training curricula should be:

- Based on a human rights approach and victim-sensitive;
- Multidisciplinary approach, in order to enhance the need of co-operation of the actors involved, especially focussing on the co-operation between non-governmental and governmental organisations;
- Single and multi-actor targeted;
- Victim-sensitive approach;
- Gender-sensitive and child-sensitive approach.

#### Who should be involved?

Training activities should be organised for police (specialised investigators, front-line police, border police etc); judges; public prosecutors; medical, diplomatic, consular, customs, public administration personnel; labour inspectors; trade unions; journalists; school and university teachers; international military and police peacekeepers; social workers; international organisations and non governmental organisations. The involvement of NGOs in the training should be mandatory.

#### HOW should it be implemented?

- All trainings should contain:
  1. A **general part** on awareness raising including a description of the phenomenon, definitions (e.g. trafficking, trafficked persons, traffickers, exploitation, difference between trafficking smuggling and irregular migration); modus operandi of traffickers; psychological, social and economic impact on trafficked persons etc.
  2. A **specific part** that should be tailor-made to the actors addressed, providing detailed and specific measures and instructions that they should take into consideration (e.g. for law enforcement the principle of democratic policing, the rights and needs of the victims and the concern for the conviction of perpetrators).

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<sup>16</sup> For an exhaustive assessment of the Legal Framework, please refer to “National Referral Mechanisms – A Practical Handbook”, OSCE Office of Democratic Institutions and Human rights (ODIHR), 2004, pp 39-42.

- Gender discrimination measures, gender equality, labour standards as well as the rights and the needs of the victims should be overall addressed in the training.
- In addition to single actor training, joint trainings targeting different groups should be organised in order to guarantee a multi-actor and interdisciplinary approach.
- All trainings should be delivered by multi-disciplinary teams with the participation of NGOs and should be designed as interactive awareness training.
- Trainings should target both national as well as international stakeholders (e.g. international military, peacekeepers operators etc).
- Specific trainings on child trafficking should be organised to target the actors dealing with trafficking in children although, all trainings aimed at more general service providers and actors – should contain at least some elements of child-specific training.

Trainings should have also a harmonised regional approach based on the UN definitions and best existing practices. Consequently, training modules (including training kits) should be developed and mainstreamed into the regular curricula of all relevant actors.

#### **C.1.4. Information management and research**

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| <b>WHAT shall be achieved?</b> |
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In order to optimise the national anti-trafficking response it must be ensured that all relevant information and data is available, accessible to the actors involved and exchanged regularly. To this end, it is necessary to overcome two major problems:

- a lack of common definitions among existing data sources, which in many countries leads to a mix of data related to trafficking, smuggling and irregular migration, meaning that figures are often little more than estimates;
- a lack of data concerning other forms of trafficking than the trafficking of women and children for sexual exploitation.

To overcome this lack of data, on the one hand the harmonisation of definitions at both the national and the international level is necessary. On the other hand new data has to be collected by means of research and monitoring. Furthermore, data collection on trafficking should be linked to migration-related information systems (i.e. institutions which already collect data on migration on a regular basis).

Research should be based on the Palermo Protocol definition in order to facilitate a systematic measurement and evaluation of the phenomenon and to be able to compare data. It should focus on the following issues:

- Elements related to intelligence (participation and activities of criminal groups);
- Socio-economic profiles of perpetrators and victims and of their societies of origin;
- Main root causes for trafficking;
- Consequences for the individuals involved as well as for the countries concerned<sup>17</sup>.

Information management and research should cover all areas of the national anti-trafficking response, i.e. prevention, protection and prosecution, as well as the supporting framework. In all fields data should be collected separately for women, men boys and girls.

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<sup>17</sup> See Report of the European Experts Group on Trafficking in Human Beings, December 2004, p. 119

As for the format, both personalised and non-personalised data should be collected, but the exchange of personal data should be subject to the victim's consent.

### **Who should be involved?**

#### Research:

Should be undertaken by specialised research institutes inside and outside universities as well as independent domestic experts, including NGOs. In order to allow comparative research, co-operation with international research institutes, experts and NGOs and/or participation in international research networks should be sought.

#### Information management and data collection:

At the strategic level information management is closely connected to monitoring (↔C.1.6.), as a great part of the information to be exchanged consists of monitoring data.

- It should be conducted by a national central institution. Ideally this institution should be independent and should not have an executive, operational or policy-co-ordinating task. such as for example a National Rapporteur. In order to guarantee optimal access to all relevant sources of information it should hold an official mandate to collect information. It is advisable that this institution be also responsible for monitoring<sup>18</sup>.
- Data should be delivered by governmental authorities as well as by non-state actors, including national statistical offices, law enforcement agencies, intergovernmental organisations, NGOs, research institutes and international organisations.
- At international level, information exchange should involve relevant agencies in both the target countries as well as the countries of origin of the trafficking victims. NCs and NWGs should also regularly share information and experiences.
- The dissemination of information should take place via regular reports and an anti-trafficking website.

### **HOW should it be implemented?**

#### Research:

- Should be inter-disciplinary.
- Should be co-ordinated at national level, e.g. by establishing a national anti-trafficking research programme in close connection with the NC Secretariat.
- Should be oriented towards the production of practical recommendations to curb trafficking and to establish appropriate protection and assistance of trafficked persons.
- Should respect the protection of confidential and personal data and information.

#### Information management:

- Should be conducted by one central institution (see above).
- Should ensure a regular exchange of **non-personalised data** between all actors involved in the anti-trafficking response, by means of:
  - dissemination of Annual Monitoring Reports
  - dissemination of research results
  - installation of a national anti-trafficking website.

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<sup>18</sup> See Report of the European Experts Group on Trafficking in Human Beings, December 2004, p. 118.

- Must in the case of **personal data** ensure adequate data protection (↔**C.1.2.**). To this end, the transmission of personal data between state agencies, or between state offices and non-governmental organisations, should only be cleared when it does not violate any of the affected person's rights to protection, especially where the affected person is prejudiced by its transmission.

Apart from general data protection regulations, the following measures should be implemented for the **protection of personal data**<sup>19</sup>:

*"Restricted notes"*:

The practice of so-called 'restricted notices' protects endangered trafficked persons. It entails that inside state authorities, the data of the endangered person are used but marked only with an anonymous number, the identity of which is known only to a specialist official who treats it as classified information. Where applications are made by external third parties or other authorities, the specialist officer informs the relevant police or witness protection office. They will then examine the compatibility of the application with the interest of protecting the endangered person.

*"Duty of confidentiality"*:

for people who have access to personal data in the course of their work (for example, those working in state authorities).

*Regulations concerning the transmission of data between criminal prosecution authorities and counselling agencies:*

Co-operation agreements must include regulations guaranteeing that the identity of the trafficked person will not be forwarded by the criminal prosecution authorities to counselling agencies without the trafficked person's agreement. In the same way, counselling agencies must not be pressured to divulge the identity of their clients, or other information relating to them, to the criminal prosecution authorities without the proper authority to do so.

### **C.1.5. Resource and budget mobilisation**

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| <b>WHAT shall be achieved?</b> |
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It is vital for an effective and sustainable anti-trafficking co-ordination to have a detailed plan on the resources needed and on how to mobilise them. Such a plan should comprise detailed provisions for technical and financial assistance.

"Resource and budget mobilisation" covers basically all inputs that are needed for a successful implementation of the National Anti-Trafficking Response. This does not only include financial resources, but also personnel and technical equipment. The mobilisation of resources must take place at both strategic and operational level and must aim at the increase of the resource allocation from the regular budget of various government institutions for the implementation of the national plans. Additionally, it should target external donors and could include also public-private partnership.

#### **Who should be involved?**

- **National Co-ordinator** should bear the overall responsibility for resource and budget mobilisation and should:

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<sup>19</sup> Report of the European Experts Group on Trafficking in Human Beings, Explanatory Paper 7, December 2004.

- have an overview of the National Anti-Trafficking Resource Plan
- liaise with external donors and agencies
- organise donor meetings at regular intervals
- inform the implementing agencies on funding possibilities (through the National Secretariat).
- **National Secretariat** should support the National Co-ordinator:
  - draft a National Anti-Trafficking Resource Plan
  - liaise with donors and sponsors in the country
  - set up a roster of potential donors and funding opportunities
  - be responsible for the monitoring of the budget
  - co-ordinate the funding activities of internal and external donors
  - inform the implementing agencies on funding opportunities.
- **Implementing agencies** should:
  - design detailed budgets for each activity
  - inform the National Secretariat about their funding requirements
  - seek to find donors and/or sponsors for their activities.

#### **HOW should it be organized?**

- **Draft of a detailed budget for each planned activity**  
For each action set out in the National Action Plan a detailed budget describing all resources needed should be drafted, including allocated budget and in-kind contributions.
- **Draft of a National Anti-Trafficking Resource Plan**  
Based on these budgets the National Secretariat should draft a National Resource Plan indicating the total resources needed for each area (Supporting framework, Prevention, Protection and Prosecution). It should also include a list of funds already awarded by external and internal donors as well as an indication of priority funding needs, in line with the national strategy and action plans.
- **Contact with possible donors and sponsors**  
The National Secretariat should use the National Anti-Trafficking Resource Plan (or parts thereof) together with project outlines to inform potential donors and sponsors.
- **Information of the implementing agencies on funding possibilities**  
The implementing agencies should be regularly informed about potential donors, e.g. via e-mail or a newsletter.

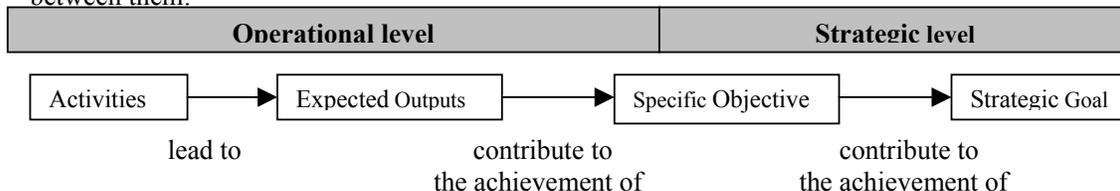
## C.1.6. Review, monitoring and evaluation

### WHAT shall be achieved?

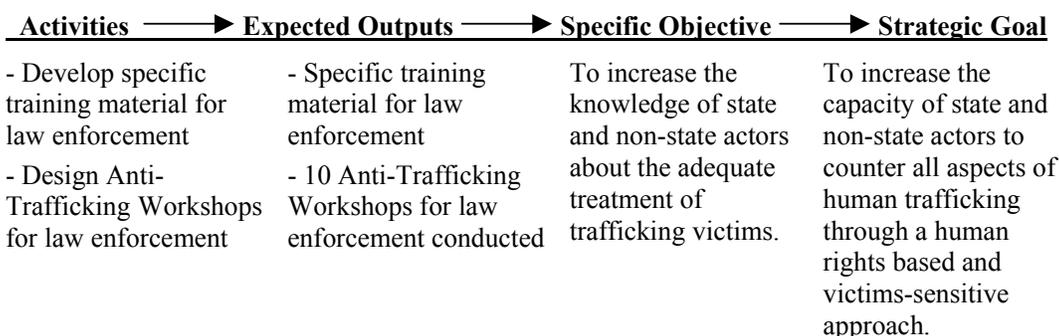
Review, monitoring and evaluation are three important approaches to determine the success of your National Anti-Trafficking Response (and to ensure its adaptation to emerging trends).

