MIRROR *project*

**Developing agreed methodology of identification
and referral for trafficking for labour exploitation:
guaranteeing the victims the access to protection**

ACCEM

MIRROR *project*

**Developing agreed methodology of identification
and referral for trafficking for labour exploitation:
guaranteeing the victims the access to protection**

Acknowledgements

Acronyms and Abbreviations

CCME	Churches' Commission for Migrants in Europe
CoE	Council of Europe
EC	European Commission
EU	European Union
GO	Governmental Organisation
GRETA	Group of Experts on Action against Trafficking in Human Beings
ICMPD	International Centre for Migration Policy Development
ILO	International Labour Organisation
IO	International Organisation
IOM	International Organisation for Migration
ITUC	International Trade Union Confederation
JLS	DG of Freedom, Security and Justice of the European Commission
MEP	Member of the European Parliament
MoU	Memorandum of Understanding
MRCI	Migrants Rights Centre Ireland
NGO	Non-governmental Organisation
NRM	National Referral Mechanism
OSCE	Organisation for Security and Co-operation in Europe
PICUM	Platform for International Cooperation on Undocumented Migrants
THB	Trafficking in Human Beings
TRM	Transnational Referral Mechanism
UN	United Nations
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime

Table of contents

Introduction[1]

Trafficking in human beings[2] is an ever-increasing phenomenon all around the world. In the last decade, the acknowledgment of trafficking by the international community as a modern form of slavery and as one of the most cruel human rights violations has led to the development of several instruments and measures to combat this crime as well as to provide protection and assistance to its victims.

However, for many years, the debate and policies have mainly addressed issues concerning trafficking for sexual exploitation. As a result, several actions and tools have been developed to specifically combat this form of trafficking and to identify, assist and protect sexually exploited victims[3]. In contrast, other forms of trafficking, especially those aiming at labour exploitation [4], have only recently started to be addressed by international and national bodies and by related policies.

So far, improvements in the field of trafficking for labour exploitation have been made, particularly with regard to legislative reforms and awareness-raising activities at the international, European and national level. Nevertheless, much more needs to be achieved to fully acknowledge trafficking as a human rights violation and improve the skills of all actors concerned in the identi-

1   Written by Maria Teresa De Gasperis.

2   The definition of "trafficking in human beings" used for the preparation of this text is the one contained in Article 3 of the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime" of 2000, (known as "Palermo Protocol"). Most national anti-trafficking legislations comply with this definition. According to this legal provision, Trafficking in persons means "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".

3   In this publication, when speaking about "trafficked persons" we are referring both to identified trafficked persons and to presumed trafficked persons. A presumed trafficked person (also referred to as "presumed victim of trafficking") is a person who is presumed to be a victim of trafficking but who has not been formally identified by the relevant authorities or has declined to be formally or legally identified. Presumed victims are entitled to the same treatment as the identified victims from the beginning of the identification process. An identified trafficked person (also referred to as "identified victim of trafficking") is a person who has been identified as a victim of trafficking in accordance with a formal or informal identification mechanism.

4   Taking into consideration the existing debate at international and European level about clarification of terms and definition, as well as the variety of definitions of labour exploitation, forced labour, etc. within the national legislations, in this text we make indiscriminate use of the expressions "trafficking for the purpose of labour exploitation", "trafficking for forced labour", "labour trafficking".

fication of victims of trafficking for labour exploitation. Moreover, common procedures need to be developed and implemented by national authorities and stakeholders from the countries of origin, the transit countries and the destination countries of the victims.

Trafficking has been dealt with by public authorities as a phenomenon more linked to migratory fluxes and border control policies than as one of the most degrading and cruel violations of human rights. As a consequence, the anti-trafficking measures adopted so far in European countries have principally addressed the persecution of the crime rather than the full protection of the human rights of trafficked persons. In most cases, such a perspective leads to non-identification or incorrect identification of victims, which makes it impossible to guarantee and protect their rights.

Furthermore, the general lack of awareness and knowledge about trafficking for labour exploitation on the part of organisations and institutions working on the matter represents a worrying issue which must be dealt with.

Against this background, the Mirror Project has been designed by Accem and its partners, having been considered vital to join forces to tackle the phenomenon of trafficking for labour exploitation. In this context, a particular focus has been to address the problem of identification and referral of its victims from a comprehensive and multi-agency approach based on a human rights perspective. In fact, we strongly believe that common strategy and an improvement in institutional cooperation are essential to guarantee and provide victims with proper protection and assistance. Also, the training of the different professionals involved in the identification and referral mechanisms as well as the need to raise public awareness on this plague represent a priority to combat labour trafficking and to protect its victims.

The mapping carried out in the context of the Mirror Project along with other researches in most European countries confirmed that few cases of labour trafficking have been documented, "despite strong indications that labour trafficking is a reality" in practically all of the EU countries[5]. In addition, these studies highlighted that little or no specialised support is available for, and accessible to, persons trafficked for labour exploitation in the same countries.

The core aim of the Mirror Project was thus the creation of a common methodology for the identification and referral of (presumed) trafficked persons for the purpose of labour exploitation, which we hope will be useful for those professionals directly and indirectly involved in the identification and referral mechanisms in the three countries involved in the project (Italy, Spain and Roma-

---

5   Among others, see: Churches' Commission for Migrants in Europe, Torsten Moritz/Lilian Tsourdi, *Combating trafficking for forced labour in Europe!*, March 2011, available at: http://www.ccme.be/fileadmin/filer/ccme/20_Areas_of_Work/10_Slavery___Anti-Trafficking/2011-05-05-GOING_BEYOND_English_web.pdf

nia). It represents an attempt to pool knowledge, experiences and perspectives of the organisations and institutions involved at the national level in the anti-trafficking system. We strongly believe that this participative process is an added value, as these professionals have been asked to participate in creating and testing in practice a Methodology that they will hopefully use in their daily work.

Finally, we hope that the institutional cooperation and the multi-agency approach tested throughout the Mirror Project will inspire other countries and the EU decision-making strategy in the anti-trafficking field.

1.   The Mirror Project[6]

1.1.   Background

The project "Developing agreed methodology of identification and referral for trafficking for labour exploitation: guaranteeing the victims the access to protection - MIRROR" (JLS/2009/ISEC/AG/054) was funded under the Prevention of and Fight against Crime Programme (2009) of the European Commission (Directorate-General Home Affairs) of the European Union, and co-financed by the Ministerio de Empleo y Seguridad Social (Dirección General de Migraciones) of Spain. It was led by Accem (Spain), in collaboration with Associazione On the Road (Italy), Churches' Commission for Migrants in Europe (Belgium), Fundatia Floarea Ialomiteana (Romania) and Opere Riunite Buon Pastore (Italy).

The Mirror Project was designed in the framework of the then most relevant European policy instruments in the anti-trafficking field, in particular publications including *"Report of the Experts Group on Trafficking in Human Beings of the European Commission"*[7], the 2005 EU Action Plan on Trafficking[8], *"Measuring Responses to Trafficking in Human Beings in the European Union: an Assessment Manual"*[9] and other documents presented by the JLS services (such as *"Recommendations on the identification and referral to services of victims of trafficking in human beings"*[10]).

---

6   Written by Maria Teresa De Gasperis.

7   EU Group of Experts, *Report of the Experts Group on Trafficking in Human Beings*, Brussels 22 December 2004, in: http://ec.europa.eu/anti-trafficking/entity?id=37a79d51-e316-424a-b869-6e1c941f5231

8   European Union, Official Journal of the European Commission, COUNCIL, *EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings*, (2005/C 311/01), 9.12.2005, in: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:311:0001:0012:EN:PDF

9   European Commission/Mike Dottridge, *Measuring Responses to Trafficking in Human Beings in the European Union: An Assessment Manual*, 18 October 2007, in: http://ec.europa.eu/anti-trafficking/entity;jsessionid=dGxQT5vbLkG1dn2ZQxv10FnhYLsnlHTXcJTmT0T399H1Lylgm5bZ!741669820?id=0d76c42c-208f-408e-a2b0-380fcf2adcd3

10   European Commission, *Draft Recommendations on Identification and Referral to Services of Victims of Trafficking in Human Beings*, 18 October 2007, in: http://lastradainternational.org/?main=documentation&document=1330

Those materials focus, among other things, on the importance of reinforcing actions in the field of trafficking for other purposes than sexual exploitation, especially in the labour context, and they encourage the development of effective methods to tackle this, at national and EU levels.

In addition, they recommend EU Members States to go beyond the predominant approach to tackling trafficking in human beings, recommending the necessity to focus on victim support, assistance and protection, rather than on developing measures in the area of prosecution of crime and migration control.

To this end, those policy documents consider it crucial to put in place effective identification and referral mechanisms, as well as to build an appropriate multidisciplinary coordination structure among all the actors involved in the detection, referral of and assistance to persons trafficked for the purpose of labour exploitation, including trade unions, labour inspectorates, etc. In addition, they insist on the importance of also involving stakeholders not directly working in the anti-trafficking field, such as the business sector, labour organisations, labour agencies, media, migrants' associations, health care services, etc., given their possible contribution in detecting (presumed) victims and in preventing the crime.

Thus, this project has sought to tackle the lack of common approaches regarding identification and referral of (presumed) trafficked persons for the purpose of labour exploitation at EU and national levels.

1.2   Project Objectives

The overall objective of the Mirror Project was to create an agreed methodology for identification and referral of persons trafficked for the purpose of labour exploitation, as the only way to guarantee their effective protection.

In particular, the project aimed at developing a useful instrument to support those national stakeholders directly or indirectly involved in the detection, identification and referral of (presumed) trafficked persons for the purpose of labour exploitation. Thus, the additional intention was also to involve those professionals who might be relevant in the detection of (presumed) trafficked persons, even though they may not have specific competence in trafficking issues or responsibility for them.

Considering the complexity of the issue and the prismatic factors involved in the phenomenon, the project has based itself on a holistic, multidisciplinary and integrated approach. Thus, the

Mirror project was implemented using a multi-agency and participatory approach in each partner country, fostering at all stages cooperation and coordination between all the actors and stakeholders involved.

From a methodological perspective, the Mirror project has been characterized by ongoing assessment of the situation on trafficking issues existing in each country involved in the project, in order to adapt the project's activities to their concrete needs. In this way, the guidelines, their pilot implementation, the training sessions and the awareness-raising campaign have been designed in accordance with each national anti-trafficking context. Relevant national stakeholders have been constantly involved in the implementation of the project's activities, with the purpose of gathering their inputs and addressing their effective needs. Thus a participative and multi-agency approach was ensured.

1.3   Project Activities

The Mirror Project started on February 2010. In pursuit of the main aim of the project, to elaborate a common set of guidelines for the identification and referral of persons trafficked for the purpose of labour exploitation[11], the first essential step was to map the situation of trafficking for labour exploitation in the three targeted countries (Italy, Romania and Spain). Thus, the main national anti-trafficking organisations and institutions were asked to answer a questionnaire and/or to maintain semi-structured interviews with the national focal points. The purpose of such activity was to achieve an overview of the phenomenon of trafficking for labour exploitation in each targeted country. So each national snapshot focused on the national anti-trafficking legislative framework and the related legal provisions on the matter, on the main labour sectors involved, as well as on the main characteristics of the victims and of traffickers. It also embraced the existing identification mechanisms, the protection of and assistance to trafficked persons (including their access to justice) and the referral and coordination mechanisms in place.

From October to 2010 to January 2011 national training sessions took place in Madrid, in Venice and in Bucharest. During such events, proactive and multi-disciplinary reflection and discussion on the main strengthens and weaknesses of each national anti-trafficking system were generated among the relevant national anti-trafficking actors. Thus, all the perspectives and conclusions gathered during the training session, together with the in-

---

11   In this publication, when speaking about "Mirror Methodology", "Methodology", "Mirror Guidelines", "Guidelines" we always refer to the "agreed methodology of identification and referral for trafficking for labour exploitation", which was the core purpose of the Mirror Project.

formation collected during the national investigations, were used for the preparation of the Methodology.

In the meantime, the preparation of awareness-raising materials started, through the design and printing of a leaflet in four languages (English, Italian, Spanish and Romanian). The leaflet was part of the "Open your Eyes!" Campaign[12]; the latter was complemented with the production of six spots in the four mentioned languages in autumn/winter 2011.

To give greater detail, the purpose of the leaflet was to provide civil society in general, as well those professionals not directly involved in the anti-trafficking field, with some indicators and concrete cases of trafficking for the purpose of labour exploitation in the following labour sectors: construction, catering/hotels, the textile sector and domestic service.

The six spots were produced with the same intention, to raise civil society's awareness of the phenomenon. Therefore the spots aimed to show the main phases of trafficking, i.e. recruitment, transport, harbouring and exploitation, in accordance with the common definition of the phenomenon. The sectors of exploitation considered in the spots were textiles, catering, construction and domestic service.

Consequently, the overall aim of the campaign was to raise awareness of a phenomenon existing in our societies, and thus to provide the viewer with some hints on recognising and detecting trafficking cases. In addition, in order to give the "Open your Eyes!" Campaign the widest visibility and dissemination possible, the project's partners decided to translate both the spots and the leaflets into another six important languages in the anti-trafficking field: Arabic, Bulgarian, Chinese, French, Portuguese and Russian.

The "Open your Eyes!" Campaign was launched on the 15 March 2012, during a press conference simultaneously held in Brussels, Bucharest, Madrid and Napoli.

At the beginning of 2011, the project's partners started the preparation of the agreed methodology for identification and referral of victims of labour trafficking, aiming at proposing practical and concrete suggestions to the national institutions and organisations involved in the (formal and informal) identification of (presumed) trafficked persons for the purpose of labour exploitation and in their subsequent referral to the appropriate protection and assistance services. In addition, a further intention was to foster the improvement of inter-institutional and multi-agency coordination on the matter, as well as a victim-centred and human rights-based approach to addressing trafficking in persons.

12   http://www.youtube.com/refugiadosenelcine

In the meantime, the project's partners also started the preparation of a Policy Paper (titled *"Policy choices enabling identification and referral of persons trafficked for labour exploitation"*). The main purpose of this advocacy tool was to underline how successful identification depends also on the general policy on trafficking in a certain country or in an international context. Hence, it focused on how policy choices and decision-makers can have influence on the effectiveness of identification and referral mechanisms, providing also a set of relevant recommendations.

In addition, as the Policy Paper was mainly aimed at influencing decision-making processes at European level, it was presented at the European Parliament, during a hearing hosted by the ALDE Group ("Alliance of Liberals and Democrats for Europe") on 18 October 2011, during the European Anti-Trafficking Day.

On November 2011 the Methodology was implemented into the field in the three targeted countries for a 5 month pilot phase, with the aim of evaluating its effectiveness through concrete trafficking cases. This experiment was possible thanks to the involvement and the collaboration of the relevant anti-trafficking institutions and organisations at a national level. In accordance with the project's requirements, those stakeholders were asked to sign a Memorandum of Understanding with the corresponding national project's focal points (Accem, Fundatia Floarea Ialomiteana, Opere Riunite Buon Pastore), in order to determine and define the content of their commitment. The following national stakeholders agreed to take part in the pilot implementation: Fiscalía General de Estado (Spain), C.I.F. Centro Italiano Femminile Comunale di Roccabascerana (Italia), C.I.F. Centro Italiano Femminile Provinciale di Avellino (Italia), Cooperativa Sociale Dedalus (Italia), Brigada de Combatere a Criminalitatii Organizate Bucuresti - Serviciul de Combatere a Criminalitatii Organizate Ialomita (Romania), Inspectoratul de Jandarmi Judetean Ialomita (Romania), Serviciul de Probaltiune de pa langa Tribunalul Ialomita (Romania).

In order to guarantee an external and professional evaluation of the Methodology and its usefulness, an external evaluator has been in charge of counselling the project's partners during the preparation of the guidelines, and of assessing the testing of these guidelines.

Finally, on 19 April 2012 the final conference took place, with the main purpose of presenting the project's activities, the dissemination materials, its conclusions, and the preliminary evaluation.

Furthermore, the final conference was also an occasion to explore the main challenges in the field of trafficking for labour exploitation from the perspectives of the ILO and the ITUC. Particular attention was paid also to the importance of fostering a multi-agency approach in the fight against trafficking for labour exploitation, thanks to the point of view of the Public Prosecutor's Offices of Spain and Italy. Lastly, a preliminary assessment carried out by the Mirror project's ex-

ternal evaluator highlighted the main challenges in the identification, protection and assistance to persons trafficked for the purpose of labour exploitation. In addition, a representative of the Italian NGO Cooperativa Lotta contro l'Emarginazione described the outreach activities they perform for the detection and identification of trafficked persons for the purpose of labour exploitation and informed about their efforts in fostering and strengthening a multi-agency coordination among relevant stakeholders at a local level.

The Mirror Project formally ended on 30 April 2012.

2. Methodology for the identification and referral of persons trafficked for the purpose of labour exploitation[13]

2.1 Objectives and application of the guidelines

The general objective of these guidelines is to offer suggestions to the institutions and organisations involved in the (formal and informal) identification of (presumed) trafficked persons for the purpose of labour exploitation and in their subsequent referral to the appropriate protection and assistance services.

In particular, these guidelines are intended to provide those professionals with some practical and useful indications on how to deal with practical situations of trafficking and on how to foster the improvement of institutional coordination on the matter. Furthermore, while we are aware that not every situation of labour exploitation entails a case of trafficking, it is expected that this tool will lead to an increase in correct identification of (presumed) persons trafficked for the purpose of labour exploitation and their referral to adequate and safe resources. Finally, it is envisaged that the guidelines will help the gathering of relevant national data on the matter.

Thus, these guidelines do not intend to represent an exhaustive tool given, among other things, the differences existing in the legal and political frameworks of each targeted country and therefore the limits to the possibility of creating a common instrument. To this end, they incorporate common principles and rules valid for the different national frameworks in which they will be implemented.

Furthermore, the hope is that they will be also useful in stimulating further debate on how to tackle the phenomenon of trafficking for the purpose of labour trafficking, in creating common criteria at European level for the identification and referral of trafficked persons, in strengthening collaboration among institutions and NGOs in the fight against labour trafficking and especially in the protection of and assistance to trafficked persons and, lastly, in assuring adequate and effecti-

13   Written by Maria Teresa De Gasperis, Isabella Orfano, Lucia Donaggio, Costinela Claudia Ciachir.

ve resources (economical support, shelters, legal and psychological support, accompaniment and follow-up during the return process) for the protection of and assistance to persons trafficked for the purpose of labour exploitation.

Considering the aim of the project, and especially the participative process that it aimed to foster in the preparation of the Methodology among those professionals who will hopefully use it in their daily work, the first version of these guidelines consisted of a working document. Thus, this _working document_ has been revised and modified according to the results deriving from the pilot implementation period, thanks to the suggestions and recommendations provided by those professionals who took on testing these same guidelines in each of the three targeted countries.

2.2   Where presumed trafficked persons can be detected

According to the results of the research carried out in the context of the Mirror Project, as well as other research projects performed in the field of trafficking in human beings[14], in broad terms the phenomenon of trafficking for the purpose of labour exploitation involves almost all economic sectors. In general, it can be affirmed that in all the European countries, trafficked persons are exploited mainly in agriculture, industry, construction and in the hotel/catering trade.

In addition, such analyses show that the labour sectors of exploitation vary according to the principal prevalent economic sectors of each country and that, within the same country, they can also differ regionally. Thus, the research showed that in Spain persons are trafficked mainly for the purpose of their exploitation in agriculture (especially seasonal workers), the textile industry, domestic service, construction and the hotel/catering trade. But it has been highlighted that in the Region of Madrid there have been cases of persons trafficked for the purpose of their exploitation in the hotel/catering sector and in small businesses. In the southern regions of Spain, (such as the Autonomous Community of Andalucía) though, the exploitation is predominantly connected with the principal economical livelihoods (i.e. agriculture, especially for the seasonal picking of olives and strawberries), which particularly involve seasonal workers. A similar situation has been reported in Italy, where in the northern regions exploitation in manufacturing and textile production prevails, while in the southern regions many cases of persons trafficked and exploited in agriculture have been detected.

---

14   Among others, see: Churches' Commission for Migrants in Europe, Torsten Moritz/Lilian Tsourdi, _Combating trafficking for forced labour in Europe!_, March 2011, available at: http://www.ccme.be/fileadmin/filer/ccme/20_Areas_of_Work/10_Slavery___Anti-Trafficking/2011-05-05-GOING_BEYOND_English_web.pdf; On the Road, Accem, ALC, La Strada International, _E-NOTES - Report on the implementation of anti-trafficking policies and interventions in the 27 EU Member States from a human rights perspective (2008 and 2009)_, 2010, available at: http://www.e-notes-observatory.org/

Finally, the trafficking of children for their exploitation in begging and pickpocketing also represents a worrying phenomenon which has been detected in Italy and Spain.

With regard to the aforementioned research, it can be pointed out that the first approach to a presumed trafficked person may take place in different locations[15]; the following list is not exhaustive and does not resume all the possible settings in which a case of labour trafficking can be detected:

- On the street, in apartments or in the settings of different service providers (such as restaurants, bar, places of entertainment, etc.) detected by law enforcement authorities;
- On the street by NGOs (or other rescue units) during their outreach activities;
- At immigration desks by the personnel with this competence;
- On the premises of Social Services by health personnel or social workers;
- On the premises of a hospital or Emergency Services, by health personnel or social workers;
- In factories and other places of work by Labour Inspectorates;
- In detention centres and in internment centres for foreigners (regardless of their designation) by the personnel in charge, the social workers or by NGOs (when the latter are given entry and permission to interview the detainees/internees);
- In migrant and refugee shelter premises, by the personnel in charge;
- Through hotline numbers for trafficked persons or for victims of domestic violence activated at national or local level and managed by NGOs and/or governmental institutions;
- At the NGOs' information desks;
- At the trade unions' information desks.

  When approaching vulnerable groups (such as irregular migrants, women, minors, etc.), it is advisable that any of the aforementioned professionals adopts the following general suggestions:

  - *Always be aware of the possibility that the person you are dealing with may be a presumed trafficked person;*
  - *Assess the possibility that also behind "simple" cases of illegal immigration, irregularities in the work-place, unaccompanied minors, as well as other similar circumstances, there could be a situation of trafficking and exploitation;*

---

15   This part has been mainly taken and adapted from: Procura della Repubblica presso il Tribunale di Teramo and others, *Linee Guida per l'approccio alle potenziali vittime di tratta di esseri umani e grave sfruttamento*, Teramo 2010, available at: http://www.procura.teramo.it/news.aspx?id=1132

- *Be aware that trafficked persons, especially those trafficked for the purpose of labour exploitation, are reluctant to speak about their situation, especially to the authorities, as trafficked persons generally do not trust them;*
- *Take care to satisfy the primary basic needs of a presumed trafficked person (especially his/her medical and security/safety needs), if necessary, refer the person to the public social services or to the support, assistance and protection resources provided by specialised NGOs.*

In addition, any professional who detects a presumed trafficked person must inform the competent appointed representative of the corresponding institution, in accordance with the instructions provided below, in order to move forward to the further appropriate steps of the procedure.

2.3   Who may be involved in the identification process

The main actors involved in the formal and informal identification of trafficked persons vary according to each national context, so at European and international level there may be different examples of mechanisms in place for identification and referral procedures, as well as a variety of governmental and non-governmental actors involved.

Even so, it is possible to identify certain actors that, in general, intervene in the identification and referral of persons trafficked for the purpose of labour exploitation.

Most of the national legislations indicate their **law enforcement agencies** as the main actors involved in the formal identification of trafficked persons.

Many countries also involve NGOs (in many cases providing a list of accredited organisations) in the formal identification mechanism.

Even though the purpose is not to provide an exhaustive list of other relevant actors, as this would be quite impossible given the peculiarities of each national context, the following list suggests some of the most common relevant actors:

- Immigration services;
- Health and social services;
- The Public Prosecutor's Office;
- The Judiciary;

- Detention centre personnel;
- Prison personnel;
- Labour inspectors;
- Trade union personnel;
- International organisations;
- Embassy or consular officials;
- Other.

Mapping and assessment of the existing structures, including governmental institutions and non-governmental agencies and actors from the anti-trafficking field are the first steps needed in order to build a national referral mechanism[16].

The National Referral Mechanism (NRM) is "a co-operative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, co-ordinating their efforts in a strategic partnership with civil society. The basic aims of an NRM are to ensure that the human rights of trafficked persons are respected and provide an effective way to refer victims of trafficking to services. In addition, NRMs can work to help to improve national policy and procedures on a broad range of victim-related issues such as residence and return regulations, victim compensation, and witness protection[17]".

The principal aim of an NRM is to formalise and strengthen cooperation among government agencies and NGOs involved in the anti-trafficking system. Thus, it neither replaces nor duplicates any existing national anti-trafficking structure, but it represents an indispensable structure for the referral of trafficked persons.

Also, the general aim of an NRM is to change the perspective of how to deal with trafficking in human beings, in the sense of considering it not just as a problem of criminality or immigration, but as a severe abuse of the human rights of its victims[18].

---

16   Building a Referral Mechanism useful for different countries is quite challenging, considering the diversity of the legislative, political and socio-economic frameworks, as well as the different actors that intervene in each of them in the identification and referral of trafficked persons. Subsequently, in this paragraph some ideas are proposed on how to build an NRM that can be applicable to different contexts.

17   OSCE/ODIHR, *National Referral Mechanisms – Joining Efforts to Protect the Rights of Trafficked Persons. A practical Handbook*, Warsaw, 2004, p. 15. Available at: http://www.osce.org/odihr/13967

18   Ibid, p. 17.

In order to be effective, an NRM requires good cooperation between government agencies and civil society organisations. In fact, even though in general it is law enforcement personnel that are in charge of the formal identification of trafficked persons, in practice it has been demonstrated that trafficked persons are often first identified by NGOs or trade unions. And furthermore, the organisations providing shelter and other services for the victims are civil society organisations.

Consequently, an NRM should aim at being as all-encompassing as possible in its membership and participation.

> An NRM should include a **national coordinator**, who is often a high level government official, and a **round table** comprising senior representatives of government agencies and civil society organisations involved in the anti-trafficking field.

Moreover, in order to be more effective, it is advisable that an NRM is set up based on a formal cooperation agreement among all the participants (i.e. a Memorandum of Understanding), specifying and detailing the precise roles and duties of each participant, with a view to ensure that the protection and promotion of the human rights of all trafficked persons is guaranteed in all circumstances[19].

The structure of an NRM generally differs in each country. As a consequence, it is quite a challenge to build a Referral Mechanism which is feasible for different countries, taking into account the diversity of the legislative, political and socio-economic frameworks, as well as the different actors that intervene in each of them in the identification and referral of trafficked persons. So an NRM has to be designed on the basis of careful assessment of the specific needs and conditions of each country, always bearing in mind that an NRM is not a rigid structure, but rather a flexible mechanism that has to adapt to the country's particular social, political, economic and legal framework.

Therefore, these guidelines contain some generally shared and useful suggestions on how to build an NRM that can be applicable to different contexts, bearing in mind that the following principles should be applied during each and all stages of the identification, assistance and referral procedures[20]:

---

19   Ibid, p. 15.

20   This part has been mainly taken and adapted from: International Centre for Migration Policy Development (ICMPD) and Department for Equal Opportunities – Presidency of the Council of Ministers (Italy), *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU*, 2010, p. 25.

- *Human rights-based approach.* A human rights-based approach considers the rights of individuals as the core of any policy and activity in the anti-trafficking field. Thus, all state and non-state actors involved in this context (i.e. law enforcement agencies, trade unions, labour inspectorates, NGOs, the judiciary, etc.) are obliged to respect, promote and protect the civil, economic, social, political and cultural rights of trafficked persons.
- *Government ownership.* All governments at central, regional and local level are entirely and actively responsible for the creation and implementation of strategies and programmes aimed at countering human trafficking.
- *Civil society participation.* NGOs and other non-state organisations and associations play a crucial role in providing all kinds of service to support and assist trafficked persons and, given their field experience, their contribution is also essential during the identification process. They must be actively involved in the local, regional and national referral mechanism, as well as in designing and implementing anti-trafficking strategies and policies.
- *Multi-disciplinary approach.* In designing and implementing anti-trafficking strategies and policies, as well as in the identification and referral mechanisms, it is essential to involve a wide range of state and non-state actors with different knowledge and expertise on the matter.
- *Best interests of the child.* The best interests of the child has to be the leading principle in any action regarding (presumed) trafficked children. This means that any decision regarding a trafficked child should be based on a preliminary assessment of her/his individual circumstances, her/his family context, mental and physical health, personal vulnerabilities, the situation in her/his country of origin, her/his need for protection, her/his safety, the risks she/he may face in her/his country of origin, her/his level of integration in the host country, etc. In addition, such evaluation should be carried out by a multi-disciplinary team, formed by relevant actors with specific expertise in child-related issues also.

To summarise, the essential components of an NRM are:

- *The establishment of appropriate procedures in order to ensure effective identification of, assistance to and referral of trafficked persons in relation to the following interconnected stages:*
  - *identification;*
  - *first assistance and protection;*
  - *long-term assistance and social inclusion;*
  - *return and social inclusion;*
  - *criminal and civil proceedings.*
- *Formal multidisciplinary and cross-sector cooperation among all actors involved in the anti-trafficking field, providing the exact roles, obligations and responsibilities of each institution/organisation involved.*

- *Proper monitoring and evaluating mechanisms, in order to allow the NRM to assess the results achieved, as well as to plan the strategies and future actions in order to tackle human trafficking and provide trafficked persons with the appropriate forms of assistance and protection.*

2.3.1 First points of notification and case managers

Even though the structure of an NRM varies in each country, without a doubt its functioning depends on appropriate allocation of human and financial resources, as well as on the involvement of trained personnel (from NGOs, governmental institutions, law enforcement agencies, the judiciary, etc.) right across the country, in order to ensure complete geographical coverage by the NRM. In addition, all NRMs should be developed and implemented in such a way as to involve all those national actors concerned with the child protection system, in order to ensure the appropriate assistance and protection of trafficked children.

> *An NRM should develop a dynamic process to ensure participation and involvement of a wide range of governmental agencies and non-governmental groups. Also, internal monitoring, evaluation and feedback should be a continuing part of the activities of an NRM[21].*

With the effectiveness of an NRM in mind, the distinct roles and responsibilities of all actors involved should be precisely defined, along with the operational procedures for cooperation between the law enforcement agencies, the judiciary, the governmental institutions, other public actors and the civil society organisations taking part in it.

> *In order to achieve these purposes and, furthermore, to effect the appointment of a national coordinator, it is recommendable that each organisation/institution involved in the NRM nominates a first point of notification within its structure. The **first point of notification** is the body/person that acts as the central point of information, referral and initial support for presumed victims. The first point of notification should nominate a case manager, who is the designated person (within the same organisation/institution) responsible for the initial screening and referral. Thus, the **case manager** is the main point of contact for a trafficked person and in addition he/she has*

---

21   OSCE/ODIHR, *National Referral Mechanisms – Joining Efforts*, op. cit., p. 15.

*the function of coordinating the different services deemed necessary in or-
der to provide trafficked persons with the appropriate forms of assistance
and protection.*

As mentioned, the first points of notification differ from country to country and may be:

a) The national coordinating institution (e.g. national office of the anti-trafficking agency);
b) Law enforcement agencies;
c) Service providers (e.g. NGO, social services);
d) Others.