### Why do you need three different approaches to do that?

Your Anti-Trafficking response takes place at two different levels (operational and strategic) and consists of several elements. The diagramme below shows them as well as the relations between them:



### Example:



To find out the success of your Anti-Trafficking Response it is not enough to evaluate only the elements of the operational level, e.g. to examine your activities, or to concentrate only on the strategic level, e.g. to determine the achievement of your strategic goal, but you have to look at all elements – activities, expected outputs, specific objectives and strategic goals. For this you need all three approaches: monitoring, which means the collection of data, evaluation, which refers to the operational level and review, which refers to the strategic level.

| Level             | Element             | Monitoring | Evaluation | Review |
|-------------------|---------------------|------------|------------|--------|
| Operational level | Activities          | √          | √          | -      |
| Operational level | Outputs             | √          | √          | -      |
| Operational level | Specific objectives | √          | √          | √      |
| Strategic level   | Strategic goals     | √          | -          | √      |

The purpose of monitoring, evaluation and review is to check, whether your programme really works, i.e. whether your activities really lead to the expected outputs and whether these outputs really contribute to the achievement of your specific objectives and your strategic

goals. Based on the results you then can improve your activities at the operational level or reformulate your strategic goals at the strategic level.

**Example:**

In order to check the success of the example above, you would perhaps

First you look at the activities:

- Do the activities take place as planned? Are they in time? If not, what are the reasons?

If all activities have taken place as planned, you look at the outputs:

- Do we produce the outputs we have expected? It might for example be the case, that due to certain circumstances only 8 instead of 10 workshops are conducted; or, that to conduct a workshop takes longer than expected; or, that the training material produced turns out not to be adequate for the target group; or, there are not enough trainers available, etc.

If you have delivered all the outputs expected, you look at the specific goal:

- Has the knowledge of the workshop participants about the adequate treatment of victims really increased? If not, what are the reasons?

If you have verified that you have achieved your specific goal, you look at your strategic goal:

- Has there been a verifiable increase of capacity? If yes, will you go on with capacity building, because there is still not enough? Or do you reformulate this strategic goal or perhaps even replace it by another strategic goal, that is now more important?

To be able to do this, you first and above all need data on your activities, outputs, specific objectives and strategic goals. To collect this data is the aim of **Monitoring**.

**Monitoring** can be defined as the continuous and systematic collection and analysis of data. It

- provides the main stakeholders of an ongoing programme or project with indications of progress, or lack thereof
- assists timely decision making and
- **provides the basis for evaluation and review of your Anti-Trafficking response**

As such, Monitoring it is closely connected with information management. (↔C.1.3.)

Your Monitoring data can then be used to determine the success of your Anti-Trafficking Response at operational level. For this you use **Evaluation**.

**Evaluation** is the systematic collection and analysis of information to

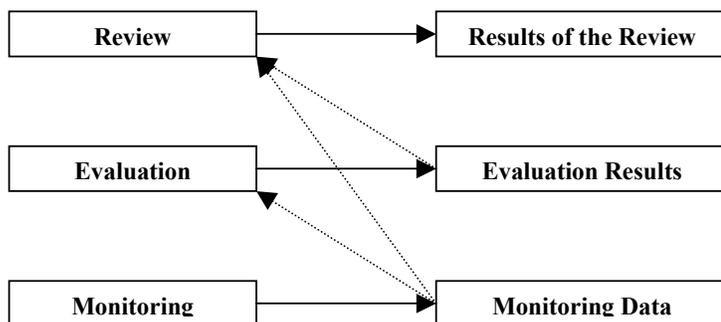
- make judgements
- improve program effectiveness and/or
- generate knowledge to inform decisions about future programs.

In the context of the national anti-trafficking response evaluation will mainly take place at the operational level and focus on activities, expected outputs and specific goals. Its aim is to improve the implementation of projects and measures and to assess the achievement of the specific goals (the results then will be used for the review).

To **review** the National Anti-Trafficking response means to determine, at regular intervals, the degree of its success. To this end, at both the strategic level and the operational level the definitions as well as the achievement of goals are checked and, if necessary, adjusted to reflect new requirements or changing situations.

As opposed to evaluation, which ideally covers the whole process of project/programme implementation (from the preparation to the delivery of outputs and the achievement of outcomes), the review focuses on the achievement of the envisaged goals, both at the strategic level as well as at the operational level (specific objectives).

As you can see, monitoring, evaluation and review are closely interconnected:



Thus, without monitoring data an evaluation or a review cannot be conducted<sup>20</sup> and for a serious review both evaluation results and monitoring data are needed.

#### Who should be involved?

The National Working Group should draft and agree upon the “Plan for Review, Monitoring and Evaluation”, including specific ToR for monitoring, evaluation and review.

| Approach          | Who should be involved?  |
|-------------------|--|
| <b>Monitoring</b> | <p><b>Strategic level:</b></p> <ul style="list-style-type: none"> <li>At the strategic level, monitoring overlaps with information management (↔C.1.5). It should be conducted by a national central institution, which must be independent and should not have an executive, operational or policy-co-ordinating task, such as for example a National Rapporteur.</li> <li>Data should be provided by governmental authorities as well as by non-state actors, including national statistical offices, law enforcement agencies, intergovernmental organisations, NGOs, research institutes and international organisations.</li> </ul> <p><b>Operational level:</b></p> <ul style="list-style-type: none"> <li>At operational level monitoring lies within the responsibility of the implementing agency.</li> </ul> |
| <b>Evaluation</b> | <ul style="list-style-type: none"> <li>If funds are available, evaluation should be conducted by an external evaluator (=external evaluation) in order to gain an outside perspective.</li> </ul>  |

<sup>20</sup> This applies to goal or impact assessments. There are other forms of evaluation as well, e.g. so-called formative evaluations, for which you can also use qualitative data.

|                      |  |
|----------------------|--|
|                      | <ul style="list-style-type: none"> <li>• If the financial resources are limited, the evaluation can take the form of an internal evaluation carried out by the implementing agency. This requires adequate training for those who should conduct the evaluation.</li> <li>• Both forms of evaluation should use participatory approaches to involve the main stakeholders of the project (↔C.1.1.).</li> </ul>   |
| <p><b>Review</b></p> | <ul style="list-style-type: none"> <li>• The National Co-ordinator should bear the overall responsibility for the review.</li> <li>• The National Working Group should draft the “Plan for Review, Monitoring and Evaluation”, including the ToR for the review.</li> <li>• The review itself should be conducted by an individual person or a single institution, such as, for example:             <ul style="list-style-type: none"> <li>- Office of the National Co-ordinator</li> <li>- Research Institute</li> <li>- National Rapporteur or similar agency</li> <li>- A special Committee/ Working Group for the NAP review</li> <li>- External expert (this person/ institution is responsible for the final design of the review according to the “Plan for review, monitoring and evaluation”. The person/ institution carrying out the review does not always have to be the same, but can change over the years.</li> </ul> </li> <li>• A mechanism should be in place to ensure that all relevant stakeholders agree upon the final results of the review as well as the recommendations based on it. To this end, the results and recommendation should be discussed and endorsed in the National Working Group.</li> </ul> |

**HOW should it be implemented?**

To be able to conduct review, monitoring and evaluation in a systematic way, they should be based upon a “**Plan for Review, Monitoring and Evaluation**” which refers to the National anti-trafficking response. This plan should be developed and agreed upon by the stakeholders responsible for the implementation, e.g. the National Working Group. It should contain the terms of reference (ToR) of the foreseen review, monitoring and evaluation, specifying at least the scope, the implementation arrangements and the timing.

Monitoring should be based on the **ToR for Monitoring** (part of the “Plan for Review, Monitoring and Evaluation”).

**Strategic level**

At the strategic (=policy) level the following data should be collected:

- Statistical data on the country context, e.g. data on the economical, political, sociological, etc. developments at national, regional and local level

- Non-case related, anonymous and non-personal data in the areas of prevention, protection and prosecution
- General data on the ongoing projects, including area of implementation, resources, number of beneficiaries, etc.

### **Operational level**

At the operational level monitoring data should be collected and analysed for each implemented project/ measure, including:

- Inputs: personnel and financial resources invested
- Activities and outputs: activities undertaken and the outputs generated
- Outcomes: changes or benefits resulting from the activities and outputs

Monitoring should take place continuously; its results should be presented in regularly published reports.

#### **Important:**

- Once you have decided on your ToR for Monitoring, i.e. determined which data should be collected, directives have to be given to all agencies that should collate information.
- Monitoring at the operational level often requires the collection of specific and personalised data on perpetrators, victims and related identified persons. These data should be subject to strict and solid European regulations that secure the individual right to privacy (↔C.1.2.).

Evaluation should be based on the **ToR for Evaluation** (as part of the “Plan for Review, Monitoring and Evaluation”)

At a minimum, it should contain an analysis of the

- Expected outputs: determine whether the expected outputs have been delivered
- Outcome status: determines whether the specific objective has been achieved and if not, if there has been progress towards its achievement
- Factors influencing the achievement of the specific objectives

The ToR for Evaluation should specify at what time evaluation should take place.

Review of the national anti-trafficking response should be based on the **ToR for Review** (as part of the “Plan for Review, Monitoring and Evaluation”).

The basic questions to be answered by the review are:

- Are the strategic goals set out still relevant/ valid?
- Which goals have been achieved and to what extent?
- Which specific objectives have been achieved and to what extent?
- Which factors have contributed to or impeded the achievement of the strategic goals and specific objectives?
- Which recommendations can be based on these findings?

The review must take place at regular intervals. To be able to react adequately to new developments in THB a review of the NAP should take place at least every two years.

#### **Important:**

##### **Preconditions to be able to conduct a review are**

- Definition of indicators to measure your strategic goals and specific objectives
- To determine a baseline 'what was the status quo'.



## C.2. Prevention

Prevention is a primary and key element in any anti-trafficking response. According to the UN

Trafficking-Protocol, State parties have an obligation to undertake preventative measures to prevent and combat the trafficking in persons. Preventive strategies should be multidisciplinary, based on an integrated and co-ordinated approach to address all the root causes of trafficking according to a human rights and gender-balanced standpoint in a short term and long term perspective.

Prevention measures should address the people at large:

- in the country of origin by promoting a sustainable development with particular focus on women, minorities and children
- in the country of transit and destination with special accent on the demand side

Preventive actions should include:

- Awareness raising and education
- Reduction of vulnerability
- Administrative controls

Preventive measures should be based both on empowerment strategies aiming at the development of programmes that offer livelihood options alongside repressive strategies which aim at suppressing the phenomena of trafficking.

### C.2.1. Awareness raising and education

|                                |
|--------------------------------|
| <b>WHAT shall be achieved?</b> |
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Awareness raising and education measures should **focus on**:

- 1) Prepare and make use of surveys to identify at risk groups and evaluate their results.
- 2) Prevent trafficking in human beings through information targeting at risk group (i.e. irregular status migrants) as well as potential exploiters of the trafficked victims.
- 3) Increase the preparedness of institutions, organisations, groups and individuals to address trafficking in human beings and to correctly deal with the trafficked persons.

The measures identified above should **target**, respectively:

- 1) at-risk groups: women, children (e.g. in institutional care, unaccompanied minors, street kids), minorities, rural and poorly educated population, irregular status migrants, disabled and mentally handicapped people; unemployed, refugees prostitutes, etc);
- 2) Policy makers and legislative bodies;
- 3) Population at large, such as students, trade unions, the private sector clients and potential exploiters;

- 4) Actors dealing with potential victims such as police, judges, prosecutors, attorney lawyers, journalists, social workers, medical doctors, teachers, psychologists, immigration officers, consular service etc.).

Comprehensive awareness raising and education **activities** should:

- Identify at risk groups and make tailored campaigns accordingly.
- Contain clear information on the crime of trafficking in human beings, be human rights based, have gender sensitive approach, promote self-empowerment of at-risk groups, be multilingual.
- Use a variety of informal (e.g. street-worker) and formal (mass media) channels of communication.
- Elaborate specific human rights based and victim centered training according to the audience that wants to be targeted.

### **Who should be involved?**

Non-governmental organisations (e.g. grass-root NGOs); governmental organisations (e.g. Ministries of Education, Foreign and Internal Affairs, Ministry of Health, Ministry of Equal Opportunities, Ministry of Welfare, Ministry of Labour), schools and universities at large, vocational training institutions, media (TV, radio, press), religious bodies, politicians, political parties, social partners, policy makers, outreach and street-workers, survivors of trafficking, international organisations and other.

### **HOW should it be implemented?**

Activities related to migration processes:

- Promote safe and legal migration and provide information on the rights of the migrants and on the possibilities to receive support and assistance in the country of destination.
- Information campaigns on employment opportunities abroad and on relevant laws and policies in countries of destinations as well as on legal migration possibilities.

Activities related to media:

- Media campaigns for awareness raising for the general public (TV, radio, press).
- Specific information for media professionals to sensitize their approach to the issue of trafficking, focussing on the protection and respect of privacy for the trafficked persons

Activities related to general awareness raising:

- Production of awareness raising materials particular aimed at risk groups (leaflets, brochures, posters, condoms).
- Information campaigns on the rights of trafficked persons and the possibilities to receive assistance and support in the country.
- Establishment of a nation-wide toll free hotline in destination and origin countries.
- Specific campaigns addressing the demand side.
- Specific campaigns targeting youth and children and students as an essential part of their education.
- Information and awareness raising campaigns focussing on violence against children and women.

Activities related to education:

- All the training curricula for schools and universities should be tailor-made according to the target group, multidisciplinary and in line with the international human rights standards and the best practices. Such trainings should be mainstreamed and included into regular school/university curricula.

## C.2.2. Reduction of vulnerability

### WHAT shall be achieved?

On the basis of surveys findings, different measures should be taken to decrease the vulnerability to trafficking and re-trafficking and to increase the live hood options of at risk groups and individuals. These should carefully consider the impact of the push and the pull factors. Strategies for an effective prevention of trafficking include actions, which address the root causes and selected **problem areas** such as:

- 1) **Socio economic factors** such as poverty, unemployment, and economic dependence are the major root cause of the trafficking phenomenon. A growing poverty in the population enhances the need to find alternative ways out of a disadvantageous economic situation and represent a push factor to trafficking. Hence, special programmes should address these **push** factors, as well as the pull factor of **demand** as a root cause of trafficking. The knowledge base on the demand side should be widened, through targeted research, in order to design and implement effective counter strategies.
- 2) **Discriminatory practices**: Special measures focusing on the equal treatment of women, minorities, children, foreign migrants, men should be undertaken to encourage sensitisation and equal respect for the human rights at large. In addition, programmes should be developed in order to offer livelihood options as well as basic education on anti-discriminatory legislation and sensitisation on all forms of discrimination, marginalisation and social exclusion. Measures to promote equal treatment for migrant workers with nationals should also be undertaken.
- 3) **Gender Equality**: special measures that comprise the social and economic inclusion of women and girls, including strengthening their legal position and the creation of new job opportunities for them as well as programmes for reduction of violence against women. Anti trafficking measures should be integrated into NAPs on Gender Equality.
- 4) **Legal migration**: restrictive migration regimes very often represent a root cause for trafficking, therefore countries should increase the possibilities for legal and non-exploitative migration for workers as well as enhance the co-operation in the field of management of international migration to identify means to reduce emigration practices on the one hand and illegal entry methods on the other hand. Labour migration schemes between countries of origin and destination should be implemented.

### Who should be involved?

Governmental structures, Non Governmental Organisations, financial Institutions, International Labour Organisation (ILO), International Organisation for migration (IOM), United Nations Development Programme, labour organisations within the country, etc.

### HOW should it be implemented?

- Development and strengthening of economic empowerment and employment programs by ensuring adequate access to the labour market, providing vocational training.

- Creation of single labour market information system.
- Improving children’s access to educational opportunities, increase the level of school attendance (especially for girls) as well as providing child care and social welfare programs.
- Ensuring that appropriate legal documentation for birth, citizenship and marriage is provided.
- Development of programmes to eliminate violence against women in all areas of social and family life.
- Ensuring non-discrimination through appropriate implementation of laws, policies and the use of model employment contracts.
- Make adequate use of Poverty Reduction Plans (UNDP, World Bank) and NAPs on Gender Equality, Children’s rights etc.
- Increasing opportunities for legal, gainful and non-exploitative labour migration as well as further target efforts to reduce emigration from particular geographic areas within source countries by increasing investments in projects that will create jobs.
- Improve co-operation of migration management between sending and receiving countries and foster bilateral and multilateral co-operation on the management of international migration as well as legal migration schemes.
- Programmes and measures should be linked to national employment and gender equality action plans (when existing).
- Offer “small scale loans” or “micro economic” programmes to support small business creation, targeting at risk groups, as well as (returned) trafficked victims.
- Based on survey findings, public campaigns for the general public focussing on gender equality and violence against women and children organised.
- Specific training for all different target groups focussing on gender discrimination and other root causes, to be delivered in co-operation with NGOs.
- Mainstreaming of anti-trafficking issues in other national policies e.g. employment strategies).

### **C.2.3. Administrative controls<sup>21</sup>**

|                                |
|--------------------------------|
| <b>WHAT shall be achieved?</b> |
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Administrative controls should be part of a comprehensive anti-trafficking response and shall regulate and monitor procedures, practices and agencies that may have an influence on the increase of trafficking in persons. Furthermore, administrative controls should support anti-trafficking measures in all fields of prevention, protection and prosecution.

Administrative controls should include wide scale of multidisciplinary enforceable measures, to be implemented in co-operation with different actors on three levels:

- 1) In-land control
- 2) Pre-border

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<sup>21</sup> The Brussels Declaration on Preventing and Combating Trafficking in Human Beings, which was adopted following the European conference on “Preventing and Combating Trafficking in Human Beings – Global Challenge for the 21<sup>st</sup> Century” on 18-20 September 2002, includes a set of recommendations to use specific administrative controls to combat trafficking in human beings.

### 3) Border

and in line with human and fundamental rights of persons, including freedom of movement.

#### **Who should be involved?**

State authorities (countries of origin, destination, transit), labour inspectors, NGOs, embassies, consular offices, police, border police, private agencies (e.g. bridal, travel, etc.), private employment agencies, trade unions, etc

#### **HOW should it be implemented?**

1. At the **in land control** level the following activities should be foreseen:

- Licensing and monitoring systems shall be in place: states should introduce regimes and practices to regulate and monitor private agencies that frequently appear in the modus operandi of the trafficking crime. In order to provide for early identification and prosecution of agencies, which act outside of the legal requirements, monitoring of the licensing system for employment agencies (e.g. au-pair agencies) and their business associations, for bridal, escort, adoption agencies and individual commercial agencies must be secured<sup>22</sup>.
- Monitor vulnerable sectors such as construction, sweatshops, agriculture, and tourist agencies. In this regard states should apply innovative policies such as rating systems.
- Monitor employment relationships in formal/informal economic sectors.
- Enforcement of existing legal standards.
- The private sector should be encouraged to collaborate with the police as well as encouraged to introduce self-regulating schemes (development of code of conducts).
- Multi-agency co-ordination and implementation of administrative control measures needs to take place on the operational level (e.g. labour inspection) and must include NGOs as well as trade unions; these multi-disciplinary teams should develop systems for the monitoring of vulnerable sectors such as construction, sweatshops, agriculture.
- The agencies/actors involved shall share intelligence, especially labour market inspectors and police investigators, on a local and national level (in close co-ordination with National Referral Mechanisms), but also at regional/international level (between origin and destination countries).
- Multi-agency groups shall identify victims of trafficking and collecting intelligence, which can be used for large-scale investigation.
- States shall establish mechanisms to monitor the Internet by introducing an “Internet police”. This should serve as a means to detect and prosecute the misuse of websites for trafficking purposes (misuse escort, adoption and bridal agencies).
- Public-private partnerships with Internet providers and other businesses (including their self-regulation by means of codes of conduct) shall be established.

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<sup>22</sup> Refer to the ILO Private Employment Agencies Convention, C181, 1997.

- Data on fraudulent and suspect agencies, employers etc. should be shared among all relevant labour, law enforcement and consular staff nationally and regionally, in and between countries of origin and destination.
  - Introduction/expansion of transparent labour admission systems and establishment of multi-agency and international enforcement mechanisms by destination countries. Intensified efforts shall be taken to ensure that international labour standards are applied and enforced in countries of origin and destination as well as by ensuring access to complaints mechanisms and equality of treatment between migrant workers and nationals.
2. At a **pre-border** (consular) level the following activities should be foreseen:
- Regulation of the visa issuing procedure.
  - States shall enhance the capacities for issuing of work permits, which are not bound/linked to only one employer, and setting up of support systems for the verification of documents and statements shall be submitted together with applications.
  - States shall intensify consular co-operation in countries of origin, with a view to better detecting potential cases of human trafficking; strengthening of the network of liaison officers.
  - In countries of destination States shall enhance the ability of consular staff to protect their migrant workers abroad through e.g. labour attaches.
3. At the **border** the following activities should be foreseen:
- Improvement of the effectiveness of anti-trafficking measures at borders through border guard and customs officials.
  - Profiling of traffickers
  - Border guards should hand out leaflets with pan European hotline numbers to all passengers, including possibly trafficked persons.
  - Special focus on “unaccompanied minors” and children travelling without their family. The obligatory possession of a proper passport/travel document for children of all ages should be required. Photo IDs taken of children and its accompanying adult shall be considered. The relation between the child and the accompanying adult shall be properly checked.
  - Improvement of inter- and intra-service co-operative efforts among law enforcement officials but also of these officials with the national multi-disciplinary co-ordination teams.

### **C.3. Support and Protection of Victims and Witnesses**

Anti-trafficking strategies must at its core include a comprehensive victim protection and assistance system based on human rights principles, ensuring that all trafficked persons have access to adequate remedies such as justice and fair treatment, assistance and support, safety and protection, restitution, compensation, reinstatements of rights as well as regularisation of immigration status.

Support and Protection measures should comprise:

- Victim identification systems
- Reflection/stabilisation period and residence status
- Social support and protection to all trafficked persons
- Access to civil procedure, witness protection and judicial treatment of victim/witnesses
- Return, (re)integration and social inclusion

The implementation of these measures represents an obligation that States have under international law, namely to provide victims of human rights violations with effective remedies.

In order to ensure the assistance to and protection of all victims of trafficking through a comprehensive human rights based and victim-centered approach, there is a need to establish and implement comprehensive, and effective, national and regional assistance and protection systems for victims of trafficking, in the form of institutionalised co-operative frameworks.

Such institutionalised co-operation frameworks for victim support and protection should focus on the process management of individual trafficking cases/victims and cover the entire response to trafficked victims from identification, assistance and protection, participation in legal proceedings and legal redress, compensation, to return and/or social inclusion of the victims in a destination-, origin- or third country.

The system should be institutionalised and formalise the co-operation of all actors by defining the roles and responsibilities of all actors involved (government and civil society) as well as the modes of co-operation to ensure adequate, human rights based support and protection of the victims throughout the whole response and the referral of victims to the specialised services for assistance, protection and return or (re)integration support.

The system must be flexible to respond to individual victims' circumstances and needs, adaptable to new trends and should be continually updated and improved through monitoring and review.

In order for these victim support and protection systems to function, the various measures outlined under the chapter Supporting Framework (↔C.1.) must be in place, including:

- Assessing the trafficking situation, profile of traffickers, including assessment of the legal framework, as well as mapping of the main actors involved in the anti-trafficking response, and their respective tasks;
- establishing and institutionalising the co-operation of all actors involved, including the creation of the necessary legal and regulatory framework, e.g. by regulating the respective roles and co-operation between law enforcement, other state actors and NGOs (e.g., via Memoranda of Understanding - MOUs);
- training and capacity building of all actors involved in the implementation of this victim support and protection system, or referral system, and lastly;

- monitoring, evaluation and review of the system.

These elements combined, i.e. the victim support and protection measures outlined in the present chapter along with the co-operative framework presented under the chapter Supporting Framework, correspond to the concept of National Referral Mechanism (NRM) as defined by the OSCE ODIHR (↔C.1.)