With the aim of guaranteeing the functioning of such a mechanism, "the first point of notifi-
cation of each organisation/institution should be known to all relevant institutions and organisations
whose personnel might come into contact with trafficked persons, such as law enforcement officers,
immigration service officials, labour inspectors, non-governmental or international organisation pro-
fessionals, health care practitioners, embassy or consular officials, transportation employees, etc."[22].

All professionals involved in any of the steps of the NRM should be properly and specifically
trained in trafficking-related issues and in the appropriate methods and techniques for dealing with
trafficked persons. It is also essential that training should be held periodically.

Depending on the mechanism proposed, each officer of each organisation/institution invol-
ved in the NRM should inform the first point of notification of the organisation/institution to which
she/he belongs. Thus the first point of notification can nominate the case manager who will coordi-
nate the initial screening and referral, in accordance with the referral mechanism in place.

In any case, the Public Prosecutor with competence in the matter should always be infor-
med about the case by each point of notification. In addition, in the case of (presumed) trafficked
children, the Public Prosecutor for Minors should always be informed.

As is evident, constant coordination and communication among all the actors involved in
the NRM is essential in order to guarantee the functioning of the mechanism, the purpose being to
ensure the adoption of the appropriate protection and assistance measures to trafficked persons.

---

22   A good example of an NRM developed by all the relevant actors involved in the anti-trafficking field is the Italian "Protocollo di Teramo", which defines the roles
and responsibilities of all those institutions and organisations working within the province of Teramo. Moreover, it contains a list of indicators to identify potential
trafficked persons and an interview format for the initial screening of the potential victim. Procura della Repubblica presso il Tribunale di Teramo and others,
Linee Guida per l'approccio alle potenziali vittime di tratta di esseri umani e grave sfruttamento, Teramo 2010, available at: http://www.procura.teramo.it/news.
aspx?id=1132

2.3.2   Monitoring and evaluation

The process of monitoring and evaluation represents another relevant step in the framework of an NRM, as it aims to assess the functioning of the mechanism. It also seeks to establish if the procedures put in place are being allowed to achieve the purposes and the objectives foreseen, and subsequently to adjust possible malfunctions. Thus, this process permits improvement in the existing procedures at operational level, as well as the redesign of strategic aims, taking into consideration the evaluation of the results.

From another perspective, the monitoring and evaluation process can be useful to assess the impact of the anti-trafficking measures on the human rights of the trafficked persons. In particular, it makes it possible to evaluate if the identification and referral mechanisms in place, as well as the protection and assistance measures, are adequate to ensure respect for trafficked persons' rights.

> *For the sake of a better exchange of data, information and operational measures, as well as multi-agency and cross-sector strategy planning, it is recommendable that periodic meetings (i.e. every 6 months) are held between all the actors involved in the NRM.*

At all stages, it is important to ensure that the information exchange which is made always respects the safety, security and privacy of trafficked persons, who should be informed appropriately about the exchange of their data, and give their informed consent accordingly.

2.4   The identification process

> *The core of every NRM consists of the process of identification of trafficked persons by different actors involved in the anti-trafficking field, and cooperation among those stakeholders to guarantee the referral of the trafficked persons to the appropriate specialized services.*

Thus, identification of trafficked persons represents a crucial moment in the fight against trafficking in human beings and especially in guaranteeing the protection of and assistance to victims. In fact, the identification represents the first step at which a trafficked person is identified as such. And it represents the first essential step "in ensuring that trafficked persons have the oppor-

tunity to seek remedies as victims of human rights violations"[23]. Subsequently, the identification chiefly pursues the aim of guaranteeing trafficked persons the access to effective mechanisms of protection and assistance.

Thus, the lack of a proper early identification of a person who has been trafficked will mean denying him/her the access to basic rights and will foster impunity[24].

> *The identification of trafficked persons is a complex **process**, which can sometimes take a long period.*

In order to gain a comprehensive overview of the circumstances of the case, during such processes it is important to investigate and gather the appropriate detailed information, as well as to verify this information properly.

The identification process can be divided into two main stages: the **preliminary identification** and the **formal identification**. The preliminary identification aims at the initial screening of a case of a presumed trafficked person and at responding to his/her first basic needs (i.e. accommodation, safety, access to information, recovery and reflection period, etc.), referring him/her to the appropriate specialized services. The formal identification is intended to confer the victim with the corresponding status as assigned by qualified and authorized personnel (i.e. law enforcement agencies, social services, NGOs/international organisation officers, etc.), which can vary according to each national anti-trafficking system as set in place. The formal identification is carried out with specific questions and through an assessment of information and circumstances which will help in the formal identification of a person as a victim of trafficking.

> *Bearing in mind the complexity of the crime of trafficking, as well as the physical and psychological effects the person has suffered, the **benefit of the doubt** should be given to a person who claims to have been trafficked.*

> *Thus, it is essential to guarantee the appropriate assistance and protection both for **presumed trafficked** persons and for **(identified) trafficked persons**, as in most cases victims of trafficking are initially reluctant to identify themselves as victims.*

---

23   Joy Ngozi Ezeilo, *Report of the Special Rapporteur on trafficking in persons, especially women and children*, 13 April 2011, p. 17, available at: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/127/97/PDF/G1112797.pdf?OpenElement

24   Proyecto Esperanza, *Valoración del nuevo marco jurídico contra la trata de seres humanos. Análisis de casos reales y recomendaciones*, November 2010, p. 9 ss.

2.4.1   The preliminary identification[25]

WHAT it is: It is a measure aimed at examining a case with the purpose of:

- Carrying out the initial assessment of the case in order to determine if the person is a presumed trafficked person or a potential trafficked person and referring him/her to the proper services;
- Providing for his/her basic needs, such as health, accommodation, clothing, food, water and other urgent needs;
- Informing him/her about his/her rights and obligations as a presumed trafficked person, about the purpose and functioning of the recovery and reflection period, in relation to the services available (i.e. accommodation, counselling, etc.), regarding the existing protection system, the data protection policy, etc.;
- Providing for his/her security needs, analysing possible imminent and future risks and securing the immediate safety of the presumed trafficked person ("early risk assessment");
- Ensuring availability of language interpretation and cultural mediation all along the process, with the aim of facilitating communication in a language that the person understands;
- Ensuring him/her access to the recovery and reflection period in order to provide the person with the time and resources necessary to ensure that he/her can take conscious decisions about subsequent steps.

Moreover, the initial screening and referral should be carried out:

- With the informed consent of the presumed trafficked person;
- By collecting adequate, relevant, and not excessive information once the presumed trafficked person has given her/his informed consent to provide and store personal data. S/he must be informed about her/his right to withdraw the consent for the storage of her/his data;
- Taking into consideration the opinions and concerns of the presumed trafficked person;
- By immediately informing the competent child welfare authority in the event that the presumed trafficked person is a minor or he/she is suspected to be a child. In addition, a guardian should immediately be appointed before undertaking any other measure.

WHEN to use it: The procedure has to start promptly after a presumed trafficked person is referred to the first point of notification.

---

25   This part has been mainly taken and adapted from: International Centre for Migration Policy Development (ICMPD) and Department for Equal Opportunities – Presidency of the Council of Ministers (Italy), *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU*, 2010, pp. 33-48.

WHO shall use it: the initial screening and referral have to be carried out by the first point of notification, which is the institution/organisation that acts as the central point of information, referral and initial support for presumed trafficked persons.

This body can differ from country to country according to its legal framework on the matter, and could be:

- A national coordinating institution;
- The law enforcement agencies;
- Service providers (e.g. NGO, social services);
- Other.

HOW to use it: The initial screening should be carried out by means of some questions which serve to determine if the person is a presumed trafficked person or a potential trafficked person as soon as s/he comes into contact with the first point of notification, as the following table suggests:

INFORMATION TO GATHER THROUGH INITIAL SCREENING*	
ITEM	**INDICATORS**
Personal data	• Name • Gender • Age • Nationality • Legal status • Family status • Knowledge of the language of the destination country (for foreign victims)
Physical appearance	• Injuries from beatings (scars, bruises, broken bones...) • Signs of unattended infections (fever, swollen neck...) • Signs of contagious diseases • Signs of torture (burns, cuts...) • Signs of malnutrition • Signs of fear • Distressed behaviour
Living conditions	• Evidence of restriction and strict control of movement • Isolation • Poor accommodation standards • Living and working in the same place • Continuously changing accommodation

Working conditions	• No work or false work contract • No salary or underpaid work • Overlong working hours and/or no days off • Unsafe and/or unhealthy working conditions • Hidden from other workers • Continuously changing work location • Found in premises where cases of exploitation and trafficking have already been detected
Status	• Irregular migration status (for foreign presumed trafficked persons) • Lack of or forged documents (e.g. passport, visa, identity documentation, stay/residence permit...) • Expulsion order(s) • Other

(*) The table proposed is taken from the International Centre for Migration Policy Development (ICMPD) and Department for Equal Opportunities – Presidency of the Council of Ministers (Italy), *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU*, 2010, p. 36.

2.4.2   The formal identification

WHAT it is: It is the formal procedure aimed at officially determining if the presumed trafficked person has been the victim of trafficking.

WHEN to use it: The procedure has to start, subject to the informed consent of the presumed trafficked person, after the recovery and reflection period, when the person has recovered his/her psychological and physical well-being.

WHO may use it: The institutions/organisations involved in the formal identification vary according to the structure of each national system. In general, law enforcement agencies, NGOs, social services, public prosecutors officers and other existing national coordination agencies are the actors appointed to carry out the formal identification. In any case, it is crucial that interviewers are properly trained on trafficking-related issues.

In addition, in the event that the presumed victim is a child, the interview should be carried out by personnel expert in interviewing minors.

When the presumed trafficked person is a foreigner and he/she gives his/her consent, a linguistic-cultural mediator will be present during the interview.

HOW to use it: The identification has to be carried out:

- through one or more bilateral interviews with the presumed trafficked person;
- by gathering and assessing other proofs, in order to identify the facts and verify the information provided by the presumed trafficked person[26].

A format for carrying out the interview is suggested below:

2.5   Interview guidelines for identification

Before the interview starts, please bear in mind the following important information:

- As a professional NGO worker, social worker, immigration officer or police officer, you should proceed with the interview only if the presumed trafficked person has been fully informed about the procedure, his/her rights, his/her options, and agrees to be interviewed. Provide information both orally and in writing in a language the presumed trafficked person can understand.
- Before the interview starts, the presumed trafficked person must have access to basic needs, namely food, water, toilet, clean clothing, rest, urgent medical care, the chance to contact family members or significant others.
- If the trafficked person s/he is a foreign citizen, a cultural mediator or an experienced interpreter should be present, but only if the presumed trafficked person has been fully informed about their role and agrees to be supported by them.
- If the presumed trafficked person is a minor, a legal guardian should be promptly appointed and be present during the interview.
- You should always formulate clear and simple questions in order to make yourself fully understood. Be professional at all times, yet sympathetic.
- The presumed trafficked person should not feel under pressure and should be able to speak freely.
- The presumed trafficked person may have been through traumatic events and, thus, the procedure may awaken stressful feelings. Be prepared to respond to this situation and avoid any re-traumatisation of the person.

---

26   Procura della Repubblica presso il Tribunale di Teramo and others, *Linee Guida per l'approccio alle potenziali vittime di tratta di esseri umani e grave sfruttamento*, Teramo, 2010

- Be aware that some foreign presumed trafficked persons may be frightened due to their irregular immigration status. Furthermore, both national and foreign presumed victims may be hesitant to be interviewed because of the fear of reprisals, and also against his/her family and friends.
- Be aware of the complexity of the relationship existing between the trafficked person and his/her trafficker, as trafficked persons may believe that after a period of abuse, they will eventually pay off a debt and be able to earn money for themselves. Also, they may think that no one else but the trafficker is in a position to help them. They may be afraid that they will be stigmatised or seen as "failures" if they return home empty-handed, or be rejected by their families if they have been prostituted.
- Many migrants do not trust the law enforcement agencies and the authorities in general. They may perceive the law enforcement and the authorities as a further threat rather than a potential help, due, for example, to the possible corruption and disrespectful attitudes of the law enforcement and the authorities in their country of origin, or the fear that they will be rejected or punished by their own community for bringing 'trouble' and shame. Many victims also fear that the law enforcement and the authorities will not understand and respect their religion, culture and beliefs.
- Neither you nor the cultural mediator/translator should ever express any judgment about the stories or the answers provided by the presumed trafficked person.
- Always be clear about the future options, including information on the referral possibilities and the conditions attached.
- Both the confidentiality and the safety of the presumed trafficked person must always be paramount and, thus, ensured at any given stage of the procedure. If the presumed trafficked person is concerned about his/her own safety or that of his/her significant others, the interview should be stopped and rescheduled.
- The interview should never take place if a person from the trafficking and exploitative environment is present.

2.6 Case Assessment and referral format

CASE ASSESSMENT

File no.:

Date of interview: _____ / _____ / _____

Organisation: _____

Social worker/interviewer's name: _____

Interviewee referred by: _____

I. Personal data

Name: _____

a. **Surname**: _____

b. **Alias(es)**: _____

Gender: ☐ Male ☐ Female ☐ Transgender

Date of birth (dd/mm/yyyy): _____ / _____ / _____

or estimated age: _____

c. **Nationality**: _____

Legal status:

☐ Regular:

Type of residence permit: _____

Residence permit no.: _____

Date of issue: _____

Date of expiry: _____

☐ Irregular   ☐ Asylum seeker   ☐ Refugee

☐ Asylum seeker applicant   ☐ Refugee applicant

☐ Other (specify): _____

☐ Expulsion order(s): ☐ Yes   ☐ No

Passport number/ID number: _____

Social insurance number: _____

Address in host country: _____

Address in country of origin: _____

Language(s) spoken (specify proficiency):

☐ Mother tongue: _____

☐ Other language(s): _____

_____

_____

Family status:

☐ Single   ☐ Married   ☐ Separated   ☐ Divorced   ☐ Widowed   ☐ Cohabiting

☐ No children   ☐ Children: number of children: _____

living in the: ☐ country of origin
☐ host country
☐ third country

Family members or significant others currently in the host country:

_____
_____
_____
_____
_____
_____
_____
_____

Family members or significant others in the country of origin:

_____
_____
_____
_____
_____
_____
_____
_____

Notes: _____
_____
_____
_____
_____
_____
_____
_____

II. Health

Health conditions:

_____
_____
_____
_____
_____
_____

Contact details of doctors/nurses (if any):

_____

_____

_____

_____

_____

III. Background information

Education:

☐ Primary school   ☐ Junior high school

☐ High school   ☐ University (main course taken) _____

☐ Illiterate   ☐ Other _____

Before leaving:

☐ Unemployed ☐ Employed ☐ Student ☐ Other (specify) _____

☐ Low or inadequate income ☐ Adequate income

Work experience:

☐ No

☐ Yes:

Labour sector	Position	When (mm/yyyy)	Where
☐ **Industry:** ☐ Mechanical/Metallurgical ☐ Construction ☐ Electrical ☐ Wood-furniture ☐ Textiles/clothing ☐ Leather ☐ Other (specify)			
☐ **Services:** ☐ Domestic/Care ☐ Catering/Hotel ☐ Commerce ☐ Leisure industry ☐ Hospitals/Clinics ☐ Other (specify)			
☐ **Agriculture:** ☐ Livestock-raising ☐ Horticulture ☐ Planting/seeding ☐ Product harvesting/storage ☐ Food processing ☐ Other (specify)			
☐ **Fishery:**			
☐ **Other sectors (specify)**			

Notes: _____
_____
_____
_____
_____
_____
_____

Living conditions:

☐ Living with family members (parents, siblings, relatives)

☐ Living with own family members (partner, children...)