As stated above, the present guidelines use the terms trafficked persons, as well as victims of trafficking interchangeably, except for victims appearing as witnesses in criminal proceedings, in which case the term victim is utilised

### **C.3.1. Victim identification**

#### **WHAT shall be achieved?**

The identification of all trafficked persons, at the earliest opportunity, is a prerequisite for their recognition as victims and their access to support and protection measures must become a primary consideration.

Anti-trafficking strategies should encompass a system that allows the identification of all victims in the country and should:

- Be available 24 hours a day and 7 days a week (crisis intervention mechanisms should also be developed);
- Provide contact points to which victims can refer;
- Ensure that NGOs and social workers are able to easily reach out to victims and vice versa;
- Be responsive to current trends (e.g. internal trafficking must be taken into account);
- Be tailor-made to the different types of victims and address specific target groups (e.g. children, women, minorities) including different actors and well functioning co-operation between them.

The measures should consider that victims of trafficking have problems to identify themselves; therefore sophisticated means for identification should be developed, which succeed in building confidence and trust with presumed trafficked persons.

Furthermore, such a system should operate on a “presumption of trafficking” for the persons identified, for that reason they should be given access to all the anti-trafficking protection measures.

#### **Who should be involved?**

Front-line police, border officials, social workers, local authorities, NGOs, outreach workers, hotline employees, social welfare organisations, children’s organisations, labour inspectors and other labour organisations, health workers, the public at large.

#### **HOW should it be implemented? (↔C.3.2.)**

- Development methods for establishing contact with trafficked persons through:
  - Outreach-work (NGOs) and trade unions;
  - Drop-in centres;
  - Hot-lines for victims and advertisements available nation-wide to get necessary information about where to find protection.

- Ensuring co-operation and regular information sharing between relevant authorities, officials and NGOs including networking with victim services and criminal justice and similar institutions which may get in touch with victims.
- Elaboration of standardised questionnaires in order to facilitate the identification of trafficked persons.
- Development and regular updating of standardised guidelines and procedures to allow all actors involved to properly identify victims of all forms of trafficking, especially internal trafficking, labour exploitation and child trafficking.
- Delivery of training for law enforcement officers, labour inspectors and other labour related agencies, health and social workers, children's institutions, judges and prosecutors in order to enable them to identify and proper refer trafficked persons.
- Development of monitoring systems for the different sectors in which victims can be found (i.e. the sex market, high risk sectors of the economy, etc.) in order to detect forced labour or services; through joint controls and information sharing among the police, labour inspectors, NGOs etc. (↔C.2.3.)
- Awareness campaigns for the communities to raise their awareness of human trafficking and to increase their ability to the detection of trafficking cases.
- Use of periodic renewal of sanitary cards required for all working in bars and restaurants, to monitor the potential trafficked status of employees. Training of medical staff operating these procedures in identifying possible victims. In the course of these regular checks, leaflets on available services (including information on the toll free hotline number) could also be distributed.

#### **Who should be involved?**

Governmental institutions, civil society, specialized police, NGOs, prosecutors and judges, labour inspectors, national governmental co-ordinator, national working group, ad hoc/thematic working groups dealing with specific issues relating to victims, etc.

### **C.3.2. Reflection/stabilisation period and residence status**

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|--------------------------------|
| <b>WHAT shall be achieved?</b> |
|--------------------------------|

A reflection period should be offered to the victims in order to give them time to recover and to stabilise. The reflection period should be followed by a (temporary) residence permit. Both the reflection period and the residence permit should be granted to the victims regardless of their willingness to co-operate as a witness and regardless of whether or not the perpetrators are prosecuted.

During this period, a victim should have access to safe accommodation and to all necessary assistance (e.g. free medical and legal aid, interpreters, contacts with relevant service providers in country of origin etc.).

The reflection period shall not be less than 3 months.

A reflection period has a twofold aspect:

- To raise the victim's confidence in the State and her/his ability to protect her/his interests by offering her the possibility to begin to recover and to take an informed decision about:
  - whether to assist in criminal proceedings;
  - to pursue legal proceedings for compensation claims;
  - to enter a social protection programme;

- to opt for immediate return home.
- To enable the authorities for the identification of the trafficked person including determining whether or not the person is a victim of trafficking.

#### **Who should be involved?**

Law and policy makers, Ministry of Foreign Affairs and Interior, Governmental institutions, NGOs, children care services, training institutions (education).

#### **HOW should it be implemented?**

The following measures should be considered:

- Creation of the legal (e.g. law on residence of foreigners) and political framework to offer a reflection period for victims to recover of not less than three months followed by a temporary residence permit of at least six months.
- Granting the **reflection period** (of up to 3 months) should include the obligation to refer the trafficked person to service agencies that can offer assistance (including financial support programmes) and to integration programmes.
- Following the reflection period, granting of **temporary residence permit** for a period of at least six months with the possibility of renewal, independent of the victim's willingness to co-operate as a witness. If the victim decides to be a witness in the criminal case the temporary residence permit should last until the end of the proceeding.
- Granting of a **permanent resident permit** if:
  - repatriation would pose a serious risk to the safety of the trafficked person and/or her/his family members or if repatriation would cause the risk of being prosecuted in the home country for trafficking related offences;
  - a social assistance program has been successfully completed and employment has been found;
  - asylum has been applied for, in accordance with international refugee law.
- If a trafficked person is granted a temporary or permanent residence permit, the trafficked person should be entitled to family reunification with her/his minor children, who should be granted a residence permit on the same conditions as the trafficked person.
- If there are substantial reasons to believe that family members of the trafficked person, including possible children, are at risk in the home country, such family members should be entitled to temporary or permanent residence on the same conditions as the trafficked person.
- Risk assessment before deporting or returning a trafficked person or deciding upon an application for a permanent residency permit on humanitarian or asylum grounds.

### **C.3.3. Social support and protection of victims**

#### **WHAT shall be achieved?**

Social support, assistance and protection of all victims of trafficking, irrespective of their willingness to co-operate with the authorities in criminal proceedings, are the central pillar of a human rights based national strategy against human trafficking. In addition to fulfilling the states' human rights obligations, and preventing the re-victimisation of the trafficked persons by the state authorities, the risk of re-trafficking of the victim of trafficking is also minimised.

Such systems should be in place to provide at minimum the following services, tailored to the needs of the specific groups of trafficking victims (international, national, minors) and based on individual needs:

- Safe and appropriate accommodation (shelters) and basic needs fulfilment (food, clothing)
- Financial assistance
- Psycho-social counselling and support
- Health care and medical treatment on voluntary basis
- Interpretation, cultural mediation, in the local language of the victim
- Assistance in establishing contacts with the family
- Free legal assistance and counselling (e.g. for re-establishment of identifying documents)
- Education and vocational training
- Training and employment opportunities (e.g. training for small business development)

All services must be provided on a voluntary and confidential basis and in a non-discriminatory and non-judgemental manner and in compliance with a number of basic principles derived from international human rights standards, in particular respect for privacy, confidentiality and free choice<sup>23</sup>. The victims must be seen as bearers of rights, thus the support provided to them must aim at their empowerment.

Furthermore, the services must be supplied regardless of the willingness or capacity of the victims/witnesses to cooperate to press charges and/or give testimony against their traffickers.

Trafficked persons should not be treated as criminals, or illegal migrants. Particular attention needs to be given to the rights of trafficked persons as victims of crime.

### **Who should be involved?**

Governmental authorities, NGOs, social workers, children care services, local authorities, medical and legal professionals, labour officials, international and inter-governmental organisations, etc.

### **HOW should it be implemented?**

The following measures should be undertaken:

- Provide safe and adequate shelters for the different types of victims (adult, children, short or long term, internal vs international victims, reintegration support shelters, etc.) and establish appropriate Codes of Conduct for the management of these shelters, the services provided and concurrent activities with the involvement of service providers (e.g. MoU).
- Management of the shelter by a multi-disciplinary team of trained professionals, based on a set of multiple specialised services and including mechanisms for crisis intervention bearing in mind that a trafficked person should be fully informed what to expect from the service provider and the professionals she/he is in contact with and what is expected from her/him.

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<sup>23</sup> EU Expert report, p. 93.

- Inform trafficked persons on their rights (e.g. access to diplomatic and consular representatives from their state of nationality); free legal counselling shall be provided (e.g. establishment of nation wide pool/roster of qualified legal counsellors).
- Establish tailor-made support programmes to the need of each victim (e.g. offer a tailored programme co-elaborated by the victim and the assistance provider).
- Co-operation with interpreters and cultural mediators: cultural mediation in the mother tongue of the victim shall be provided (e.g. creation of a nation-wide pool/roster of qualified translators/interpreters).
- Provide Social and health services as well as social and psychological counselling (e.g. creating a pool/roster of qualified psychosocial professionals). Physical examination shall only take place with the informed consent of the victim.
- Offer Education, vocational guidance, training and job placement in order to achieve social and labour inclusion. Financial support shall be provided at the beginning.
- Establish mechanism for monitoring and evaluation (*ex-ante*, *in itinere*, and *ex-post*) based on transparency and accountability to assess the performance of the activities, the work of the professionals, the efficacy of the strategies implemented and the fulfilment of the needs of the person assisted should be in place.
- Provide specialised services to trafficked children to meet their specific needs and protect their rights<sup>24</sup>.

### **C.3.4. Access to civil procedures, witness protection and judicial treatment of trafficked persons**

(↔C.4.5.)

|                                |
|--------------------------------|
| <b>WHAT shall be achieved?</b> |
|--------------------------------|

A special protection system needs to be established for all victims/witnesses, i.e. victims that are prepared to press charges against their perpetrators and/or assist in criminal proceedings and children.

Support and assistance to the victims should be provided before during and after criminal proceedings and a continuous risk assessment in order to ensure the safety of the victim/witness should be the core of anti-trafficking strategies.

In line with EU norms<sup>25</sup>, the standing and main rights of victims include “the rules and practices as regards the standing and main rights of victims include “the right to be treated with respect for their dignity, the right to provide and receive information, the right to understand and be understood, the right to be protected at various stages of the procedure and the right to have allowance for the disadvantage of living in a different Member State from the one in which the crime was committed”.

Legal and other assistance shall be provided to trafficked persons for the duration of any criminal, civil or other actions against suspected traffickers. Assistance to the victims should not depend upon the preparedness of victims to co-operate with law enforcement officers and on the willingness to testify against their perpetrators.

#### **Who should be involved?**

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<sup>24</sup> See UNICEF guidelines for the Protection of Child Victims of Trafficking

<sup>25</sup> EU Council Framework Decision of 15 March 2001 on the Standing of Victims in Criminal Proceedings.

Police officers, judges, prosecutors, organizations providing victim assistance, NGOs, legal counsellors.

#### **HOW should it be implemented?**

Please refer to C.4.5.

### **C.3.5. (Re)-integration, social inclusion, return**

#### **WHAT shall be achieved?**

Trafficked persons run a considerable risk not only to be re-victimised but also to be re-trafficked. Hence, trafficking does not end with the return of trafficked persons to their home countries. Apart from the risk of reprisals and/or of being prosecuted themselves, victims of trafficking might be stigmatised, discriminated, rejected by their families and suffer social exclusion.

States should establish appropriate, preferably voluntary, repatriation procedures as well as reintegration programmes, offering long-term assistance to the trafficked victims. This should imply:

- Establish close partnership with NGOs and IOs to secure a safe return.
- Ensure the safety of the trafficked person above all.
- Make accessible return and reintegration measures independent of the trafficked person's capacity and willingness to cooperate as a witness.

If the return to the country of origin is not possible or feasible, alternative solutions should be sought, either to support the resettlement to a third country, or the social inclusion in the country of residence.

States should also promote the reintegration or social inclusion for all victims of trafficking (trafficked at the national and translational level).

#### **Who should be involved?**

NGOs, state authorities from sending and receiving countries, international and inter-governmental organisations.

#### **HOW should it be implemented?**

- Inform victims on her/his right to access to diplomatic and consular representatives from their State of nationality and providing them with assistance/counselling in the receiving country.
- Offer legal alternatives to repatriation.
- Inform victims of his/her rights to claim asylum in destination countries.
- For national victims (internally trafficked or victims returned from third countries), ensure proper reintegration support, including long term shelters or semi-independent living facilities, vocational training, employment opportunities, etc.
- Provide trafficked persons with proper identity documents as well as basic necessities such as clothing and food during the repatriation process.
- Create risk assessment procedures before any decision to return a trafficked person in order to ensure that they are not sent back to a situation that endangers their life, health or personal freedom and/or would submit them to inhuman or degrading

treatment. NGOs and other service agencies that are providing assistance to the trafficked person concerned should be actively included in this process.

- Guaranteed safe return by receiving state as well as state of origin by developing co-operation policies among countries.
- In the case of trafficked children, state obligations are especially stringent to ensure that return of a child is conducted in accordance with international standards regarding passage of unaccompanied minors etc<sup>26</sup> and not against the child best interest.
- Ensure the well-being for persons who return to their country of origin through appropriate physical and psychological care. Their social reintegration must be facilitated and re-trafficking must be prevented through housing and educational and employment services.
- Establish long-term assistance programmes after return in order to secure the safety and well-being of the trafficked victim and aim at their empowerment.
- Enhance co-operation with agencies in the countries of origin to ensure continued reintegration support to the returned victims in order to diminish the danger of re-trafficking.
- Respect the right of privacy by all the actors involved in the process: no confidential information shall be given to the authorities in the home country without the consent of the trafficked person.
- Organise Community awareness campaigns in order to counteract the stigmatisation of victims within society.
- Development of special policies and programmes for children.

#### **C.4. Investigation and Prosecution of Trafficking<sup>27</sup>**

As part of a comprehensive anti-trafficking response, States must thoroughly investigate and prosecute those participating in or aiding trafficking activities and related offences with respect of the primacy of international law. In doing so, the importance of human rights of individuals must be fully respected. A dual responsibility exists to punish the offenders but also to respect and restore the human rights and needs of trafficking victims, including their access to legal redress and compensation.

Moreover, a clear definition of ‘trafficking in human beings’ it is crucial not only for the conviction of offenders but also the investigations and international/judicial co-operation.

Prosecution measures should cover the following:

- Proactive and reactive investigation
- International law enforcement and judicial co-operation
- Prosecution and conviction of offenders
- Legal redress and compensation for victims
- Police and judicial treatment of victims/witnesses
- Witness-victim protection

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<sup>26</sup> Refer to the UNICEF guidelines for the Protection of Child Victims of Trafficking, the The 1997 EC Resolution concerning UAMs and the UNHCR Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum February 1997 for further information.

<sup>26</sup> In South-Eastern Europe the judicial systems differ, therefore in this chapter the terms judges and prosecutors will be used, acknowledging that in some countries the ‘investigative judges’ play a very important role in the detection of trafficking cases.

- Anti-corruption measures

### C.4.1. Proactive and reactive investigation<sup>28</sup>

#### **WHAT shall be achieved?**

Measures should be taken to successfully investigate and prosecute traffickers without relying (entirely) on the victim's co-operation and testimony. To this end, both proactive and reactive investigations are indispensable. *Proactive (intelligence-led) investigation* means the use of a combination of intelligence gathering, human and technical surveillance, undercover deployment and standard investigative techniques, with the objective of securing evidence other than the victim's testimony, and thus arresting and prosecuting traffickers *without* having to rely on the victim's co-operation and testimony. *Reactive (victim-led) investigation*, on the other hand, is based on a set of circumstances that arise and require an immediate police reaction, namely when a victim comes to notice or when another victim or third party informant provides intelligence or evidence concerning trafficked victims. Financial investigations and investigations of money laundering should be integral part of any anti-trafficking investigation thereby to effectively break the cycle of human trafficking.

#### **Who should be involved?**

General police officers (front line police), specialist investigators, specialized organized crime and anti-corruption units, border police, labour officials/inspectors, judges, prosecutors, other ministries, etc.

#### **HOW should it be implemented?**

- Creation of specialist anti-trafficking law enforcement units (well trained and equipped) as well as mixed investigation units (specialised police/prosecutors office). Such units should include female police officers.
- Develop investigation methods to remove the entire burden from the victim and rely more on intelligence led investigations and other sources of evidence. Methods to secure intelligence and evidence against the perpetrators from other sources (such as surveillance techniques, monitoring of financial transactions etc) should also be developed.
- Special investigative measures combining timely collection of intelligence data and investigation techniques to be conducted by police forces under the control/supervision of relevant prosecutor/judge (such as phone tapping or undercover investigator) should be regulated by law.
- Offer law enforcement training, human rights based and with a 'victim-first' approach, at two levels:
  1. at the generalist level, directed to all (non-specialized) police officers, aimed at raising awareness on trafficking in human beings as a serious crime and a human rights violation and consequently at better identifying and dealing with indicators of the crime, victims of the crime, as well as low-level intelligence gathering;

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<sup>28</sup> For a complete analysis of proactive and reactive investigation please refer to the training manual "Regional standard for Anti-trafficking police training in SEE", for non-specialist police, ICMPD, 2003 and "Best Practice Law enforcement Manual for fighting against trafficking of human beings", for specialist officers, UNDP, 2003. Both Manuals were endorsed as regional standard for a comprehensive law enforcement training strategy in SEE in December 2003 in Vienna.

2. at the specialist level, targeting specialized police and investigators who hold specific responsibility for dealing with the crime and focusing on victim-sensitive investigation methods.
- Establish multi-agency co-operation among law enforcement agencies, prosecution services, inter-ministerial departments and international and non-governmental organisations in both identification and treatment of victims as well as intelligence gathering on human trafficking, with due respect to the best interests of trafficked victims. (↔C.3.2.)
  - Establish mechanisms for the detection of trafficking for forced labour and services; through the establishment of multi-agency administrative control teams, including police, labour inspectors, NGOs, etc (↔C.23.).
  - Regulate tax and labour inspection to collect evidence on employer-employee relation.
  - Co-ordinate financial investigations for money laundering with anti-trafficking investigations, including mechanisms for the seizure of assets.
  - Establish Standard Operation Procedures (SOPs) as well as self-monitoring schemes for the police.

## C.4.2. International law enforcement and judicial co-operation

### WHAT shall be achieved?

Effective co-operation among law enforcement agencies and prosecution services depends on the ability of law enforcement officers to investigate on the same international-level playing field as the traffickers and to identify and gather evidence from other jurisdictions.

The multi-agency and international approach is of particular importance in the collection of intelligence.

### Who should be involved?

Police, prosecutors, judges, special investigative units, Ministries, INTERPOL, EUROPOL, SECI, international organisations, etc.

### HOW should it be implemented?

The following activities could be undertaken:

- Enhancing co-operation on investigations and prosecutions with the neighbouring countries (e.g. by establishing standard operation procedures).
- Identification of focal points to facilitate the communication, data sharing and the exchange information in the context of international co-operation. Preferably the focal point should be an active intermediary with the task of facilitating judicial cooperation among states and international agencies such as SECI, INTERPOL, EUROPOL etc.
- Signing partnerships and/or agreement with neighbouring countries to establish joint criminal intelligence systems, collection, sharing and analysis of data as well as exchange of information and statistics.
- Sharing of data and establishment of data protection regulations with the objective to ensure the right to self-determination over personal information. Such regulations should:
  - guarantee that the processing of data (whether in its compilation, storage or transmission etc.) only occurs in line with legal directives and/or with consent of the person affected<sup>30</sup>;
  - for which it was originally compiled;
  - ensure that personal data should only be collected, used and exchanged on a need basis.
- Concluding international agreements for extradition and legal mutual assistance. Bi-lateral and multilateral treaties as well as agreements on extradition should be concluded with other countries for facilitating extradition in cases of trafficking in human beings.
- Harmonisation of legal definition of the crime as well as sanctions among the countries may help the request for mutual assistance and extradition.

## C.4.3. Prosecution and conviction of offenders

### WHAT shall be achieved? (↔C.1.2)

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<sup>30</sup> See. Art. 7 EU Data Protection Directive

The crime of trafficking in human beings should be clearly and comprehensively defined in the criminal law and should be considered as a separate offence. All forms of trafficking should be criminalised; and effective, proportionate and dissuasive criminal penalties should be established in order to reflect the human rights violation and the gravity of the crime and to have a preventive and deterrent effect. In absence of specific legislation on trafficking, all existing legal provisions (e.g. slavery, pimping) should be used in order to convict the offenders. It is paramount to target the offender and not the victim.

### **Who should be involved?**

Legislators, judges and prosecutors, law enforcement, lawyers, legal counsellors.

### **HOW should it be implemented?**

- Define the offence of trafficking as a separate crime, to be considered a severe form of human rights violation, in the country's criminal laws or other statutes. The definition of trafficking should consist of the following components as per art. 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (UN-Traf Prot):
  1. **Act:** recruitment, transportation, transfer, harbouring or receipt of persons.
  2. **Means:** threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person.
  3. **Purpose:** for the purpose of exploitation within one of the exploitative forms specified within the Article 3 UN-Traf Prot.
- Criminalise and cover by the definition of trafficking all forms of trafficking such as forced prostitution, other sexual services (pornography, striptease, massage) forced labour (forced domestic or factory labour, "sweatshops"), slavery, slavery-like practices and servitude. A severe prison sentence should punish the crime of trafficking in human beings.
- Criminalize other activities related to trafficking representing a violation of human rights such as:
  - slavery or slavery-like practices, servitude, forced labour
  - debt bondage
  - forced marriages, forced abortion, forced pregnancy
  - torture, cruel, inhuman or degrading treatment
  - rape, sexual and other forms of assault (including bodily injury and murder) and kidnapping<sup>31</sup>.
- Develop and implement mechanisms for collection of data, statistics on the trafficking cases and/or trafficking related offences.
- Apply additional penalties to those who are found guilty of trafficking in aggravating circumstances, especially with regard to offences involving trafficking in children.
- Establish as criminal offences:

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<sup>31</sup> "Reference guide for anti-trafficking legislative review", OSCE/ODIHR, 2001, p. 48.

- the attempt to commit such an offence (subject to the legal system of the country);
  - the participation as an accomplice as well as organising or directing other persons to commit such an offence;
  - deliberate negligence (e.g. the border guard that turns a blind eye to the traffickers passing the border<sup>32</sup>).
- Establish liability for trafficking offences both for natural persons as well as for legal persons, including sanctions against legal entities, counting confiscation of proceeds, fines, closure of establishments and compensation for trafficked persons.
  - Take legislative measures in order to regulate the confiscation of assets of crime or of property the value of which correspond to such proceeds (according to Art. 9 of the UN Convention against Transnational Organised Crime). Furthermore, national legislation could introduce confiscation provisions, which require a less evidentiary basis. Closure of establishment should be also considered as a sanction. (↔C.4.4.).
  - National legislation should consider the link between trafficking in human beings, money laundering, falsification of documents and corruption.
  - Establishment of specialized investigation units, mixed unit including police as well as prosecutors office, including co-operation with SECI, EUROPOL or INTERPOL.
  - Provide joint training for police officers and prosecutors to effectively use and implement the legal instruments at their disposal in order to increase the arrest and prosecution of traffickers. The training should be delivered with the input of NGOs.
  - Develop guidelines based on human rights standards for dealing with trafficking cases, focusing in particular on the treatment of trafficked persons.

#### **C.4.4. Legal redress and compensation for victims**

##### **WHAT shall be achieved?**

A victim of crime is entitled to legal redress and compensation for physical injuries, violation of fundamental rights, losses as well as for suffering severe mental stress and psychological problems. According to the Council Framework decision of 15 of March 2001 on the standing of victims in criminal proceedings “Victims needs should be considered and addressed in a comprehensive, coordinated manner, avoiding partial or inconsistent solutions which may give rise to secondary victimisation”.