☐ Poor accommodation

☐ Other _____

Notes: _____
_____
_____
_____
_____

III. Trafficking Experience

<u>**Recruitment**</u>:

Main reasons for migrating (within or across borders):

☐ Political reasons

☐ War

☐ Social conflicts

☐ Religious conflicts

☐ Tourism/transit

☐ To seek employment or improve living conditions

☐ To earn money to pay back family debts

☐ To learn/to have new experiences

☐ To follow the family

☐ Natural disasters (drought, etc.)

☐ Other reason (please specify) ⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯

☐ Not specified

Recruiter(s) and accomplice(s):

☐ Family member ☐ (former) Colleague ☐ Acquaintance ☐ Friend

☐ Employment agency ☐ Stranger ☐ Other (specify): ⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯

☐ No recruiter

Methods used:

☐ Misleading information about the ultimate aim of the recruitment

☐ Misleading information about journey to the place of work

☐ Misleading information about the working conditions

☐ Misleading information about the living conditions

☐ False information about migration laws and documents

☐ Kidnapping

☐ Other (specify): ⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯

Notes: ⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯
⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯
⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯
⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯⎯

Travel:

Date of departure (dd/mm/yyyy): _____ / _____ / _____

Routes and methods of transport: _____
_____
_____
_____
_____

Control methods:

☐ Restriction of movement

☐ Psychological abuse

☐ Physical abuse

☐ Sexual abuse

☐ Use of drugs

☐ Threats

☐ Threats to significant others and/or family

☐ Confiscation of documents

☐ Threats of being handed over to the police

☐ Other (specify) _____

If person has stayed in one or more *transit country(ies)*:

Country(ies) and length of time: _____
_____
_____
_____
_____

Legal status:

☐ Regular   ☐ Irregular   ☐ Asylum seeker   ☐ Refugee

☐ Asylum seeker applicant   ☐ Refugee applicant

Work experience in the transit country(ies):

☐ No

☐ Yes:

Field of exploitation	Position	When (mm/yyyy)	Where
☐ **Industry:** ☐ Mechanical/Metallurgical ☐ Construction ☐ Electrical ☐ Wood-furniture ☐ Textiles/clothing ☐ Leather ☐ Other (specify)			
☐ **Services:** ☐ Domestic/Care ☐ Catering/Hotel ☐ Commerce ☐ Leisure industry ☐ Hospitals/Clinics ☐ Other (specify)			
☐ **Agriculture:** ☐ Livestock-raising ☐ Horticulture ☐ Planting/seeding ☐ Product harvesting/storage ☐ Food processing ☐ Other (specify)			
☐ **Fishery:**			
☐ **Other sectors (specify)**			

Working/exploitative conditions:

Contract	☐ Yes ☐ False contract	☐ No
Salary:	☐ Yes ☐ Fairly paid ☐ Underpaid ☐ Other: _____	☐ No
Working hours:	☐ Regular (up to 8 hrs/day) ☐ Overlong ☐ No days off	
Working place:	☐ Unhealthy ☐ Unsafe ☐ Not shared with others ☐ Continuously changing ☐ Same as place of abode	
Control methods:	☐ Restriction of movement ☐ Restriction of communication ☐ Psychological abuse ☐ Physical abuse ☐ Sexual abuse ☐ Debt bondage ☐ Abuse of cultural or religious beliefs ☐ Use of drugs ☐ Individual threats ☐ Threats to significant others and/or family ☐ Torture ☐ Confiscation of documents ☐ Threats of being handed over to the police ☐ Other (specify)	

Living conditions:

☐ Living with others (please specify if recruiter, exploiter, co-workers…): _____
_____
_____

_____
_____
_____
_____
_____

☐ Poor accommodation premises

☐ Continuous change of location

☐ Isolation

☐ Surveillance

☐ Forced to pay high charges for housing, bills, food

☐ Forced to pay fines if breaking rules set by the exploiters

Notes: _____
_____
_____
_____
_____
_____
_____
_____

Exploitation in the country of destination:

Recruiter (if different from the one in the country of origin):

☐ Family member ☐ Acquaintance ☐ Friend ☐ Stranger

☐ Employment agency ☐ Other (specify): _____

Field of exploitation	Position	When (mm/yyyy)	Where
☐ **Industry:** ☐ Mechanical/Metallurgical ☐ Construction ☐ Electrical ☐ Wood-furniture ☐ Textiles/clothing ☐ Leather ☐ Other (specify)			
☐ **Services:** ☐ Domestic/Care ☐ Catering/Hotel ☐ Commerce ☐ Leisure industry ☐ Hospitals/Clinics ☐ Other (specify)			
☐ **Agriculture:** ☐ Livestock-raising ☐ Horticulture ☐ Planting/seeding ☐ Product harvesting/storage ☐ Food processing ☐ Other (specify)			
☐ **Fishery:**			
☐ **Other sectors (specify)**			

Working/conditions of exploitation:

Contract	☐ Yes ☐ False contract	☐ No
Salary:	☐ Yes ☐ Fairly paid ☐ Underpaid ☐ Other: _____	☐ No

Working hours:	☐ Regular (up to 8 hrs/day) ☐ Overlong ☐ No days off
Working place:	☐ Unhealthy ☐ Unsafe ☐ Not shared with others ☐ Continuously changing ☐ Same as place of abode
Control methods:	☐ Restriction of movement ☐ Restriction of communication ☐ Psychological abuse ☐ Physical abuse ☐ Sexual abuse ☐ Debt bondage ☐ Abuse of cultural or religious beliefs ☐ Use of drugs ☐ Individual threats ☐ Threats to significant others and/or family ☐ Confiscation of documents

Living conditions:

☐ Living with others (please specify if recruiter, exploiter, co workers...): _____
_____
_____
_____
_____
_____
_____

☐ Poor accommodation premises

☐ Continuous change of location

☐ Isolation

☐ Surveillance

☐ Forced to pay high charges for housing, bills, food

☐ Forced to pay fines if breaking rules set by the exploiters

Notes:_____
_____
_____
_____
_____
_____
_____
_____

2.7   Case follow-up format

CASE FOLLOW-UP

I. Referral information

1) Organisation: _____

Address: _____
   Contact person: _____
   Phone numbers: _____
   Fax: _____
   E-mail: _____

Service(s):

Requested:	Provided:
☐ Safe temporary housing ☐ Meals ☐ Clothing ☐ Psychological counselling and assistance ☐ Medical assistance ☐ Social assistance ☐ Security measures ☐ Language interpretation ☐ Return to country of origin ☐ Other (specify):	☐ Safe temporary housing ☐ Meals ☐ Clothing ☐ Psychological counselling and assistance ☐ Medical assistance ☐ Social assistance ☐ Security measures ☐ Language interpretation ☐ Return to country of origin ☐ Other (specify):

Notes:_____
_____
_____
_____
_____
_____
_____

2) Organisation: _____

Address: _____
   Contact person: _____
   Phone numbers: _____
   Fax: _____
   E-mail: _____

Service(s):

Requested:	Provided:
☐ Safe temporary housing ☐ Meals ☐ Clothing ☐ Psychological counselling and assistance ☐ Medical assistance ☐ Social assistance ☐ Security measures ☐ Language interpretation ☐ Return to country of origin ☐ Other (specify):	☐ Safe temporary housing ☐ Meals ☐ Clothing ☐ Psychological counselling and assistance ☐ Medical assistance ☐ Social assistance ☐ Security measures ☐ Language interpretation ☐ Return to country of origin ☐ Other (specify):

Notes:_____
_____
_____
_____
_____
_____
_____

3) Organisation: _____

Address: _____
   Contact person: _____
   Phone numbers: _____
   Fax: _____
   E-mail: _____

Service(s):

Requested:	Provided:
☐ Safe temporary housing ☐ Meals ☐ Clothing ☐ Psychological counselling and assistance ☐ Medical assistance ☐ Social assistance ☐ Security measures ☐ Language interpretation ☐ Return to country of origin ☐ Other (specify):	☐ Safe temporary housing ☐ Meals ☐ Clothing ☐ Psychological counselling and assistance ☐ Medical assistance ☐ Social assistance ☐ Security measures ☐ Language interpretation ☐ Return to country of origin ☐ Other (specify):

Notes:_____
_____
_____
_____
_____

2.8   Interview hints

Background information

- Do you have a family here or in your country? Can you please describe it?
- Did you attend primary/secondary school? Did you get a college qualification?
- Did you have any working experience before leaving your village/city? Please describe.
- What did you do before your departure (school/work)?

Recruitment

- Was the decision to leave your country freely taken or have you been forced to do so?
- If the decision was not a free one, how were you forced and who forced you to leave?

- Who organized the journey and arranged for the necessary documents (e.g. travel or employment agency, family members, friends or others)?
- What kind of job have you been promised or interviewed for?
- What were the working conditions agreed upon?

Travel

- Did you travel alone, with your family or other persons?
- Did you know your final destination?
- Do you remember when you arrived in Italy/Romania/Spain?
- Did you come by bus, private car, boat or plane?
- Were there any specific conditions you were asked to comply with (e.g. hiding, not talking to anyone, etc.)?
- How long was the trip? Did you spend some time in other countries? If yes, for how long?
- How much did you pay for the trip (in the event it was paid for by a third person)?

Transit country: Living and exploitation conditions in the transit country

- Did you work in the transit country? If yes, under what circumstances?
- How would you describe your living conditions?

Destination country: Living and exploitation conditions in the destination country

- Did you have a visa (as a student, worker, tourist, etc.) when you entered the country? Were your aware of your legal status and of the migration regulations of the country?
- How did you find the job (in the event the person arrived in the country by him/herself)?
- Can you tell us about the job(s) you have performed once in Italy/Spain/Romania?
- Did/Does anyone keep your ID, passport, any other documents or any of your personal belongings? If yes, explain, when and who?
- Have you got a copy of your working contract?
- Have you ever met your employer? Did you discuss your working conditions with him/her?
- Please describe your working conditions (e.g. daily/weekly hours of work, breaks, control, threats...).
- Please describe the location(s) where you work(ed) (un/safe and/or un/healthy premises...).
- Do/did you receive your salary every month? And how (cash, through deposit in your bank account, cheque)
- Did you receive all money or did/do you have to pay back the expenses for the trip?
- Did/does the employer or another person kept/keep this money or part of it?

- Could you please describe your housing conditions? Does the person who organized the trip, the gangmaster or your employer force you to live there?
- How much money did/do you pay for the rent? Is/was the rent kept back directly from your salary?
- Did/do you or any member of your family receive any physical threats?
- Did/does anyone try to force you to use drugs/alcohol?
- Did/do you suffer any kind of psychological, physical or sexual violence (i.e. beatings, menaces, insults, forced to use drugs, etc.)?

Referral information

- How can we help you?
- Do you need shelter?
- Do you need to see a doctor...?
- Are you thinking of going back to your country of origin?
- Do you think that if you decide to go back, you or your family will face any risks?
- Are you willing to return to your country? If yes, why? If not, why?
- If you have the opportunity to stay in Italy/Spain/Romania and enter into a social protection programme, will you or your family face any reprisals?

2.9   List of indicators

In the following paragraph, lists of indicators are provided. They can help you to formulate the identification questions and better assess the case. Please be aware that the indicators are an important measure, but they must be used alongside other tools.

Indicators concerning the recruitment in the country of origin

- A third party (family member/friend/professional agency) arranged the travel and prepared the documents
- The cost for the travel and/or interest rates charged by the recruiters are excessive
- The person has debts and relatives have guaranteed repayment of the debts
- Misleading information was provided by the recruiter or employer about the position offered, working hours, contract, housing

Indicators concerning documents and belongings upon arrival

- Passport and Travel documents were confiscated upon arrival
- Personal belongings were confiscated by recruiter or employer
- False identity/passport/name in the working contract
- The person is not able to keep his/her salary

Indicators concerning freedom of movement and living conditions

- The person is obliged to stay in his/her place of work and cannot move freely
- The person is given accommodation in the same place where he/she works against his/her will
- The person is under surveillance during phone calls or contact with friends and family
- The person is living and working under surveillance and/or in conditions of isolation
- The person is denied the option to choose the place of residence
- The person is forced to pay an excessive amount of money for accommodation
- The person is living in conditions not reaching standards for decent living

Indicators concerning violence and abuse

- The person is showing signs of physical abuse
- The person was forced into drug consumption
- The person faced psychological abuse and verbal abuse, threat, harassment
- The person faced effective or threatened violence to his/her family
- The person faced the threat of being reported to authorities
- The person faced sexual abuse
- The person is forced to commit illicit/criminal activities by means of psychological abuse or threats or sexual abuse
- The person is forced to change name and identity

Indicators concerning working conditions

- The terms of the employment contract or oral agreement are not respected by the employer, or the person was forced to sign a new contract upon arrival in the host country
- The person is forced to perform tasks for which he/she was not recruited or not included in the working contract
- The person is working excessive hours
- The person is exposed to occupational risks which can compromise his/her work and safety

- The person is not paid for work done or the payment is delayed
- The person is underpaid
- High deductions to the salaries are made (to pay the charges for housing)
- The person has no access to social welfare
- The person is denied benefits (sick leave, paid holidays)
- The person was dismissed without notice and benefits
- The person is forced to pay back debts contracted during recruitment and transportation with his/her salaries (debt bondage)

3. Policy choices enabling identification and referral of persons trafficked for labour exploitation[27]

3.1 Why policy matters for identification

In recent years a great number of projects have underlined the need for an improved methodology in identification[28]. The MIRROR project has developed and tested an agreed methodology of identification and referral in Italy, Spain and Romania. In the context of this, as well as of similar initiatives, it has become obvious that operational and methodological improvements are only one aspect of improving identification. It is for example common that an improved methodology of identification by NGOs leads to more persons being identified as presumed trafficked persons – but that these persons are then not usually recognised by governmental authorities, due to their lack of capacity or willingness.

In all practical work it is becoming evident that truly successful identification is largely dependent on a broader framework in which identification can take place. This framework is largely set by the general policy on trafficking in a country or in an international context. This policy can create an environment where potential actors of identification are well-prepared, well-equipped and eager to identify trafficked persons OR an environment where other issues are prioritised ahead of the intention to act against trafficking. Policy, be it on national, regional or international level, cannot in itself directly help identification. However, the setting of political priority, making resources available, political guidance on state-civil society cooperation or orientation of staff through policy will influence the behaviour of frontline staff and actors in the field.

This paper therefore attempts to develop a number of recommendations on how a better general policy framework can contribute to enhancing the chances of persons trafficked for la-

---

27 Written by Torsten Moritz.

28 ICMPD, *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU*, Vienna, 2010; ILO, *Operational indicators of trafficking in human beings*, Geneva, 2009; UNHCR, The Identification and Referral of Trafficked Persons to Procedures for Determining International Protection Needs, Geneva, 2009; Anti-Slavery International et al., *Protocol for Identification and Assistance to Trafficked Persons and Training Kit*, London, 2005.

bour purposes being correctly identified. It is aimed at informing the debate of policy makers both at European and national level, and hopefully indirectly also will impact on regional or national debates.

3.2   The importance of identification...

The importance of identification and referral is not a new discovery. NGOs across Europe, among them the MIRROR Project's partners, have repeatedly underlined[29] that identification of trafficked persons is THE essential element in any attempt to address labour trafficking. It is in particular essential for the access to rights for those trafficked as well as for their further referral.

It is self-evident that someone not identified as a trafficked person/a victim of trafficking[30] will neither be able to benefit from specific support and protection mechanisms nor be able to access his/her rights as a victim of a crime, e.g. to claim compensation. Identification is also a precondition for law enforcement and judiciary officials to be able to investigate and punish the traffickers. While persons who have been trafficked may often not recognise the fact, legal, psychological or social support may be essential for them. Often the harm inflicted upon trafficked persons or the mental and psychological scars left by the trafficking experience will, without proper support, have a massive negative impact on their own chances of rebuilding their lives.

While identification of trafficked persons is a problematic issue for any form of trafficking, the chances of correctly identifying those trafficked for labour exploitation are currently marginal at best. This is not least related to policies addressing trafficking, but also to other policies, in particular in the area of migration, in Europe.

In view of these limitations, some modifications of anti-trafficking policy may help to increase the chances of identification of trafficked persons. Therefore, in order to contribute to the improvement of the existing identification policy, a number of suggestions derived from emerging good practice are summarised in the following pages.

---

29   Cf. Torsten Moritz/Lilian Tsourdi (Ed.), *Combating trafficking for forced labour in Europe*, Brussels, 2011.

30   This text uses both the terms of "victim" and "trafficked person". It has correctly been argued that the term "victim" may lead to stigmatisation and might objectify the trafficked person, it should therefore be avoided. However, in the context of identification it is essential – and often problematic - that trafficked persons are indeed identified and recognised as victims of a crime. The term victim is therefore used in this context.

These suggestions will probably not seem very original or ambitious to experts. However, they will – if translated into action – help to avoid mistakes and maximise the impact of organisations working on the issue of labour trafficking.

As the Migrants Rights Centre Ireland (MRCI) notes:

"For victims of trafficking for forced labour, identification has and continues to be problematic. The burden of proof being placed on the individual to prove their exploitation has become prohibitive. Without proper identification the person's rights are not protected and they are often left in a limbo situation. Part of the difficulty is that the person is often seen as an irregular migrant and not as a victim of a crime. MRCI has come across individuals who have been charged with immigration-related offences, imprisoned and in some cases deported."[31]

The observations of MRCI are echoed and confirmed in reports and studies from all over Europe[32]. Many persons trafficked for labour exploitation are not protected by state institutions, usually due to their irregular immigration status or lack of work permits. Even worse, state activities against irregular migration and undeclared work often make them more vulnerable. State actors who could potentially identify persons trafficked for labour exploitation give priority (often for political reasons) to detecting infractions of immigration or work permit legislation; they then prosecute rather than identify and protect trafficked persons.

As CCME outlined at the OSCE's 2009 Human Dimension Implementation meeting[33], the failure to recognise trafficking aspects in irregular migration too often means that the trafficked person is out of the country of exploitation before the exploiters can even begin to worry about the consequences of their deed. They do not need to fear legal prosecution nor will they ever be held accountable by the victim. There is even evidence that in the exploitation of the labour force, immigration assumes a part in the strategy of exploiters not to pay salaries to workers without proper documentation. The workers are in fact deliberately hired because of their irregular position and

---

31 MRCI, *Forced Labour and trafficking*, (MRCI website: http://www.mrci.ie/Forced-Labour-and-Trafficking, last retrieved on 8th July 2011).

32 See, *inter alia*, OSCE OSR/CTHB, *An Agenda for Prevention: Trafficking for Labour Exploitation*, Vienna, 2011; --, Unprotected Work, *Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude*, Vienna, 2010; --, *Human Trafficking for Labour Exploitation/Forced and Bonded Labour: Identification – Prevention – Prosecution*, Vienna, 2008; Regionally: European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), *Trafficking for Forced Labour and Labour Exploitation in Finland, Poland and Estonia*, Helsinki, 2011, pp. 303-304; in an overview: C. Rijken (ed.), *Combating Trafficking in Human Beings for Labour Exploitation*, Nijmegen, 2011, p. 415 f.; ILO, *Concealed chains: Labour exploitation and Chinese migrants in Europe*, Geneva, 2010; ILO, *Forced labour and trafficking in Europe: how people are trapped in, live through and come out*, Geneva, 2008; Anti-Slavery International, *Trafficking for Forced Labour in Europe. Report on a study in the UK, Ireland, the Czech Republic and Portugal*, London, 2006; Accem, *La Trata de Personas con Fines de Explotación Laboral. Un estudio de aproximación a la realidad en España*, Madrid, 2006.

33 www.osce.org/odihr/63531

reported to financial control or immigration agencies by their own exploiters when - after weeks or even months of work - they ask for the promised wages. In many cases, the competent authorities restrict their controls to checking for possession of residence and work permits. By doing so, state actors fail to further investigate potential or presumed cases of trafficking and do not protect the rights of migrant workers, who are often fraudulently deceived about their future working and living conditions by their recruiter and exploiters – a conduct constituting human trafficking according to international instruments[34].

A successful identification process will therefore depend on comprehensive political commitment and operational change by state actors. This commitment has to overcome both general policy obstacles as well as practical hindrances.

3.3   ...and referral

While identification is essential for recognising the need for support for trafficked persons, referral is fundamental for delivering assistance and protection. Through the referral, the assisted trafficked persons are fully informed about their future options and are directed to one or more organisations providing all the support needed. The latter should be based on the individual needs of the persons concerned and, at the very least, include material assistance, psychological support, appropriate and safe housing, emergency medical care, translation services (if needed), legal support and access to education for children[35]. The support services are granted by a wide range of governmental or non-governmental organisations that often work in close partnership. The trafficked person needs to be adequately informed and have access to these different organisations. Qualified, timely and appropriate referral is essential to ensure that trafficked persons exercise their rights.

Referral can be undertaken by an individual or by an organisation. In an ideal case, there is a clear understanding about the different actors that are part of a local or national referral system[36]. The latter is a network of various organisations (governmental or NGO) and individuals that provide support and services for a person in a trafficking situation. Any trafficked person may access any

---

34   Cf. http://www.osce.org/odihr/39183

35   This non-exhaustive list is based on article 12.1 of the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No.: 197).

36   Cf. OSCE Office for Democratic Institutions and Human Rights (ODIHR), *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons*, Warsaw, 2004 which defines a national referral mechanism as "a co-operative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, co-ordinating their efforts in a strategic partnership with civil society. The basic aims of an NRM are to ensure that the human rights of trafficked persons are respected and to provide an effective way to refer victims of trafficking to services...." (p. 13).

of the support and services that the network offers, according to his or her needs, by making initial contact with any one of these organisations or individuals in the network and then being referred rather than having to identify and contact all different actors him/herself. Referral therefore usually takes place between different actors with different competences/roles.

3.4   Existing European[37] legal framework for identification and referral

European law on trafficking, which is generally fairly developed and on certain points even detailed, is surprisingly lacking in detail when it comes to the issue of identification.

The EU Directive on "Preventing and Combating Trafficking in Human Beings and Protecting its Victims" (Directive 2011/36/EU)[38] obliges Members States to:

"Take the necessary measures to establish appropriate mechanisms aimed at the early identification of, assistance to and support for victims, in cooperation with relevant support organisations" (Article 11.4).

It also stipulates that:

"Member States shall promote regular training for officials likely to come into contact with victims or potential victims of trafficking in human beings, including front-line police officers, aimed at enabling them to identify and deal with victims and potential victims of trafficking in human beings" (Article 18.3).

The Council of Europe Convention on Action against Trafficking in Human Beings (2005)[39] specifically devotes Article 10 to "Identification of the victims" and stipulates:

"1. Each Party shall provide its competent authorities with persons who are trained and qualified in preventing and combating trafficking in human beings, in identifying and helping victims, including children, and shall ensure that the different authorities collaborate with each other as well as with relevant support organisations, so that victims can be identified in a procedure duly taking into account the special situation of women and child victims and,

---

37   Hereinafter also referred to as "EU".

38   EU OJ L 101/1 15.04.2011. The Directive replaces the 2002 Council Framework Decision 2002/629/JHA on combating trafficking in human beings.

39   Entered into force in February 2008.

in appropriate cases, issued with residence permits under the conditions provided for in Article 14 of the present Convention.

2. Each Party shall adopt such legislative or other measures as may be necessary to identify victims as appropriate in collaboration with other Parties and relevant support organisations. Each Party shall ensure that, if the competent authorities have reasonable grounds to believe that a person has been victim of trafficking in human beings, that person shall not be removed from its territory until the identification process as victim of an offence provided for in Article 18 of this Convention has been completed by the competent authorities and shall likewise ensure that that person receives the assistance provided for in Article 12, paragraphs 1 and 2".

Referral is not explicitly mentioned, even though Article 13 makes reference to the services which should be provided.

Identification is thus an obligation of parties to the Council of Europe Convention as well as of EU Member States. One common understanding seems to be that training of officials is central for identification and that front-line police are one of the most relevant actors. What remains largely unclear is the kind of training to be delivered, where it should be delivered and by whom. Should the training of individuals or groups be the only activity, or would it need to be complemented by other more systematic activities concerning identification? Would there for example be a need to involve other state actors than the police in order to provide the competent authorities with trained and qualified staff? And what are the different authorities mentioned in both of the legal instruments?

3.5   Operational and legal challenges in identification and referral

Against this legal background, it is important to highlight some further operational challenges concerning identification and referral. The OSCE Special Representative and Co-ordinator on Combating Trafficking in Human Beings noted in a paper on the challenges on addressing trafficking in the agriculture sector:

"Instances involving violence, physical restraint, and armed guards do exist in the agricultural sector. More often, however, agricultural workers are subject to more subtle forms of coercion and control. Their passports and identity documents may be confiscated by their employers, their wages withheld, and they may be warned not to complain or talk to others about working conditions. They may be effectively trapped by the remoteness of the working

location and they may fear being reported to immigration authorities or to law enforcement. Much of this type of conduct constitutes abuse of power or abuse of a position of vulnerability, within the meaning of the UN Trafficking Protocol"[40].

The same report also notes:

"Because of a constrained view of what constitutes trafficking, government actors often fail to recognize exploited workers as trafficking victims. Legal definitions of trafficking may fail to include labour trafficking. Media images perpetuate a stereotype of trafficking victims as women and girls engaged in the sex trade. Concern over 'illegal immigration' fosters a view of irregular migrants as law-breakers rather than victims"[41].

The report also continues with a description of some practical problems regarding referral:

"Because almost all trafficking victims are far from home, they are in need of a vast array of social services and support – medical care, housing, transportation, interpreters, counselling, and legal advice. In most countries, however, very few services are intended for trafficking victims. Where such services exist, they usually are tailored to victims of trafficking for sexual exploitation. In the UK, for example, there is only one government-funded shelter for trafficking victims and it is only for women who have been trafficked into sexual exploitation… Prosecutors in Italy emphasized the general shortage of accommodation facilities for male migrants"[42].

Such observations are certainly not limited to the agricultural sector but extend to many other economic sectors. In the 2011 study developed in cooperation with partners in five EU countries[43], CCME highlighted a more general problem. It was found that a particularly problematic area in the legal system of several countries was the understanding of what labour trafficking entails. The distinction between slavery, labour exploitation, and labour exploitation resulting from human trafficking can often be unclear both in definition and even more in its practical application. This makes initial identification difficult and later can prove problematic in court cases.

Equally problematic are fairly wide concepts such as the one applied in Romania, which in one definition of forced labour refers to as the "execution of work or services… or by breach of

---

40   OSCE, *A Summary of Challenges on Addressing Human Trafficking for Labour Exploitation in the Agricultural Sector in the OSCE Region*, Vienna 2009, p. 36.

41   Ibid., p. 42.

42   Ibid., p. 44.

43   Czech Republic, Greece, Ireland, Italy, Romania.

labour conditions, payment/ remuneration, health and safety" (law 678/2001). In countries where breaches of official labour conditions are a reality in large parts of the economy, such a wide concept equally seems to discourage decisive actions. National research also highlighted the inadequacy or absence of official guidance on the interpretation of the respective provisions: the notions of "exploitation", "forced labour" and "slavery" remain vague or ambiguous in many countries"[44].

These observations serve as one explanation for why identification rates are still so relatively low in the area of trafficking for labour exploitation. While any statistic on trafficking needs to be treated with caution, the ILO estimate of 270,000 persons trafficked in industrialised countries (32% out of these would be in economic exploitation[45]) would suggest that the few hundred cases officially reported in the entire EU every year[46] only represent the tip of the iceberg.

Indeed, in 2007, the European Commission acknowledged that:

"National practices show that the majority of trafficked persons or a great proportion of them is not identified by law enforcement but by civil society and citizens. Therefore, Member States should support civil society organizations' services aimed at empowering trafficked persons and helping them to seek redress." [47]

While the role of civil society organisations in identification is certainly central, it does not mean that they will be the ones formally responsible for identification. It is a widespread experience that civil society organisations have strong indications that a particular case constitutes labour trafficking, but that state actors responsible for formal identification usually do not share this view and therefore do not refer cases either[48]. In a number of cases, civil society organisations have in this context expressed concern over whether identification in cases of labour trafficking is taken seriously enough by government and its agencies[49]. There has been particular concern that front-line officers might have a stereotypical or confused understanding of what trafficking constitutes – they might for example only understand trafficking in the context of sexual exploitation or in connection with irregular migration.

---

44   Moritz/Tsourdi 2011 (footnote 1), p. 11.

45   ILO, *Minimum estimates of forced labour in the world*, Geneva, 2005.

46   Cf Moritz/Tsourdi (footnote 1), p. 12; *E-notes, Report on the implementation of anti-trafficking policies and interventions in the 27 EU Member States from a human rights perspective (2008 and 2009)*, Capodarco di Fermo, 2010.

47   European Commission DG JLS, *Recommendations on the identification and referral to services of victims of trafficking in human beings*, Brussels, 2007, p. 2.

48   While it is clear that the formal decision on whether a case is trafficking or not can in the strict sense of penal law only be taken by a court, state actors usually undertake the first assessment that determines if a case is pursued at all.

49   *UK Anti-trafficking Monitoring group, Wrong kind of victim? One year on: an analysis of UK measures to protect trafficked persons*, London, 2010.

The UK Anti-trafficking Monitoring Group cites from an interview with a law enforcement officer:

"Sometimes domestic workers are brought here on false pretences, but they are not illegal. No domestic worker is a trafficked victim, because they are legal. They may be victims of many crimes, abuse, locked in, exploitation, but none had been forced, not were brought over under force.

Until they come here they don't run away. They run away here because they want to live a Western life, it is more attractive, more freedom"[50].

Concern was also expressed about de facto discrimination against certain groups of victims in the process of identification[51]. It has in this context been highlighted that other policy considerations, e.g. the intention to curb alleged irregular immigration, might simply be more powerful in the policy debate than the intention to combat trafficking and therefore render anti-trafficking policies meaningless.

As the abovementioned quote highlights, recognising the element of force or threat or vulnerability might pose a problem for many officials, particularly if the trafficked person might initially have agreed to certain elements of a situation that later turned out to be trafficking.

Within the existing context, civil society organisations will therefore also have to continue to play an essential role in advocating a better policy framework for identification and adequate practice.

3.6   Indicators: usefulness and limits for identification

As outlined above, the number of successful cases of identification of victims of trafficking for labour exploitation is scarce and little direct guidance can be obtained from European legislation on how to correctly identify them. Considerable attention in recent years has therefore been devoted to the development and sharing of indicators on trafficking for labour exploitation. This has taken place in the hope that clear and agreed indicators would also lead to better identification. The

---

50   Ibid., p. 35.

51   Ibid., and UK Anti-trafficking Monitoring Group, *Briefing Discrimination in the identification process*, London, 2010.

most comprehensive set of indicators has been developed by the ILO[52]. Some 67 indicators, grouped in 6 categories, are identified as weak, medium or strong, and guide the assessment of cases[53]. A testing of these indicators was undertaken in the Republic of Moldova among the group of returning migrants interviewed in the labour force survey and gave some indication of the prevalence of trafficking[54]. The survey concluded that 40% of all labour migrants had experienced exploitation during their migration and that 7.8% had actually been trafficked. It is not reported if these findings resulted in any investigations.