##### **Who should be involved?**

Legislators, Criminal Court judges, prosecutors, Civil Court judges, lawyers.

##### **HOW should it be implemented?**

###### The following measures/activities should be undertaken:

- Provide information and assistance to the trafficked persons on their rights to pursue civil claims and on the development of the proceedings (↔C.3.).

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<sup>32</sup> “Reference guide for anti-trafficking legislative review”, OSCE/ODIHR, 2001, p. 46.

- Victims should be entitled by the national law to receive compensation for physical, psychological and material damages (including lost wages), either through criminal and civil proceedings, compensation being a crucial step towards the reintegration of the victims.
- Establish “State compensation schemes”, which guarantee fair and appropriate compensation to victims of trafficking according to the national law and the international instruments. Confiscated assets should be used to compensate the victims of trafficking and to pay the assistance and legal services which are provided to them.
- Provide (free) legal assistance to the victims to gain compensation.
- The State should establish a compensation fund for victims of trafficking with the confiscated assets of individuals and legal persons involved in trafficking.

#### **C.4.5. Police and judicial treatment of victims/witnesses**

(↔C.3.5.)

##### **WHAT shall be achieved?**

Victims of human trafficking who are prepared to co-operate with the authorities and/or testify are in need of and entitled to support and protection that goes beyond the assistance and protection afforded to all trafficked persons (↔C.3.).

Police officers as well as all prosecutors and judges should pursue an anti-discriminatory and human rights led approach while acting in the context of anti-trafficking measures. The human rights of the victims as well as security issues must be considered.

In particular, police, prosecutors and judges should be aware that trafficked persons typically suffer from trauma, thus they should consider the following elements in trafficking cases:

- the psychological state of the trafficked person;
- the trafficked person could have difficulty to communicate during the trial due to fear or traumatic experiences;
- while testifying fragmentation of perception, feelings, consciousness, action and memory could appear.

Moreover, it should be considered that trafficked persons often confront the legal system in the capacity of asylum seekers rather than in connection with trafficking prosecutions. Therefore immigration judges and lawyers should also be sensitive to the particular needs and characteristics of trafficked persons.

##### **Who should be involved?**

Police officers, judges, prosecutors, lawyers, organizations providing victim assistance, NGOs, legal counsellors.

##### **HOW should it be implemented?**

- Provide specific training to judges and prosecutors on anti-trafficking. Only those that have received specific training on anti-trafficking issues should deal with anti-trafficking cases.
- SOPs focusing on victim protection and assistance during the duration of the legal proceeding should be developed for co-operation among law enforcement officers, prosecutors, judges and organizations providing assistance to the victims. Such

procedures should include: hearings taking place behind closed doors; in other courts or venues at the request of the victim, in the presence of the defendant or defendant's attorney, but without direct visual contact; avoid to communicate identity of the victim/witness, video-conferencing, audio-visual recording or other protected means.

- Inform victims of trafficking on their rights and on the consequences of the decision to testify in court. This should be done by independent legal counsels, when a victim had been identified and officially recognised as such.
- Allow organizations rendering victims' assistance to be present during the criminal proceeding. Those who provide the victims with legal and psychological assistance have the duty of confidentiality. Specific regulations should entitle them to refuse to give evidence on information entrusted to them during their professional duties. Temporary residence permits to victims and witnesses during legal proceedings should be granted. (↔C.3.3.)
- Create a roster of lawyers offices specialised in the assistance of victims of trafficking.
- Dispose legal assistance and representation and interpretation to the victims during the criminal proceeding. It is suggested that special funds for this purpose should be available through the court holding jurisdiction on the case.
- Protect the identity and the privacy of a victim/witness (e.g. media code of conduct, clear rules and procedures for collecting, storing and sharing personal information on trafficking victims in line with data protection provide separate premises for victims/witnesses in the court). (↔C.4.2.).
- Create witness protection programmes.
- Inform the organizations supporting and/or housing the victims as well as the police on possible release of the defendant in case his/her release could pose a threat to the safety of the victim.
- Provide training for media on how to handle the information on anti-trafficking cases especially focusing on the protection of the identity of the victims. Publication of the personal history of the victim as well as the name and photography should be forbidden.
- Maintain and regularly update statistics on victim protection and monitor how the victim-witness protection is implemented in practice in accordance with the exiting legal instruments.
- Providing a contact roster for victim assistance such NGOs, specialised law enforcement officers, media personnel, legal counsellors and make it available in the Secretariat of the office of the NC.

#### **C.4.6. Anti-corruption measures**

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| <b>WHAT shall be achieved?</b> |
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Human trafficking being mainly controlled by organised crime and corruption being one of the modus operandi of the criminal organisation, the link between trafficking and corruption is evident. As a consequence, anti-corruption measures are an indispensable prerequisite for securing the resilience of law enforcement and judicial authorities against the influence of criminal organisations.

### **Who should be involved?**

Policy makers, legislators, public administration, special investigative units, judges and prosecutors.

### **HOW should it be implemented?**

- Take visible actions against corruption at all levels and respond immediately with investigation and prosecution of public officials, which participate and/or facilitate trafficking (i.e. arrest, dismissals, disciplinary actions).
- Establish internal code of conduct and internal control systems within the public administration in order to secure an efficient disciplinary policy and administrative sanctions. The public officials involved in such cases should also be punished according to criminal law sanctions, which have a repressive effect. The public administration should work in a transparent way and have clearly defined and verifiable competences at all levels.
- Create incentive programs for public officials in order to report corruption and, as a deterrent, inform the public on the actions taken.
- Create a special investigative unit on anti-corruption to receive specialized training.
- Guarantee independence of the judiciary.
- Include the issue of trafficking in the anti-corruption Plan of Action.
- Create a hotline for reporting cases of corruption.

## D. Model Strategy

The **sample model strategy** presented below corresponds to the four components of the anti-trafficking response as outlined in the previous sections of the guidelines, namely:

- C.1 Supporting Framework
- C.2 Prevention
- C.3 Support and Protection of Victims and Witnesses
- C.4 Investigation and Prosecution of Trafficking

For each component, strategic goals and specific objectives as well as indicators are identified.

### C.1. Supporting Framework

|   | Depends on | Goals and Specific objectives   | Indicators  |
|---|------------|---|---|
| <b>Strategic Goal</b><br><b>C.1.1. Co-ordination structures</b> |            | <b>To improve the co-ordination of all counter-trafficking measures and the effective co-operation between all actors involved in the fight against trafficking in human beings in the country.</b> | <b>Perceived effectiveness of co-operation according to all actors involved.</b><br><b>Satisfaction with co-ordination of all actors involved.</b>  |
| <b>Specific objective (a)</b>                                   |            | To ensure a continuous overview of all actors involved in the fight against trafficking in human beings in the country and of the projects/ measures implemented.                                   | Regularly updated roster of NGOs working in the field of anti-trafficking.<br>Regularly updated roster of governmental institutions working in the field of anti-trafficking.<br>Regularly updated roster of international organisations working in the field of anti-trafficking in the country.<br>Regularly updated list of projects/ measures implemented in the field of anti-trafficking. |

|   |           |  |   |
|---|-----------|--|---|
| <b>Specific objective (b)</b>                                   | C.1.2 (a) | To establish a national co-ordination structure consisting of a National Governmental co-ordinator as well as a National Working Group and Thematic Working Groups which include representatives of NGOs.        | Existence of a National Governmental Co-ordinator.<br>Existence of a National Working Group (NWG).<br>Existence of Thematic Working Groups (TWGs).<br>Percentage of NGOs in the NWGs and TWGs.<br>Number of meetings of NWG and TWGs. |
| <b>Specific objective (c)</b>                                   |           | To ensure that the division of tasks, roles and responsibilities are clearly understood and agreed upon by all actors involved.  | ToR for the National Governmental Co-ordinator.<br>ToR for the National Working Group.<br>ToR for Thematic Working Groups.  |
| <b>Specific objective (d)</b>                                   | C.1.2 (a) | To establish appropriate, officially binding mechanisms designed to formalise the co-operation between state and non-state actors involved in victim assistance and investigative and crime-prosecution efforts. | Memoranda of Understanding (MoU) between different actors.  |
| <b>Strategic Goal<br/>C.1.2. Legal and regulatory framework</b> |           | <b>To establish the legislation and regulations necessary to protect trafficked persons and to counter trafficking in human beings.</b>  | <b>All respective laws and/ or regulations enacted.</b>   |
| <b>Specific objective (a)</b>                                   |           | To establish a national legislation that is in compliance with international instruments against human trafficking and international human rights standards.   | Legislation enacted that is in compliance with the Palermo protocol.<br>Legislation enacted that is in compliance with the European Human Rights Convention.  |
| <b>Specific objective (b)</b>                                   |           | To establish a legal basis for the granting of a reflection period of at least three months to all presumed trafficked persons.  | Respective laws and/ or regulations enacted.  |
| <b>Specific objective (c)</b>                                   |           | To establish a legal basis for the granting of a (temporary) residence status following the reflection period to all identified trafficked persons.  | Respective laws and/ or regulations enacted.  |

|                               |  |  |  |
|-------------------------------|--|--|--|
| <b>Specific objective (d)</b> |  | To establish a national legislation that criminalizes all kinds of trafficking in human beings and allows prosecuting traffickers (natural as well as legal persons) as well as all crimes related to human trafficking. | Respective laws and/ or regulations enacted. |
| <b>Specific objective (e)</b> |  | To establish legal entitlements that ensure the provision of all presumed trafficked persons with the social, medical, psychological and legal assistance needed.  | Respective laws and/ or regulations enacted. |
| <b>Specific objective (f)</b> |  | To establish legal entitlements that ensure that trafficked persons have access to compensation from traffickers and/or state.   | Respective laws and/ or regulations enacted. |
| <b>Specific objective (g)</b> |  | To establish a national legislation that ensures the physical safety of trafficked persons and that allows the implementation of special witness protection schemes for trafficked persons.                              | Respective laws and/ or regulations enacted. |
| <b>Specific objective (h)</b> |  | To establish a national legislation that allows seizing and confiscating objects used and proceeds derived from trafficking.   | Respective laws and/ or regulations enacted. |
| <b>Specific objective (i)</b> |  | To create the legal basis for the application of pro-active investigation techniques so that prosecutions do not rely upon victims' testimonies.   | Respective laws and/ or regulations enacted. |
| <b>Specific objective (j)</b> |  | To establish legal instruments for joint investigations with the police and judiciary of other countries, including co-operation with EUROPOL, INTERPOL and SECI.  | Respective legal instruments ratified.       |
| <b>Specific objective (k)</b> |  | To create the legal basis for the extradition of offenders and mutual legal assistance regarding the prosecution of trafficking.   | Respective laws and/ or regulations enacted. |
| <b>Specific objective (l)</b> |  | To create a legal/ regulatory basis for the establishment of a framework for co-ordination and co-operation in the field of anti-trafficking.  | Respective laws and/ or regulations enacted. |
| <b>Specific objective (m)</b> |  | To establish an Anti-discrimination law.   | Respective law enacted.                      |

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| <p><b>Strategic Goal</b><br/>C.1.3. Capacity building</p> |                  | <p><b>To increase the capacity of state and non-state actors to counter all aspects of human trafficking through human rights based and victims-sensitive approach.</b></p>  | <p><b>Percentage of people working in the organisations listed in the roster of NGOs and in the roster of governmental institutions, who have received a specific, human rights based Anti-Trafficking Training.</b></p>   |
| <p><b>Specific objective (a)</b></p>                      | <p>C.1.3 (b)</p> | <p>To increase the knowledge of state and non-state actors about all aspects of trafficking in human beings.</p>   | <p>Percentage of people working in the organisations listed in the roster of NGOs and in the roster of governmental institutions, who can define trafficking, describe the different forms of trafficking and describe the “at-risk” groups in the country.</p>  |
| <p><b>Specific objective (b)</b></p>                      |                  | <p>To establish the infrastructure necessary to provide continuously tailor-made Anti-Trafficking-Training to different groups of state and none-state actors involved in the fight against trafficking in human beings.</p> | <p>Availability of specific Anti-Trafficking Training Material for predefined target groups.<br/>Number of Trainers who have obtained a specific training to deliver Anti-Trafficking-Training to predefined target groups.<br/>Number of people who have received specific, human rights based Anti-Trafficking Training.<br/>Number of specific Anti-Trafficking Training courses offered to different groups of state and non-state actors.</p>                             |
| <p><b>Specific objective (c)</b></p>                      | <p>C.1.3 (b)</p> | <p>To increase the knowledge and skills of state and non-state actors about a victim-sensitive approach, with special emphasis on children.</p>  | <p>Percentage of people working in the organisations listed in the roster of NGOs and in the roster of governmental institutions, who have received a special training on the adequate treatment of trafficked persons.<br/>Percentage of people working in the organisations listed in the roster of NGOs and in the roster of governmental institutions, who can answer predefined questions referring to the UNICEF guidelines on the treatment of trafficked children.</p> |

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| <b>Specific objective (d)</b>  | C.1.1 (c) | To increase the knowledge of state and non-state actors about their on tasks and the tasks of others in the anti-trafficking field.  | Percentage of people working in the organisations listed in the roster of NGOs and in the roster of governmental institutions, who can clearly describe the tasks and responsibilities of different actors in the anti-trafficking field.                                   |
| <b>Strategic Goal</b><br><b>C.1.4. Information management and research</b> |           | <b>To ensure that all information and data relevant to counter trafficking in human beings are available, accessible to all actors involved and exchanged regularly at both national and international level.</b>                                | <b>Percentage of key figures, for which full actual data are available.</b><br><b>Availability of regular reports with key data.</b>  |
| <b>Specific objective (a)</b>  |           | To establish a common definition of internationally compatible key figures/ statistical categories on trafficking to be monitored at national level.   | Existence of a list of key figures/ statistical categories on trafficking   |
| <b>Specific objective (b)</b>  |           | To establish a national central institution for the collection, analysis and distribution of all relevant information and data at national level.  | Existence of a central institution responsible for the collection, analysis and distribution of all relevant information and data at national level.<br>Availability of regular reports with key data.<br>Distribution lists.   |
| <b>Specific objective (c)</b>  |           | To institutionalise the information exchange between all relevant state and non-state actors at both, the national level and international level (including destination countries as well as the countries of origin of the trafficked persons). | Memoranda of Understanding (MoU) between different actors<br>Percentage of organisations listed in the roster of NGOs and in the roster of governmental institutions, which have their own website<br>Number of national internet fora dealing with anti-trafficking issues |
| <b>Specific objective (d)</b>  |           | To increase national research on all areas of the national anti-trafficking response.  | Percentage of the national research budget spent yearly on research related to trafficking issues.<br>Total financial volume of research projects on trafficking issues.  |

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| <b>Specific objective (e)</b>                                  |  | To ensure the protection of personal data of trafficked persons by an adequate data protection system.   | Respective law and/or regulations on data protection enacted<br><br>Percentage of organisations listed in the roster of NGOs and in the roster of governmental institutions, which have guidelines/ SOPs on the exchange of personal data. |
| <b>Strategic Goal C.1.5. Resource and budget mobilisation</b>  |  | <b>To secure all resources necessary to implement the National Anti-Trafficking Strategy and Action Plan.</b>  | <b>Coverage (%) of necessary resources for the implementation of the National Anti-Trafficking Response (yearly).</b>  |
| <b>Specific objective (a)</b>                                  |  | To have an overview on the total costs (material and financial) of the implementation of the National Anti-Trafficking Strategy and Action Plan.   | Existence of a yearly updated total resource plan for the implementation of the National Anti-Trafficking Strategy and Action Plan.  |
| <b>Specific objective (b)</b>                                  |  | To increase the resource allocation for the implementation of the NAP within the regular budgets of the various governmental institutions.   | Percentage of the regular budget spent on activities undertaken in the framework of the Anti-Trafficking-Response by each governmental institution (yearly).   |
| <b>Specific objective (c)</b>                                  |  | To increase the special funding for the implementation of the NAP by the various governmental institutions.  | Amount of special funding for activities undertaken in the framework of the Anti-Trafficking-Response by each governmental institution (yearly).   |
| <b>Specific objective (d)</b>                                  |  | To increase the funding for the implementation of the NAP by international donors.   | Amount of funding for activities undertaken in the framework of the Anti-Trafficking-Response by international donors (yearly).  |
| <b>Strategic Goal C.1.6. Review, monitoring and evaluation</b> |  | <b>To continuously improve the National Anti-Trafficking Response at both, the strategic as well as the operational level and to adjust it to new requirements or changing situations.</b> | <b>Availability of an updated version of the Strategy and NAP every two years.</b>   |

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| <b>Specific objective (a)</b> |  | To ensure a systematic and continuous collection and analysis of all relevant information and data at operational and strategic level. | Existence of ToR for Monitoring.<br>Monitoring foreseen in the NAP.<br>Percentage of activities undertaken within the context of the National Action Plan for which a written Monitoring report is available. |
| <b>Specific objective (b)</b> |  | To ensure a regular evaluation of all activities undertaken within the context of the National Action Plan.                            | Existence of ToR for Evaluation.<br>Evaluation foreseen in the NAP.<br>Percentage of activities undertaken within the context of the National Action Plan for which a written Evaluation report is available. |
| <b>Specific objective (c)</b> |  | To ensure the review of the National Anti-Trafficking Response at regular intervals.   | Existence of ToR for the Review.<br>Review foreseen in the NAP.<br>Written review of the National Anti-Trafficking Response (at least every two years).   |

## C.2. Prevention

|  | Depends on | Goals and Specific Objectives  | Indicators   |
|--|------------|--|--|
| <b>Strategic Goal</b><br><b>C.2.1. Awareness raising and education</b> |            | <b>To raise the populations awareness towards migration realities and the risks associated with trafficking in human beings.</b> | <b>Percentage of the population who can name the main purposes for which people are trafficked, and the main ways in which people are recruited.</b><br><br><b>Percentage of the population who can name at least three legal migration possibilities.</b> |
| <b>Specific objective (a)</b>  |            | To raise the awareness of the general public towards human trafficking.  | Percentage of the population who can define trafficking.   |
| <b>Specific objective (b)</b>  |            | To raise the awareness of “at-risk” groups towards the dangers associated with trafficking.                                      | Percentage of the “at-risk” groups who can name the main purposes for which people are trafficked, and the main ways in which people are recruited.  |
| <b>Specific objective (c)</b>  |            | To raise the awareness of clients and potential exploiters about human trafficking.  | Percentage of clients and potential exploiters, who can describe different forms of exploitation associated with trafficking.  |
| <b>Specific objective (d)</b>  |            | To raise the awareness of state and non-state actors working with “at-risk groups” about human trafficking.                      | Percentage of the people working with “at-risk groups”, who can name the main purposes for which people are trafficked, and the main ways in which people are recruited.   |
| <b>Strategic Goal</b><br><b>C.2.2. Reduction of vulnerability</b>      |            | <b>To reduce the vulnerability to trafficking and re-trafficking.</b>  | <b>Number of trafficked persons.</b>   |

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| <b>Specific objective (a)</b>                        |           | To reduce poverty and unemployment.  | Average net income per person.<br>Average net income per household.<br>Average unemployment rate.   |
| <b>Specific objective (b)</b>                        | C.1.2 (m) | To decrease the discrimination of women (= to promote gender equality), minorities, children, migrants and other vulnerable groups.                | Labour market participation of men and women.<br>Average income differences between men and women.<br>Average educational attainments of men and women.<br>Number of lawsuits based upon the Anti-discrimination law.   |
| <b>Specific objective (d)</b>                        |           | To increase the knowledge of “at-risk” groups on precautions they can take to lower their risk of being trafficked.                                | Percentage of those at risk who know how to verify the legitimacy of job offers and other ways of protecting themselves before departing.<br>Number of users of centers or hotlines providing safe migration information.                                       |
| <b>Specific objective (d)</b>                        |           | To increase legal migration possibilities.   | Number of newly arrived legal migrants in the destination countries.<br>Number of participants in legal migration schemes.  |
| <b>Strategic Goal C.2.3. Administrative controls</b> |           | <b>To deter potential trafficking in human beings and to terminate actual exploitative trafficking situations through administrative measures.</b> | Number of trafficking cases/ trafficking related crimes found through administrative controls.  |
| <b>Specific objective (a)</b>                        |           | To ensure the regulation and monitoring of all sectors of society that can be affected by trafficking.   | Existence of licensing systems for bridal, employment, tourist, escort au-pair and adoption agencies and construction firms.<br>Existence of Codes of Conduct for for bridal, employment, tourist, escort au-pair and adoption agencies and construction firms. |

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| <b>Specific objective<br/>(b)</b> |  | To ensure the enforcement of existing national labour market standards.                                       | Percentage of enterprises that are controlled by the labour market service (yearly).                    |
| <b>Specific objective<br/>(c)</b> |  | To increase the ability of detecting potential cases of human trafficking at the pre-border (consular) level. | Number of Visa refused because of the suspicion of trafficking.<br>Number of false documents detected.  |
| <b>Specific objective<br/>(d)</b> |  | To increase the identification of victims and perpetrators at the border level.                               | Number of trafficked persons identified at the border.<br>Number of traffickers arrested at the border. |

### C.3. Support and Protection of Victims and Witnesses

|   | Depends on | Goals and objectives   | Indicators   |
|---|------------|--|--|
| <b>Strategic Goal</b><br><b>C.3.1. Victim identification</b>                                |            | <b>To ensure the early identification of all trafficked persons in the country.</b>  | <b>Number of trafficked persons identified.</b><br><b>Average duration of stay (in the country) of trafficked persons before their identification.</b><br><b>Number of self-identifications.</b>   |
| <b>Specific objective (a)</b>   |            | To improve the ability of law enforcement and other state and non-state actors to identify victims of all forms of trafficking.  | Number of trafficked persons identified by different actors.   |
| <b>Specific objective (b)</b>   |            | To facilitate the self-identification of trafficked persons.   | Number of self-identifications.  |
| <b>Specific objective (c)</b>   |            | To establish tailor-made modes of identification that allows the easy identification of various groups of victims of trafficking.  | Existence of SOPs or Guidelines for the identification of different groups of trafficked persons.  |
| <b>Strategic Goal</b><br><b>C.3.2. Reflection/stabilisation period and residence status</b> |            | <b>To ensure the legal stay of all (presumed) trafficked persons in the country, irrespective of their willingness to co-operate with the authorities in criminal proceedings.</b> | <b>Number of trafficked persons who are granted a reflection period of at least three months in relation to the number of assisted trafficked persons.</b><br><b>Number of trafficked persons who are granted a temporary residence permit in relation to the number of assisted trafficked persons.</b> |
| <b>Specific objective (a)</b>   | C.1.2 (b)  | To ensure the implementation of the respective laws/ regulations for the granting of a reflection period of at least three months to all presumed trafficked persons.              | Number of (presumed) trafficked persons who are granted a reflection period of at least three months.  |