Similar exercises on sharing and promoting the use of indicators (exclusively or partly addressing labour trafficking) have been a central part of activities undertaken by several actors – governmental as well as civil society – in recent years[55]. However, there is some doubt as to whether these indicators have been sufficient to improve identification. As showcased by the Moldova study, indicators can help enormously when an initial contact with a person (presumably) trafficked for labour exploitation has been made and an examination of the cases is conducted, often through interviews with the affected person. To reach this point, however, a number of preconditions need to be met, which would lead up to a closer examination of a supposed trafficking case. These will have to be encouraged and put in place through policy orientations.

In addition, in practice a common understanding of concepts and indicators will be essential to achieve a coherent application of existing law. This common understanding would also be helpful in favouring a fruitful and permanent dialogue between all the actors involved in the identification and referral mechanisms (i.e. NGOs, law enforcement officials, trade unions, labour inspectorates, public prosecutors, judiciary, etc.). Such a dialogue would allow pinpointing of the strengths and weaknesses of the identification and protection mechanisms existing in a given context.

3.7   Policy recommendations

A number of actors have in recent years begun to formulate policy proposals for an identi-

---

52   Indicators were developed through a participatory process among experts from the European Union who participated in a two-round survey. The so-called "Delphi" methodology allowed the experts to express their opinion and expertise twice, and to react on the opinions of the others. See: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_105023.pdf

53   ILO, The cost of coercion, Geneva, 2009, p. 13.

54   Ibid., p. 14.

55   E.g. UNODC, *Human Trafficking Indicators*, Vienna, 2008; UNODC/UN.GIFT, *Anti-human trafficking manual for criminal justice practitioners*, New York, 2009, p.4 ff. ; *UK Human trafficking Centre, National Referral Mechanism for Child Victims of Trafficking Report form*, section C, version 2009, National referral mechanism for potential (adult) Victims of Trafficking Report forms sections B-F.

fication-friendly policy and practice[56]. A certain consensus seems to emerge around these publications as well as around observations from practice. The most important ones are summarised in the following recommendations.

– **Review terminology of national laws**

The genesis of legal provisions on labour trafficking in most countries is closely related to international legal developments, such as the Palermo Protocol[57] or relevant EU or Council of Europe instruments[58]: often the definition of trafficking including other areas of exploitation than sexual exploitation was included in national law as a result of a country having ratified/being bound by an international convention. This has certain downsides in practice: the definition in several countries has been directly, often literally, translated from the definition of the Palermo Protocol. The latter is already highly complex in its original language. Once translated, it often seems rather "clumsy" or out of context and risks being misunderstood or not understood at all, and becomes completely devoid of any meaning. It would therefore be recommendable to review the national anti-trafficking legislation and to formulate an accessible and comprehensible definition in the national language(s). Preferably the process of reviewing the legislation would include a broad consultation with practitioners in order to maximise the added-value of the exercise for the work of practitioners.

– **Check and modify legislative logic**

Along similar lines, anti-trafficking legislation has in the legislative logic (e.g. of the penal code) often been put in a context in which it cannot be clearly separated from other legislation e.g. on irregular migration and in particular on smuggling of migrants. Historically, laws on both issues have often been adopted at the same time – due to, among other reasons, the fact that the Palermo Convention on transnational organised crime had three protocols[59]: one on trafficking in human beings, one on smuggling of migrants, and one on trafficking in arms. In many countries, trafficking in human beings and migrants smuggling have therefore been grouped together in a legislative logic e.g. in the criminal code. This logic hinders an approach

---

56   European Commission 2007 (see previous footnote); On the Road (ed.) E-notes, op. cit., p. 81 ff.; Kutalkova Petra, *The Narrow Gateway to Human Rights; Identification of Trafficked Persons in the Czech Republic*, Prague 2010; OSCE, *Trafficking in Human Beings: Identification of Potential and Presumed Victims A Community Policing Approach*, Vienna, 2011

57   Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; supplementing the United Nations Convention against transnational Organised Crime, 2000

58   While the OSCE has been of critical importance in developing operational expertise on combating trafficking, it has played a less prominent role in advancing legal concepts/definitions on trafficking.

59   The second Palermo protocol is the *Protocol against the Smuggling of Migrants by Land, Sea and Air; supplementing the United Nations Convention against transnational Organised Crime*, 2000. A third one concerns trafficking in arms.

to trafficking which more clearly focuses on the exploitative aspects of the issue rather than on (irregular) migration.

It is also often argued that trafficking and smuggling are crimes committed by similar groups and therefore should be addressed in the same legal logic. This however is not a convincing argument. A similar argument could be made for including drug trafficking or arms smuggling in the same legislative logic – which is clearly not happening.

It should therefore be considered if anti-trafficking legislation can in the respective national law systems be put in a logical context where it either is clearly and visibly identified as a crime in its own right or put in the legal context of e.g. legislation against slavery or labour exploitation.

- **Assign clear organisational responsibility and resources**

Adequate recognition of trafficking in the legal system should be underpinned by clear organisational responsibilities in government and in civil society for identification and referral.

In 2010, a coalition of NGOs representing all the 27 EU countries noted[60] that in the majority of Member States there are either no state agents of identification at all, or that responsibilities are confusingly assigned between different actors. In addition, it was underlined that a number of Member States have no standard operating procedures for identification in place. This assessment, which covered any given form of trafficking, is even more indicative for the area of labour trafficking: a number of actors assigned for identification and referral are clearly specialised in issues relating to prostitution or support of women in vulnerable situations and will have limited competence in labour trafficking.

It is therefore of paramount importance that governments assign a specialised body with competence in the area of labour trafficking for the purpose of identification. This can in theory be a body which also has the competence for identification in the area of trafficking for sexual exploitation, provided that it includes specialised staff with competence in labour trafficking. Any policy seriously attempting to enhance the identification capacity of state institutions in the area of labour trafficking would therefore need to allocate additional resources to this. Experience in several countries has shown that simply adding "identification on labour trafficking" to the list of responsibilities of existing institutions (which already have a full list of responsibilities, but will not receive extra resources – e.g. labour inspectors or criminal investigation units of the police) will not lead to any improvement in the area of identification. In both cases, there is a need to give specialised agents

---

60   On the Road (footnote 17), p. 83f.

a specific mandate for identification and referral, preferably in a formalised setting, e.g. an agreed national referral mechanism including labour trafficking or in a memorandum of understanding.

- **Involve "new" partners in referral networks and trainings - where necessary**

The intention to fully address labour trafficking through improved identification and referral will need to be underpinned by a revision of the existing referral networks, cooperation structures and training efforts between state and non-state actors. It may seem self-evident that labour trafficking cannot be exclusively addressed by those governmental and non-governmental actors that are already active in anti-trafficking for sexual exploitation. However, the practice of national referral systems or cooperation structures (e.g. inter-ministerial working parties, round tables between NGOs and government) often shows that organisations with expertise on labour issues and presence in the world of work are not at all or only marginally involved in anti-trafficking referral networks. Policy therefore needs to encourage pro-active efforts to involve such organisations (first and foremost: ministries of labour, labour inspectorates, trade unions, workers associations, migrant workers associations) in the referral networks. The partners in existing referral networks/cooperation structures need to ask themselves if their existing network is labour exploitation sensitive and how partners with specific competence could be incorporated into the network (or how existing partners could be enabled to address labour trafficking). The appointment of a person/organisation from within the existing referral networks as a coordinator for contacts with new partners could make such a process more sustainable. The coordinator would be in charge of the involvement of new partners and resourcing for the activity of involving new partners. Efforts to involve new partners would also include the possibility of training new actors and specialising them for referral.

- **Develop operational guidance on existing legislation and definitions**

As outlined above, the existing definition(s) of trafficking in practice often lead(s) to difficulties in practical work e.g. in identification, as definitions are not understood or ambiguous. Even with clearer formulations, definitions will need to be translated into practice. In this context, it is essential that the state authorities responsible develop guidelines and make operational guidance materials readily available, in which the existing legislation is explained in a more practical manner and the terms of reference for interventions are outlined. While such materials exist in the area of trafficking for sexual exploitation, detailed guidance on labour trafficking is still lacking. In some cases, materials do not exist at all, in other cases they do not take specific national/regional context into account; or in other cases, suitable materials may exist but are available only in the "international versions" (i.e. mainly only in English). In other cases, guidance material may be available and adequate but has never reached those practitioners who would need to use it.

Indicators or checklists can play an important part in this exercise, particularly if they are explained using practical examples. Exchange among practitioners has also proved to be a very useful means to analyse the legislation in place and discuss cases of labour trafficking with their own professional perspective. Such exchanges have contributed to clearer common understanding of the phenomenon of labour trafficking in practice.

- **Reassess where identification can best happen**

In recent years, in the discussions on awareness-raising and training activities on identification, particular attention has been given to the role of border guards, border police and customs officials. This is because there is a widespread opinion that trafficked persons could be identified at the point of departure from their home country and at their arrival. It would be very useful to assess if border guards and customs officials are indeed key actors for the identification of trafficked persons and if borders are actually relevant places for identification or if intervention at a border and training of border staff should focus on other issues.

There is a simple reason why the border is an unsuitable place of identification of persons that are in the process of being trafficked. According to international and European definitions, trafficking is defined as a combination of a specific act (e.g. recruitment, receipt, harbouring...of a person) with one of several specific means (e.g. threat, deceit) for a specific purpose (exploitation). When crossing a border, most (potentially) trafficked persons have not yet been exploited. Also, a large number of trafficked persons are trafficked by means of deceit. In this instance, there is at the moment of border crossing no possibility of distinguishing if a job offer is a bona fide one or a pathway into trafficking and exploitation. This is true for both regular and irregular border crossing. In both cases, there may be certain indicators that a person may be at risk of being trafficked, but these indicators will also apply to persons who will never be affected by trafficking. In most cases, at the point of border crossing it is not yet clear that they have been deceived. At the moment of border crossing it is therefore practically impossible to determine that trafficking is taking place.

The border can therefore be a very useful location to distribute information materials to those who may be affected by trafficking (e.g. leaflets alerting travellers about the potential dangers of exploitation and giving details of helplines) and in this way contribute to prevention of trafficking[61]. However it can with few exceptions not be a useful place for identification. There is some evidence of harmful interventions at the border, which were undertaken with the intention of stopping trafficking. Border police in a number of countries seem to have systematically

---

61   In the particular case of minors who are travelling by themselves under suspicious circumstances or with persons who might not necessarily be their legitimate guardian, counselling or referral guided by the best interests of the child might be useful.

prohibited the movement of certain groups, which they considered at risk (e.g. single women of a certain age travelling by themselves). This intervention is not only a violation of fundamental rights of those affected, but it also has often driven the affected persons in the hands of persons arranging irregular migratory moves.

Borders are also not an ideal place of identification for trafficked persons returning to their home country. On the way (back), exploitation will have taken place, but it will be extremely difficult to gather the necessary evidence concerning the place of exploitation and the exploiters. Trafficked persons, ashamed or traumatised by the experience suffered, will often be unwilling to talk to any official.

Despite these limitations, occasional cases of identification of trafficked persons at the border may occur. In contrast, it has been mentioned repeatedly that labour inspections can play a crucial role in identification[62]. However, labour inspectors are often under-resourced and not always optimally trained to carry out their important work, including identification. A more targeted use of resources for identification of trafficked persons[63] could be achieved by supporting identification efforts at places of work and by improving trainings of labour inspectorates. The training of border guards will remain necessary and should be fostered for other purposes (e.g. prevention and referral to child protection). As far as identification is concerned, other places should be targeted and comprehensive identification activities more adequately resourced.

- **Regular review of checklist/indicators in view of new patterns of exploitation**

Much has been said about the usefulness, but we should also mention the limitations of indicators and checklists. The usefulness of both checklists and indicators will centrally depend on their regular update. It has been clearly observed in the area of trafficking for sexual exploitation that patterns of exploitation change considerably over a period of a few years[64] and there is some evidence from the field that this is also the case in labour trafficking. In order to be meaningful, checklists and indicators must be reviewed regularly and the updated version shared with anti-trafficking stakeholders, especially with those responsible for the identification of trafficked persons.

---

62   Cf. ILO, *Forced Labour and Human Trafficking A handbook for Labour Inspectors*, Geneva, 2008; ILO, *Labour inspection in Europe: undeclared work, migration, trafficking*, Geneva, 2010.

63   The situation is obviously different if the main aim is to identify irregular migrants or persons being smuggled.

64   CCME, *Christian Action and Networking against Trafficking: Action oriented guide for awareness-raising and social assistance Volume III: Trafficking in human beings – new challenges, new partnerships*, Brussels 2007, page 13ff.

Old checklists/indicators might in fact turn out to be counterproductive for identification. Practitioners using old checklists/indicators might fail to recognise a situation of trafficking because an element which was considered as a strong/central indicator a decade ago is currently no longer relevant. For instance, most checklist/indicators developed in the late 90s urged practitioners to check if the presumably trafficked person was restricted as to their movement outside a specific room/one location. Currently, most trafficked persons seem to be able to move more freely but, nevertheless, they are kept in the exploitative situation through less visible mechanisms (psychological pressure, threats, debt). In this case, a practitioner relying on the abovementioned indicator of an old checklist might not detect this trafficking situation.

The review of checklists should then be based on a systematic and regular mapping and monitoring of trends in labour trafficking.

- **Encourage practical cooperation on common understanding of definitions**

As outlined above, a regular exchange on definitions between different stakeholders representing distinct sectors and agencies should be promoted and supported. Anti-trafficking policy could encourage such cooperation e.g. by supporting its formalisation through, for instance, memoranda of understanding. Another pro-active policy measure might be the funding of pilot projects to establish and develop this cooperation.

- **Underline that trafficked persons' initial consent to the exploitation is irrelevant in identification**

European anti-trafficking instruments such as the Council of Europe Convention and the recent EU Directive underline that the initial consent of the trafficked person is irrelevant in defining a situation of trafficking[65]. Thus, while some persons "do not know what is in store for them while others are perfectly aware that, for example, they will be engaging in prostitution, (...) that does not mean that they consent to be subjected to abuse of all kinds"[66]. This principle should also be included in guidance in identification. Too often practitioners associate trafficking with a situation of immediate direct force (literally a "snatching from the street and kidnapping" scenario) and fail to recognise those cases in which use of deception, fraud or vulnerability lead the trafficked person to give initial consent to the situation.

---

65 More precisely, the Convention and the Directive stipulate that the initial consent of a trafficked person shall be irrelevant if any of the means mentioned in the definition of the offence of trafficking has been used/is used (these means are: threat or use of force or other forms of coercion, abduction, fraud, deception, 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).

66 *Council of Europe Convention on Action against Trafficking in Human Beings and its Explanatory Report,* Warsaw, 16.5.2005.

– **Emphasize that the trafficked person's willingness to cooperate with authorities is irrelevant in identification and assistance**

It has likewise been observed that a process of formal identification is often hampered or interrupted if trafficked persons are not willing to cooperate with the competent authorities[67]. Also, legislation in many nations makes it a condition for the offer of assistance and protection to trafficked persons that they show willingness and/or the capacity to collaborate in the criminal investigation and prosecution of the authors of the crime[68]. In fact, the international and European anti-trafficking framework establishes that Member States should guarantee unconditional assistance and support for trafficked persons. Its fundamental principle states that assistance and support for a victim are not made conditional on the victim's willingness to cooperate.

– **Self-identification: allow for reflection time for presumed victims**

An essential part of any successful process of identification is the acknowledgement of the trafficked person that s/he was indeed trafficked. In practice, this is often a difficult aspect of identification as the trafficked person might need a certain distance from the situation of exploitation to fully recognize and understand what has happened to them. Whenever there is reasonable suspicion that a person has been trafficked, that person should therefore have sufficient time to reflect on the experience[69]. This means that governmental policy will (e.g. through guidance, in circulars…) have to give priority to reflection time over other considerations, e.g. a police interest in interviewing presumed victims as soon as possible to gather evidence or – even worse – to deport them.