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| <b>Specific objective (b)</b>   | C.1.2 (c) | To ensure the implementation of the respective laws/ regulations for the granting of a (temporary) residence status following the reflection period to all identified trafficked persons.   | Number of identified trafficked persons who are granted a (temporary) residence status following the reflection period.  |
| <b>Specific objective (c)</b>   |           | To ensure the access of all presumed trafficked persons to food and safe accommodation.   | Number of (presumed) trafficked persons who are provided with food and safe accommodation.<br><br>Average utilisation of safe accommodation (shelters).  |
| <b>Strategic Goal</b><br><b>C.3.3. Social support and protection of victims</b> |           | <b>To ensure the social support, assistance and protection of all victims of trafficking, irrespective of their willingness to cooperate with the authorities in criminal proceedings.</b>  | <b>Number of trafficked persons not willing to testify who are receiving social support and assistance.</b><br><br><b>Number of trafficked persons willing to testify who are receiving social support and assistance.</b> |
| <b>Specific objective (a)</b>   | C.1.2 (d) | To ensure the implementation of the respective legal entitlements for the provision of all presumed trafficked persons with the social, medical, psychological and legal assistance needed. | Number of (presumed) trafficked persons being assisted.<br><br>Content of case records.  |
| <b>Specific objective (b)</b>   | C.1.2 (g) | To ensure the physical safety of all victims of trafficking.  | Number of reported incidents against trafficked persons.<br><br>Existence of an individual safety plan for each identified trafficked person.  |
| <b>Specific objective (c)</b>   |           | To ensure that all trafficked persons are informed about their rights.  | Number of trafficked persons who receive legal counselling.<br><br>Existence of information material for trafficked persons.   |

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| <p><b>Strategic Goal</b><br/><b>C.3.4. Access to civil procedures, witness protection and judicial treatment of trafficked persons</b></p> |                  | <p><b>To ensure the special protection of victims who want to appear as witnesses.</b></p>  | <p><b>Percentage of victims-witnesses who are taken care of by means of a special witness protection scheme for trafficked persons.</b></p>   |
| <p><b>Specific objective (a)</b></p>   | <p>C.1.2 (g)</p> | <p>To implement a special witness protection system for trafficked persons who decide to appear as witnesses, for the time before, during and after the criminal proceedings.</p> | <p>Existence of a special witness protection system for trafficked persons.<br/>Number of trafficked persons who fall under the witness protection system.</p>  |
| <p><b>Strategic Goal</b><br/><b>C.3.5. (Re)-integration, social inclusion, return</b></p>  |                  | <p><b>To reduce the risk of trafficked persons to be re-victimised and/or re-trafficked.</b></p>  | <p><b>Percentage of trafficked persons who have been trafficked for more than one time.</b></p>   |
| <p><b>Specific objective (a)</b></p>   |                  | <p>To establish appropriate, preferably voluntary, resettlement procedures for trafficked persons.</p>  | <p>Existence of an individual risk assessment for each trafficked person.</p>   |
| <p><b>Specific objective (b)</b></p>   |                  | <p>To facilitate the (re)integration and social inclusion of trafficked persons.</p>  | <p>Percentage of trafficked persons who have a job one year after their (re)integration.<br/>Percentage of trafficked persons who have a functioning social network one year after their re(integration).</p> |

## C.4. Investigation and Prosecution of Trafficking

|  | Depends on | Goals and objectives   | Indicators  |
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| <b>Strategic Goal</b><br><b>C.4.1. Proactive and reactive investigation</b>                    |            | <b>To increase the application of proactive (intelligence led) vis-à-vis reactive investigation techniques.</b>  | <b>Number of cases based upon evidence solely gathered by pro-active investigation techniques (without the testimony of a trafficked person).</b>   |
| <b>Specific objective (a)</b>  | C.1.3 (b)  | To increase the knowledge and skills of law enforcement officers about intelligence-led investigation techniques and their importance for the investigation of trafficking cases.                            | Percentage of law enforcement officers with a special training on the application of intelligence-led investigation techniques.   |
| <b>Specific objective (b)</b>  | C.1.2 (i)  | To ensure the implementation of the respective laws/ regulations for the application of pro-active investigation techniques.   | Number of cases in which pro-active investigation techniques are used to gather evidence.   |
| <b>Specific objective (c)</b>  |            | To strengthen the co-operation between police, prosecutors, customs, tax authorities and other relevant institutions.  | MoU regarding the operational information exchange.   |
| <b>Specific objective (d)</b>  |            | To ensure that proactive investigation measures include financial and labour market investigations (in due consideration of data protection regulations).  | Number of cases.  |
| <b>Strategic Goal</b><br><b>C.4.2. International law enforcement and judicial co-operation</b> |            | <b>To increase the co-operation with other states and international organisations in the field of law enforcement and judiciary.</b>   | <b>Number of traffickers extradited.</b><br><b>Number of extradition requests granted/refused.</b><br><b>Number of joint investigations with law enforcement bodies of other countries.</b> |
| <b>Specific objective (a)</b>  | C.1.2 (j)  | To ensure the implementation of the respective legal instruments for joint investigations with police and judiciary co-operation of other countries, including co-operation with EUROPOL, INTERPOL and SECI. | Number of joint investigations with law enforcement bodies of other countries.<br>Existence of joint investigation teams.   |

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| <b>Specific objective (b)</b>  |           | To increase the ability of law enforcement and judiciary to cooperate with the respective authorities in other countries.  | Percentage of law enforcement personnel with a good working knowledge of another language.   |
| <b>Specific objective (c)</b>  |           | To improve data sharing with other countries.  | Existence of a common database.  |
| <b>Specific objective (d)</b>  | C.1.2 (k) | To enhance the extradition of offenders and mutual legal assistance regarding the prosecution of trafficking.              | Number of traffickers extradited.  |
| <b>Strategic Goal<br/>C.4.3. Prosecution and conviction of offenders</b> |           | <b>To increase the prosecution and conviction of people involved in trafficking in human beings.</b>                       | <b>Number of arrests on grounds of trafficking or trafficking related crimes.</b><br><b>Number of prosecutions on grounds of trafficking or trafficking related crimes.</b><br><b>Number of convictions on grounds of trafficking or trafficking related crimes.</b><br><b>Average sentences on grounds of trafficking or trafficking related crimes.</b><br><b>Percentage of arrests that lead to a conviction.</b> |
| <b>Specific objective (a)</b>  | C.1.3 (b) | To increase the knowledge of law enforcement and judiciary on all aspects of trafficking in human beings.                  | Percentage of the people working for law enforcement and judiciary who have received a special anti-trafficking training.  |
| <b>Specific objective (b)</b>  | C.1.2 (e) | To ensure the implementation of the respective laws/ regulations to criminalize all kinds of trafficking in human beings.  | Number of prosecutions on grounds of trafficking or trafficking related crimes.  |
| <b>Specific objective (c)</b>  |           | To establish effective, proportionate and dissuasive criminal penalties for trafficking and crimes related to trafficking. | Average sentences on grounds of trafficking or trafficking related crimes.   |

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| <p><b>Strategic Goal</b><br/><b>C.4.4. Legal redress and compensation for victims</b></p>         |                  | <p><b>To ensure the compensation of trafficked persons.</b></p>  | <p><b>Existence of victim’s compensation funds.</b><br/><b>Percentage of trafficked persons who have received compensation.</b><br/><b>Percentage of trafficked persons who have received information material about the possibilities of compensation.</b></p> |
| <p><b>Specific objective (a)</b></p>  | <p>C.1.2 (f)</p> | <p>To ensure the implementation of the respective laws/ regulations to provide trafficked persons with access to compensation from traffickers and/or state.</p> | <p>Number of trafficked persons who have received compensation.</p>   |
| <p><b>Specific objective (b)</b></p>  |                  | <p>To raise the knowledge of the victims about the possibilities of compensation.</p>  | <p>Existence of information material.<br/>Number of trafficked persons who have received information material.</p>  |
| <p><b>Strategic Goal</b><br/><b>C.4.5. Police and judicial treatment of victims/witnesses</b></p> |                  | <p><b>To ensure the adequate and non-discriminatory treatment of victims by law enforcement and judiciary.</b></p>   | <p>Number of trafficked persons who report a discriminatory treatment.</p>  |
| <p><b>Specific objective (a)</b></p>  |                  | <p>To ensure an anti-discriminatory and human rights led approach of all actors dealing with trafficked persons.</p>   | <p>Percentage of people dealing with trafficked persons who can describe the characteristics of a human rights led approach.</p>  |
| <p><b>Specific objective (b)</b></p>  |                  | <p>To ensure that trafficked persons are aware of their rights.</p>  | <p>Existence of information material.<br/>Percentage of trafficked persons who have received information material.<br/>Number of trafficked persons who have received legal counselling.</p>  |

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| <p><b>Strategic Goal</b><br/>C.4.6. Anti-corruption measures</p> |  | <p><b>To reduce the involvement of law enforcement and judicial authorities in trafficking in human beings.</b></p> | <p><b>Number of dismissals in the law enforcement and judicial authorities because of the involvement in trafficking or trafficking related crimes.</b></p> <p><b>Number of disciplinary/administrative sanctions in the law enforcement and judicial authorities because of the involvement in trafficking or trafficking related crimes.</b></p> <p><b>Number of prosecutions in the law enforcement and judicial authorities because of the involvement in trafficking or trafficking related crimes.</b></p> <p><b>Number of convictions in the law enforcement and judicial authorities because of the involvement in trafficking or trafficking related crimes.</b></p> |
| <p><b>Specific objective (a)</b></p>                             |  | <p>To ensure the investigation of corruption at all state levels.</p>   | <p>Number of corruption cases at different state levels.</p> <p>Existence of a special investigative unit on anti-corruption.</p>   |
| <p><b>Specific objective (b)</b></p>                             |  | <p>To increase the transparency of the work of state actors.</p>  | <p>Officially published organisation schemes with clearly defined competencies.</p>   |

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## **FURTHER RELEVANT DOCUMENTS:**

### **Other UN Conventions and documents:**

- OPTIONAL PROTOCOL TO THE UN-CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, 2000.
- UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW) 1979.
- INTERNATIONAL LABOUR ORGANISATION, MIGRANT WORKERS CONVENTION, 1975.
- INTERNATIONAL LABOUR ORGANISATION, PRIVATE EMPLOYMENT AGENCIES CONVENTION, 1997.
- INTERNATIONAL LABOUR ORGANISATION, WORST FORMS OF CHILD LABOUR CONVENTION, 1999.

### **EU legislation and other documents:**

- COUNCIL DIRECTIVE OF 29 APRIL 2004 ON THE SHORT-TERM RESIDENCE PERMIT ISSUED TO VICTIMS OF ACTION TO FACILITATE ILLEGAL IMMIGRATION OR TRAFFICKING IN HUMAN BEINGS WHO COOPERATE WITH THE COMPETENT AUTHORITIES.
- COUNCIL FRAMEWORK DECISION 2002/629/JHA OF 19 JULY 2002 ON COMBATING TRAFFICKING IN HUMAN BEINGS.

### **Council of Europe Conventions and Recommendations**

- CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (ECHR-1950); SEE ALSO ETS 117 - PROTOCOL N°7 TO THE CONVENTION (1984).
- EUROPEAN CONVENTION ON EXTRADITION (1957).
- ADDITIONAL PROTOCOL TO THE EUROPEAN CONVENTION ON EXTRADITION (1975).
- SECOND ADDITIONAL PROTOCOL TO THE EUROPEAN CONVENTION ON EXTRADITION (1978).
- EUROPEAN CONVENTION ON THE COMPENSATION OF VICTIMS OF VIOLENT CRIMES (1983).
- COUNCIL OF EUROPE RECOMMENDATION NO. R (85) 11 OF THE COMMITTEE OF MINISTERS TO MEMBER STATES ON THE POSITION OF THE VICTIM IN THE FRAMEWORK OF CRIMINAL LAW AND PROCEDURE.
- RECOMMENDATION NO. R (97) 13 OF THE COMMITTEE OF MINISTERS TO MEMBER STATES CONCERNING INTIMIDATION OF WITNESSES AND THE RIGHTS OF DEFENCE.
- RECOMMENDATION R (2000) 11 OF THE COMMITTEE OF MINISTERS TO MEMBER STATES ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS FOR THE PURPOSE OF SEXUAL EXPLOITATION.