– **Build identification into mainstream operations**

Given the prevalence of trafficking for labour exploitation in various areas of the economy that are difficult to access (e.g. in forested areas or secluded factories) and the still limited specialised capacity to address trafficking for labour exploitation, it is essential to consider how existing mainstream activities undertaken by government and civil society could help to strengthen identification and referral. Exploitation experiences might be discovered through a standard operation carried out by professionals not directly in charge of anti-trafficking matters.

---

67 Cf. i.e., GRETA – Group of Experts on Action against Trafficking in Human Beings, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Cyprus*, GRETA(2011)8, Strasbourg, 12 September 2011; GRETA – Group of Experts on Action against Trafficking in Human Beings, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bulgaria*, GRETA(2011)19, Strasbourg, 14 December 2011.

68 Joint UN Commentary on the EU Directive – A Human Rights-Based Approach, *Prevent, Combat, Protect – Human Trafficking*, November 2011.

69 The "reflection period" foreseen in several international instruments and in national legislation is a good starting point in this respect, but the prescribed time-frame (often a month) may in many cases prove to be too short.

Thus, a multi-agency approach in combating trafficking is essential and should involve not only labour inspectors, trade unions, and immigration officials, but also "municipal workers (e.g., from health, fire and safety, housing, construction checks departments), fiscal intelligence and investigation officers, employment insurance agents, migrant counselling workers, and health professionals". In fact, "during or through their work, these actors can detect signs of trafficking and report them to the competent agencies and/or initiate the relevant procedures to further investigate the case and refer the presumed victims of trafficking"[70].

For this purpose, it would be important to foster the promotion of adequate procedures to be followed in those cases when there is any suspicion of a trafficking case, in order to achieve better identification and appropriate referral.

- **Addressing informalisation of labour relations and vulnerability of workers**

Particular attention should be given to the wider context of trafficking and the implications for identification: it has been demonstrated clearly that labour trafficking represents the tip of the iceberg of informalisation of labour relations (e.g. no clear work contracts, occasional hire-and-fire policies, often connected with temporary employment). As has been noted "Once ... unprotected pockets of economic and social life have been created, it becomes possible for individuals to exploit the services/labour of trafficked and otherwise unfree persons within them"[71]. The more informal labour relations and areas of economy are, the higher the likelihood is of exploitative conditions and trafficking therein. A comprehensive anti-trafficking policy would therefore need to insist on coherent application and enforcement of labour standards. At the same time, investigations into these sectors should be enforced.

- **Enforcing labour/employment standards and allocating appropriate resources**

While policies often examine new ways of addressing trafficking for labour exploitation, most cases of trafficking could be identified by a coherent and uniform application of existing standards, notably labour and employment standards as enshrined in national legislation (often based on ILO conventions). While the details of these standards differ from country to country, the absence of central elements of these standards is usually a key indicator of trafficking (e.g. wage standards below agreed national standards, no or poor safety standards, no or little time off for workers, arbitrary wage deductions/fees, lack of insurance for workers, lack of proper documentation of

---

70   OSCE - Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *An Agenda For Prevention:Trafficking For Labour Exploitation*, Vienna, 2011, p. 39-40.

71   Anderson Bridget O'Connell, Davidson Julia, *Trafficking – a demand led problem? Stockholm*, 2002, p.54

workers – for example payroll documents). It is, however, common to note that labour standards are poorly enforced. In some cases this may be because there is a certain lack of knowledge about these standards. In most cases, however, the central problem is related to lack of resources for enforcing the standards, first and foremost by controls, but also through sanctions – if needed.

- **Legal systems of responsibility and liability in workplaces (sub-contracting)**

An important obstacle to an effective enforcement of standards and identification (as well as subsequent prosecution) is the prevalent system of sub-contracting in workplaces. In many sectors (e.g. construction, cleaning/maintenance services...), subcontracting is a widespread practice. This system makes it practically impossible to identify final responsibilities in cases of non-respect of labour standards. In a few countries, legislation has been adopted to establish that there is a continuum of responsibility[72].

- **Devise effective systems of access to work places and outreach remote places**

In several cases, identification of trafficked persons is difficult because they are exploited in remote or hidden locations (e.g. sweatshops, remote agricultural zones). Policy promoting identification would therefore include provisions for reaching remote places. Visits to supposed locations of exploitation by governmental or non-governmental[73] actors are in some cases among the helpful activities – this however would require adequate support and resourcing. In some cases direct outreach to places of work may jeopardise the well-being of those who were trafficked. In other cases, access to presumed trafficked persons will be extremely limited, e.g. in the case of domestic exploitation. In these cases, indirect outreach and advertising of support services (e.g. at places where migrants meet) must be put in place.

---

72 See PICUM, *Ten ways to protect undocumented migrant workers*, Brussels, 2005, p. 64. In relation to the Portuguese "social responsibility" law of 1998, it is stated: "The law holds that if a worker files a case against an employer for alleged exploitation or abuse, the blame is put on the person who contracted the worker. If this person can't be located, then the blame is put on the person who contracted that sub-contractor, and so forth, until the blame is put on the main employer if necessary."

73 Cf Moritz/Tsourdi 2011, p. 24ff.

4. Lessons learnt from the implementation of the methodology: remarks from the project's evaluator[74]

Including an evaluation report in the final report of a European project is unusual.

Those for whom a publication of this type is written are generally assumed to be different from those interested in understanding the results (in other words, understanding how and if the project has worked and what the effects were). On the other hand, for those commissioning the project, evaluation is often limited to a series of cost and output indicators, with the result that evaluation reports are a good exercise in monitoring, but a poor exercise in evaluation.

This time a different choice was made.

Giving space to evaluation means reinforcing the culture of transparency, learning, and partnership processes which can be improved, and conditions which allow use of the good practices identified and proposed in this publication.

For all these reasons, this report presents the results achieved, but also aspects to be improved, expressed in the form of "LESSONS LEARNT".

4.1 Introduction

In order to evaluate the Mirror Project, the partners set out to understand the results obtained from testing of the methodology developed for the identification and referral of victims of trafficking exploited for labour purposes. The results were then interpreted transversely in relation to achievement of the project's general aims. In this case, the evaluation principally focussed on the lessons learnt *(learning evaluation)*.

---

74   Written by Giuseppina De Angelis.

The data set out in this report therefore contains information on implementation of the project actions *(performance)* and the mechanisms which facilitated or obstructed achievement of the objectives set.

Evaluation method

The Mirror Project was evaluated using the so-called "programme theory" approach[75]. This can be defined as the assumptions about the results a programme/project aims to produce and the strategies and tactics the programme intends to adopt in order to achieve those objectives, in an "open" context in which the programme's effectiveness is not rigidly and scientifically defined beforehand, as it may be helped/hindered by not completely accurate projections and the effects of new factors arising during implementation and not taken into consideration during the planning phase.

The programme theory is generally divided into two components: the first, the impact theory, considers the change expected following the programme according to a cause-and-effect chain (where action A is expected to produce result B); the second, the process theory, describes the processes and activities involved in organising and implementing the measures required to produce the expected change.

The evaluation tools

Quantitative and qualitative monitoring and evaluation tools were used, in particular:

- open and closed question questionnaires;
- database on the number of interviews performed and case details
- observation of transnational meetings
- final evaluation interview.

This report is structured as follows:

1. Adequacy and clarity of the Mirror programme theory
2. Tactics used – strong points and anomalies of the process
3. Methodology testing results
4. Evaluation of the project's impact: an almost impossible mission.

In the context of the learning evaluation logic described above, recommendations in the
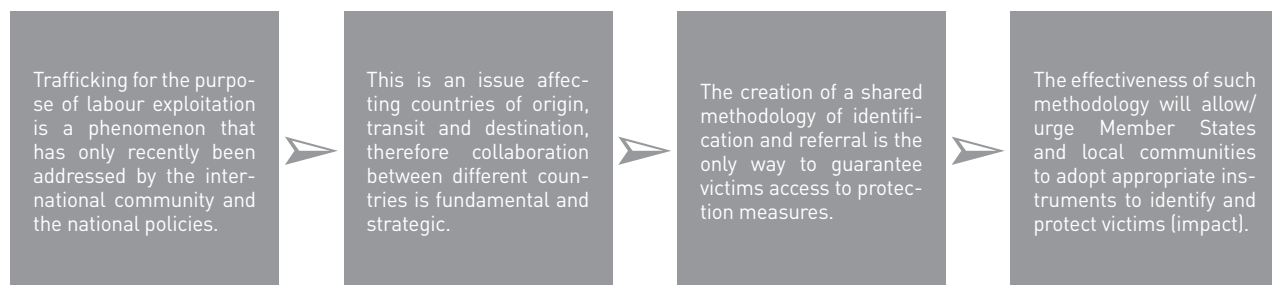
---

75   *The program theory* is a systematic approach to the assessment of public policies proposed by three authors, Rossi, Freeman and Lipsey.

form of "lessons learnt" are included at the end of each paragraph. In some cases, these lessons were proposed by the project coordination group itself.

4.2   Adequacy and clarity of the Mirror programme theory

This part analyses the project assumptions as described in the approved model and used by the partners as strategic elements.

Project Assumptions:

| Trafficking for the purpose of labour exploitation is a phenomenon that has only recently been addressed by the international community and the national policies. | This is an issue affecting countries of origin, transit and destination, therefore collaboration between different countries is fundamental and strategic. | The creation of a shared methodology of identification and referral is the only way to guarantee victims access to protection measures. | The effectiveness of such methodology will allow/urge Member States and local communities to adopt appropriate instruments to identify and protect victims (impact). |

The logic structure defined in the project and set out in the scheme is coherent and accepted by all partners. It clarifies the focus on the problem and on the measures to be implemented in the field to tackle it. These elements were without doubt the project's *strong points*.

Elements of weakness: the context variables possibly influencing testing of the methodology were not sufficiently formalised and taken into consideration during implementation[76], in particular:

- the different nature of the organisations able to take part in testing and implementation of the Guidelines (NGOs; law enforcement authorities; magistrates...)
- the different level of the organisations involved in the testing (national versus local)
- the strongly "cultural" nature of the perception of the trafficking of human beings for la-

76   It concerns in particular a lack of socialisation and prediction of how these variables would have been treated during the testing

bour exploitation. Identification and referral of valid guidelines is therefore significant but insufficient unless accompanied by a major effort to promote a social and local culture of awareness of the phenomenon

LESSON LEARNT 1

The clear focus of the project's logic structure enabled the partners to implement it efficiently: the measures were implemented as planned.

LESSON LEARNT 2

Accurate prediction and formalisation of the way in which the context variables may influence the project's processes can help those involved define corrective measures with respect to the organisation of work times and the orientation of energies.

4.3   Tactics used – strong points and anomalies of the process

The work and collaboration processes deployed to develop the methodology for the identification and referral of victims of trafficking exploited for labour purposes were positive, both in terms of the quality of the work carried out and the resulting lessons learnt by the partners involved. Promotion of the different points of view, acquisition and reprocessing of previous material, the attention paid to differences in terminology and definition of a common language were the qualifying elements of a planning process open to collaboration and respect for individual cases. The Guidelines produced for use by the organisations during testing of the methodology were clear and well structured[77]. Preparation of the contents of the training programmes in support of use of the methodology was also meticulous.

Which areas were found to be most critical or particularly delicate? Some of these are the direct consequence of the variables referred to in point 1 (see Adequacy and Clarity of the Mirror Programme Theory); others are associated with formulation of the initial budget, sometimes inappropriate timing, changes in national governments (Spain) and the current deep financial and welfare crisis involving all European Union countries and in particular those involved in the project.

---

77   Data obtained from the questionnaires administered to the partners who tested the methodology.

4.3.1   What was the influence of these variables?

The impression is that attempts were made to adapt and implement the activities provided for by the project, considering the capabilities of public authorities, individuals and national and local policies. Below are a number of examples.

4.3.2   On the testing: the choice of geographic level and organisations to involve

In Italy, in the absence of formal national procedures or a set of generally accepted specific indicators for the identification and referral of victims, but with local protocols signed by the law enforcement authorities, public prosecutors, health services, NGOs, local authorities and other important parties active on the ground, the testing system adopted as part of the Mirror Project followed a local level logic. Four NGOs in two Italian regions, one in the north east and one in the south west, were involved (Veneto and Campania with a total catchment area of 10,771,906 inhabitants).

Right from the start of the Project, it was evident that in Spain, a methodology for the identification and referral of victims trafficked for labour exploitation was required at national level. On the other hand, as a result of the political elections brought forward to November 2011, implementation of the methodology was postponed. Moreover, before ending its mandate, the Government adopted a general protocol for the protection of trafficked victims. As a result, the Prosecutor's Office *(Fiscalía General de Estado)* at national level later participated in testing of the Mirror Project, signing the pertinent Memorandum of Understanding. In Spain, testing therefore took place at national level (total catchment area 47,025,000 inhabitants).

In Romania, the methodology was tested in a district of 260,563 inhabitants in the southeast of the country with the involvement of a number of local partners: the police, the court, NGOs and the gendarmerie[78].

The procedure to test the methodology developed within the Mirror Project therefore conformed in a certain sense to the different national political situations. On the one hand this greatly limited the possibility of comparing the data, on the other it provided a greater wealth of information.

---

78   The Romanian Gendarmerie is the military branch of the two police forces in Romania (the civil police and the Romanian police). The Gendarmerie is answerable to the Ministry of the Interior and does not have the responsibilities and duties of the military police.

LESSON LEARNT 3

Certain types of action must necessarily be developed in a heuristic context[79] and this occurs when the context variables have a determining influence on the processes involved in implementing the actions. In this case, a good capacity for observation, evaluation and re-planning is necessary.

At this moment in time, the deep financial and welfare crisis permeating Italy, Spain and Romania makes the involvement of NGOs, work inspectorates, employers' associations, trade unions etc. particularly difficult, both due to the current priorities of the organisations and also to the lack of financial support deriving from the project which would allow them to dedicate appropriate human resources to testing the methodology (there is no ad hoc budget for allocation to the organisations testing the methodology).

LESSON LEARNT 4

The strategic actions required to achieve the objectives must be accompanied by adequate financial resources.

4.3.3   On promoting the perception of the "trafficking for labour exploitation" phenomenon.

Given the strong focus placed on construction and testing of the Guidelines, promotion and communication of the phenomenon of the trafficking of persons for labour exploitation took second place. In particular, the promotional films produced are of excellent quality, both in terms of content and image. Thanks to the clear message, the everyday setting of the scenes and incisive emotional language, the product received a highly positive evaluation by partners, those attending the final conference and the stakeholders encountered during conferences and national meetings.

---

79   In this case, reference is made to what literature defines as planning approaches. The Mirror Project was developed as part of a European call for applications according to a synoptic-relational approach (as many such projects are). It is a mechanistic approach based on a linear causality whose assumptions are: it is possible to circumscribe the causal factors of a given problem; it is possible to implement actions which modify these problems in the desired direction; it is possible to modify the behaviours and attitudes of people and organisations according to an established design. As well as numerous external factors which may intervene, we also in fact know that no single place or decision maker is able to orient and control a measure as established beforehand, particularly when the measure involves various strong organisations (governments; law enforcement bodies, public opinion) and when the nature of the problem is strongly determined by the perception which individuals have of the problem itself (for example, trafficking for labour exploitation).
On the other hand, in the heuristic approach, activation of actions and the observance of what happens as a result are at the centre of the planning process, followed by possible re-planning and activation. In this specific case, it is not necessary to define the survey sample, geographic level and so on in advance, as this is already a consequence of activation of the testing.

Despite the fact that the project did not define an appropriate and effective strategy for broadcasting the promotional films, the partners disseminated the films, exploiting the various channels and networks of which they were part.

In addition, before the end of the project, it was decided to improve dissemination of the films by implementing corrective measures such as translation into other relevant languages such as Russian, Chinese, Bulgarian, Arabic, Portuguese and French.

LESSON LEARNT 5

It is not enough to have good products, it is also necessary to invest in their promotion and communication through the available networks, using appropriate language, and well in advance.

4.3.4   On the training process

The training package envisaged by the project in support of testing of the methodology in the various countries was well structured and effective in involving the organisations which later carried out the interviews and used the Guidelines. In the final evaluation, the partners felt that the training should not only have anticipated implementation of the actions in order to provide the skills necessary to manage them correctly (as was the case), but should also have accompanied the initial testing in order to reinforce the level of skills and definitively validate the tool being tested.

LESSON LEARNT 6

Management of the timing of the actions, their consequentiality and/or contemporaneity, is a factor to be programmed and monitored with great care, not just in terms of project progress, but also of the interconnection between one action and another.

4.4   Methodology testing results

The methodology developed in the Mirror Project was tested in three European countries: Italy, Romania and Spain.

This section presents the opinions expressed by the organisations involved in testing the Mirror Methodology:

To the question: *"Would you say that the methodology you implemented helps to identify and refer victims of trafficking exploited for labour purposes"*, the answer from the organisations was, at 100%, extremely positive (Yes, completely).

To the subsequent questions concerning the simplicity and effectiveness of the methodology, almost all replies were *"Yes, completely"* (see Graph 1). The perplexities of those answering the question centred around the concept of applicability: the Mirror Methodology is not always applicable to all ethnic groups and has some shortcomings where the interviewing of minors is concerned.

Would you say the methodology implemented is:
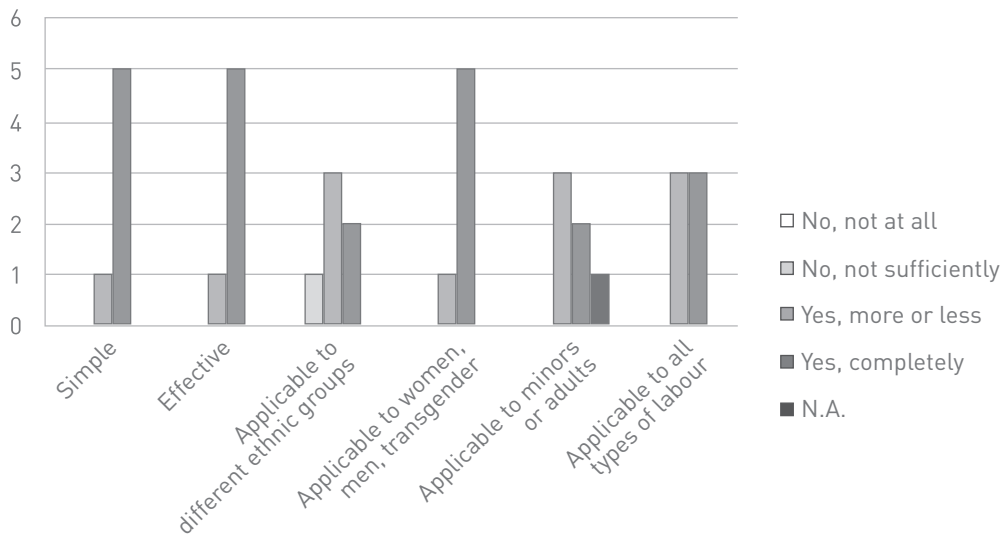
To the question *"In which way does the methodology work or not work? Can you provide any suggestions to improve the methodology tested?"* people answered as follows:

* *"The questionnaire is very structured, it takes several hours to complete the questions, for us it has proved useful to divide the interview into several sessions. It might be useful to*

translate the questionnaire into different languages so you can help the operators, and the cultural mediators would be able to see the model of the first interviews. In our case, the interviews took place in French";

* "The methodology is particularly complicated when used with unaccompanied minors, who are particularly reluctant to provide certain types of information during the first interview. You may need to have conversations with children repeatedly for several months to get such precise and detailed information on the situation in their country of origin";

* "for a better functioning of the methodology different operators with different specific know-how would need to be involved in order to help them in identifying potential victims of trafficking for exploitation working";

* "The information on the situation of the beneficiaries in the country of origin or transit, may be general. The reported facts are submitted to committees different from those of the territory of claims, therefore they are subjected to other specific laws".

The close involvement of the Spanish Public Prosecutor's office was an added value of the testing. The Office deemed the Mirror Methodology very interesting, and consistent with the Spanish General protocol: as a result of this, the prosecutor's delegates in all the Spanish territory will be recommended to adopt the Mirror Guidelines, when they will start to drive and coordinate work pursuing the transposition and adoption of the General National Protocol at regional and local level.

4.5   Evaluation of the project's impact: an almost impossible mission

Despite the strong emphasis placed on impact evaluation, unfortunately there is neither the time nor the financial investment required to study the possible changes generated by the Mirror Project on the phenomenon of trafficking for labour exploitation.

The questions we would like to be able to answer include the following:

o After methodology testing had ended, did the organisations/institutions continue to use the methodology, or did they use part of it in their work to detect, identify and refer trafficked persons?

o After the end of the project, particularly in relation to broadcasting of the promotional films and distribution of the leaflets produced as part of the Mirror Project, were there signs that greater attention was being paid to the phenomenon in the local community and institutions? And if yes, in what form?

o Following implementation of the project, did local communities and institutions pay more attention to the final beneficiaries of the project (the victims)?

As is easy to understand, at present the data required to identify a positive or negative impact on the three issues indicated above is not available. The intention expressed by the Public Prosecutor's Office of Spain to instruct all the country's 52 public prosecutor's offices to use the method created by Mirror is, on the other hand, evidently an extremely positive signal.

4.6   Conclusions

For those trying to understand how best to modify and improve certain mechanisms for the safeguarding of human rights, to reflect on the outcome of the recent experience is, I believe, particularly important and instructive. The evaluations I have briefly described contain elements of great positivity and commitment; at the same time, certain difficulties remain in relation to cultural evolution and apparently untouchable hierarchies of social and economic priorities, together with others associated with labour and economic interests.

Today the Mirror Project experience seems "poor" with respect to the advent of such major issues as the deep financial crisis and at the same time "rich", because the trafficking of human beings for labour exploitation is a matter which necessitates recognition and a framework of suitable tools at social and political level. The methodology tested and validated as part of the Mirror Project provided a response to the need to build an inter-sectoral model which goes beyond the know-how of the welfare sector to be applied in different fields of national and European policies.

Glossary of terms[80]

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

Best Interests Determination: This "describes the formal process with strict procedural safeguards designed to determine the child's best interests for particularly important decisions affecting the child. It should facilitate adequate child participation without discrimination, involve decision-makers with relevant areas of expertise, and balance all relevant factors in order to assess the best option" (UN High Commissioner for Refugees, *UNHCR Guidelines on Determining the Best Interests of the Child*, May 2008).

Best Interests Assessment: This "is an assessment made by staff taking action with regard to individual children, except when a best interest determination (see supra) procedure is required, designed to ensure that such action gives a primary consideration to the child's best interests. The assessment can be done alone or in consultation with others by staff with the required expertise and requires the participation of the child" (UN High Commissioner for Refugees, *UNHCR Guidelines on Determining the Best Interests of the Child*, May 2008).

Case Manager: A case manager is the main point of contact for a trafficked person and in addition he/she has the function of coordinating the different services deemed necessary to provide trafficked persons with appropriate forms of assistance and protection. The case manager works within a consultative team of other professionals when decisions are to be made about each victim's care plan.

---

80 The glossary has been mainly taken and adapted from: International Centre for Migration Policy Development (ICMPD) and Department for Equal Opportunities – Presidency of the Council of Ministers (Italy), *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU*, 2010.

Child: Any person under eighteen. A child can be also referred to as a "minor".

Cultural Mediator: The mediator (a foreign male/female) is a professional who functions as an intermediary between the needs of migrants and the response of public services and NGOs to facilitate the placement of foreign citizens in the host social context.

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

First point of notification: This is the institution/organisation that acts as a central point of information, referral and initial support for presumed trafficked persons; this institution has responsibility for appointing the case manager.

Guardian: The person who holds the primary responsibility for the well-being of the child and co-ordinates the efforts of all agencies involved to ensure the best interests of the child. The guardian also serves as the case manager in the cases of referral of a trafficked child.

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

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

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

Integration: referred also as "social inclusion", it means the process that ensures that those at risk of poverty and social exclusion have the opportunities and resources necessary to participate in economic and social life, securing a standard of living that is considered acceptable in the society in which they live. It also ensures that those persons have greater participation in decision-making that affects their lives and access to their fundamental rights. Through such a process vulnerable groups are granted access to education, training, employment, accommodation, collective services, and health assistance.

National Referral Mechanism (NRM): "It is a co-operative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, co-ordinating their efforts in a strategic partnership with civil society. The basic aims of an NRM are to ensure that the human rights of trafficked persons are respected and provide an effective way to refer victims of trafficking to services. In addition, NRMs can work to help to improve national policy and procedures on a broad range of victim-related issues such as residence and return regulations, victim compensation, and witness protection. NRMs can establish national plans of action and can set benchmarks to assess whether goals are being met. The structure of an NRM will vary in each country; however, NRMs should be designed to formalise co-operation among government agencies and non-governmental groups dealing with trafficked persons", according to the definition provided by OSCE (OSCE/ODIHR, *National Referral Mechanisms – Joining Efforts to Protect the Rights of Trafficked Persons. A practical Handbook*, Warsaw, 2004).

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

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

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

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

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

Reintegration: See "Social inclusion".

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

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

Return: An option offered to migrant to return to his/her own country and/or community of origin. In the anti-trafficking context, return involves not only the physical transportation of the victim but also mechanisms to ensure that the return is voluntary, assisted, safe and dignified.

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

Trafficker: Person responsible for the trafficking of one or more human being(s) for any form of exploitation.

Trafficking in Human Beings: "(...) the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs" (Article 3, *UN Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations convention against transnational organized crime*", 2000).

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

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

Bibliography

- Accem, *La Trata de Personas con Fines de Explotación Laboral. Un estudio de aproximación a la realidad en España*, Madrid, 2006

- Anti-Slavery International and others, *Protocol for Identification and Assistance to Trafficked Persons and Training Kit*, 2005

- Anti-Slavery International et al., *Protocol for Identification and Assistance to Trafficked Persons and Training Kit*, London, 2005

- Anti-Slavery International, *Trafficking for Forced Labour in Europe. Report on a study in the UK, Ireland, the Czech Republic and Portugal*, London, 2006

- C. Rijken (ed.), *Combating Trafficking in Human Beings for Labour Exploitation, Nijmegen, 2011*

- CCME, *Christian Action and Networking against Trafficking: Action oriented guide for awareness-raising and social assistance Volume III: Trafficking in human beings – new challenges, new partnerships*, Brussels 2007

- Churches' Commission for Migrants in Europe, Torsten Moritz/Lilian Tsourdi, *Combating trafficking for forced labour in Europe!*, March 2011

- *Council of Europe Convention on Action against Trafficking in Human Beings and its Explanatory Report*, Warsaw, 16.5.2005

- EU Group of Experts, *Report of the Experts Group on Trafficking in Human Beings*, Brussels 22 December 2004

- European Commission DG JLS, *Recommendations on the identification and referral to services of victims of trafficking in human beings*, Brussels, 2007

- European Commission, *Draft Recommendations on Identification and Referral to Services of Victims of Trafficking in Human Beings*, 18 October 2007

- European Commission/Mike Dottridge, *Measuring Responses to Trafficking in Human Beings in the European Union: An Assessment Manual*, 18 October 2007

- European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), *Trafficking for Forced Labour and Labour Exploitation in Finland, Poland and Estonia*, Helsinki, 2011

- European Union, Official Journal of the European Commission, COUNCIL, *EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings, (2005/C 311/01)*, 9.12.2005

- GRETA – Group of Experts on Action against Trafficking in Human Beings, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Cyprus*, GRETA(2011)8, Strasbourg, 12 September 2011

- GRETA – Group of Experts on Action against Trafficking in Human Beings, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bulgaria, GRETA(2011)19*, Strasbourg, 14 December 2011

- ILO, *Concealed chains: Labour exploitation and Chinese migrants in Europe*, Geneva, 2010

- ILO, *Forced Labour and Human Trafficking A handbook for Labour Inspectors*, Geneva, 2008

- ILO, *Forced labour and trafficking in Europe: how people are trapped in, live through and come out*, Geneva, 2008

- ILO, *Labour inspection in Europe: undeclared work, migration, trafficking*, Geneva, 2010

- ILO, *Operational indicators of trafficking in human beings*, Geneva, 2009

- ILO, *The cost of coercion*, Geneva, 2009

- ILO, *Minimum estimates of forced labour in the world*, Geneva, 2005

- International Centre for Migration Policy Development (ICMPD) and Department for Equal Opportunities – Presidency of the Council of Ministers (Italy), *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU*, 2010

- Joint UN Commentary on the EU Directive – *A Human Rights-Based Approach, Prevent, Combat, Protect – Human Trafficking*, November 2011

- Joy Ngozi Ezeilo, *Report of the Special Rapporteur on trafficking in persons, especially women and children*, 13 April 2011

- Kutalkova Petra, *The Narrow Gateway to Human Rights; Identification of Trafficked Persons in the Czech Republic*, Prague 2010

- On the Road, Accem, ALC, La Strada International, E-NOTES - *Report on the implementation of anti-trafficking policies and interventions in the 27 EU Member States from a human rights perspective (2008 and 2009)*, 2010

- OSCE - Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *An Agenda For Prevention: Trafficking For Labour Exploitation*, Vienna, 2011

- OSCE Office for Democratic Institutions and Human Rights (ODIHR), *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons*, Warsaw, 2004

- OSCE OSR/CTHB, *An Agenda for Prevention: Trafficking for Labour Exploitation*, Vienna, 2011

- OSCE OSR/CTHB, *Human Trafficking for Labour Exploitation/Forced and Bonded Labour: Identification – Prevention – Prosecution*, Vienna, 2008

- OSCE OSR/CTHB, *Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude*, Vienna, 2010

- OSCE, *A Summary of Challenges on Addressing Human Trafficking for Labour Exploitation in the Agricultural Sector in the OSCE Region*, Vienna, 2009

- OSCE, *Trafficking in Human Beings: Identification of Potential and Presumed Victims A Community Policing Approach*, Vienna, 2011

- OSCE/ODIHR, *National Referral Mechanisms – Joining Efforts to Protect the Rights of Trafficked Persons. A practical Handbook*, Warsaw, 2004

- PICUM, *Ten ways to protect undocumented migrant workers*, Brussels, 2005

- Procura della Repubblica presso il Tribunale di Teramo and others, *Linee Guida per l'approccio alle potenziali vittime di tratta di esseri umani e grave sfruttamento*, Teramo, 2010

- Proyecto Esperanza, *Valoración del nuevo marco jurídico contra la trata de seres humanos. Análisis de casos reales y recomendaciones*, November 2010

- Red Española contra la Trata de Personas, *Guía básica para la identificación, derivación y protección de las víctimas de trata*, 2009

- UK Anti-trafficking Monitoring Group, *Briefing Discrimination in the identification process*, London, 2010

- UK Anti-trafficking Monitoring group, *Wrong kind of victim? One year on: an analysis of UK measures to protect trafficked persons*, London, 2010

- UK Human trafficking Centre, *National Referral Mechanism for Child Victims of Trafficking Report form, section C*, version 2009

- UNHCR, *The Identification and Referral of Trafficked Persons to Procedures for Determining International Protection Needs*, Geneva, 2009

- UNODC, *Human Trafficking Indicators*, Vienna, 2008

- UNODC/UN.GIFT, *Anti-human trafficking manual for criminal justice practitioners*, New York, 2009

PROJECT CARRIED OUT BY:

ACCEM
www.accem.es

OPERE RIUNITE
BUON PASTORE

ccme

fundatia floarea ialomiteana

On the Road

AND FUNDED BY: