

From Reception to Recognition: Identifying and Protecting Human Trafficking Victims in Mixed Migration Flows



A Focus on First Identification and Reception Facilities
for Refugees and Migrants in the OSCE Region



Organization for Security and
Co-operation in Europe



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ISBN: 978-92-9234-457-3

Published by the OSCE Office of the Special Representative and
Co-ordinator for Combating Trafficking in Human Beings

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Design: Tina Feiertag, Vienna
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Cite as:
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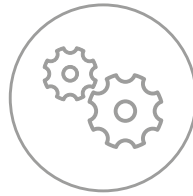
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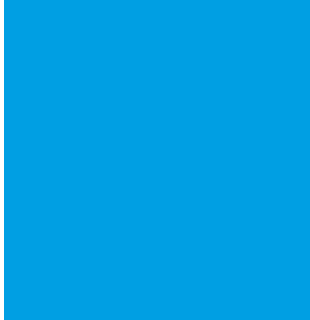
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Foreword

→ Since the very outbreak of the current migration and refugee crisis, my Office and I have been closely engaged in assisting the OSCE participating States and Partners for Co-operation to better address migration-related human trafficking challenges in line with the OSCE commitments.

Regrettably, inflamed by the crisis, human trafficking still remains on the rise and manifests itself in a number of scenarios. Forced on the move, people are exposed to ransom, kidnapping, sexual exploitation or are trafficked for forced labour during their life-threatening journeys. Upon reaching Europe, while waiting for their papers to be processed or whilst stranded between borders, already vulnerable groups and asylum seekers are acutely at risk of falling into the hands of exploitative individuals and organized crime networks.

Such scenarios call for concerted counter-efforts of national authorities, civil society and the international community, and I believe that there are ways and means already at our disposal to make these efforts more effective.

First and foremost, the key lies in better screening at entry points. Due to the reluctance of victims to come forward, identification cannot be reactive, but proactive. Legal distinctions between trafficking in persons and smuggling of migrants must not be conflated. Adequate time and tools are vital in order to identify vulnerabilities and special needs, including regarding those wishing to remain invisible or undeclared.

Currently, such vulnerabilities are not appropriately recognized, either because time does not permit this, or because the appropriate tools are not in place, are not widely harmonized or, in some instances, are simply not applied. Furthermore, the mandate of all agencies involved in identification and registration procedures should embrace a strong focus on human trafficking risks at all stages of the process. This

can only be achieved by developing standards and guidelines on anti-trafficking measures in humanitarian crises and by ensuring that frontline responders and humanitarian actors are trained to systematically apply these standards.

A lack of specialized accommodation and targeted and adequately funded services continues to constitute a serious challenge. Migrant reception facilities must ensure that they are respecting the needs of victims of trafficking and at-risk groups, and that they are not accessible to traffickers themselves.

These, and many other pervasive problems, motivated my Office to facilitate this assessment report around the Mediterranean region to inform tailored technical assistance for first responders. Based on my fact-finding visits to a number of crisis-affected countries in the OSCE region and a targeted needs assessment visit to Lampedusa and Sicily, this report is an attempt to provide a set of recommendations to the OSCE participating States on how to strengthen their anti-trafficking responses within the overall migrant reception framework, be this in relation to the ‘hotspot approach’, or indeed any future modality.

There is an important caveat to the success of implementing these recommendations, however. Human traffickers thrive on the loopholes and pitfalls of our co-ordinated responses. Stepping up inter-agency co-ordination is therefore essential. Intergovernmental efforts should be complemented by multidisciplinary, cross-dimensional and transnational efforts to end the impunity of offenders and to protect survivors.

Madina Jarbussynova

OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings

Acknowledgements

→ First and foremost, I would like to express my gratitude to the delegations of all OSCE participating States and Partners for Co-operation for the immense support they provide to the work of my Office and I commend the political will of the capitals to further advance the implementation of the OSCE anti-trafficking commitments.

In the context of this report, my very special thanks go to the OSCE delegations of Bulgaria, Serbia and Turkey, along with all respective national-level counterparts for facilitating smooth and unrestricted access to migrant reception facilities. I also thank the many interlocutors who, despite considerable work-related pressures, found the time and energy to share their valuable experiences with my colleagues and I. In this respect, I would like to specifically highlight the dedication and commitment demonstrated by representatives of the Greek and Italian delegations to the OSCE in Vienna and their counterparts within their respective Ministries of Foreign Affairs and Interior Ministries. Without this support, neither the targeted needs assessment nor this report would have been possible.

The report was drafted by Dr. David Mancini, one of the core experts working within the OSCE project Combating Trafficking Along Migration Routes. Using his long-standing anti-trafficking experience and acting as a member of the needs assessment team, he worked closely and constructively with my Office to shape the findings of the visit into concrete recommendations which we will assist the OSCE participating States in implementing from early next year onwards. My warmest thanks also go to my colleagues Claudio Formisano and Oleksandr Kyrylenko who managed all stages of this publication and who, over the course of their field visits, honed a concept which continues and complements the migration-related work of my Office. Special thanks also go to Richard Murphy for his expert restructuring and editing work and to Alexandra Bray for her meticulous proofreading skills.

Last, but not least, I would like to thank those people on the move who met with us during our visits. Despite long and perilous journeys, I commend the bravery of these individuals for finding the strength to talk to us openly and honestly about their experiences and aspirations. Ultimately, this report is for them.

Executive Summary

→ The prolonged instability in the Middle-East, Sahel and North Africa has given rise to exceptional movements of migrants and refugees. Large mixed migratory flows have considerably affected receiving OSCE participating States, in particular countries along the Mediterranean and Balkan routes, making this essentially a European emergency. It is becoming increasingly evident that the current migration and refugee crisis creates a perfect market for the exploitation of migrants within transit and destination countries by unscrupulous criminal syndicates and lone perpetrators. Further, the line between smuggling and trafficking of migrants often becomes blurred, as large displacement fuels both illegal migration and bondage to criminal enterprises.

Drawing upon almost two years of fact-finding field missions and ad-hoc expert research at grass-roots level in European countries most impacted by the present situation, this report focuses on the challenges and opportunities of the full spectrum of anti-trafficking responses at first identification and reception facilities for migrants and refugees in the OSCE region.

Although the primary focus of first responders has been on providing humanitarian aid, including the provision of accommodation, food and medical assistance, we argue that a harmonized and co-ordinated, multi-agency architecture is necessary to address the needs of trafficking victims, as well as mitigate the risk of human trafficking to potential victims amongst the migrant population, irrespective of their status or claims. Failure to implement this risks neglecting the vulnerabilities of a significant proportion of people who may very well fall prey to human trafficking practices as a result. Indeed, the presence of unidentified and unprotected victims of human trafficking allows criminal activities to flourish, adversely affecting the rule of law, and so potentially turning a humanitarian emergency into a security crisis.

To address gaps and capitalize on good existing practices, we believe that a set of actions can be effectively and concretely implemented in the short, medium and long term. The following recommendations have been designed to guide states, the international community, and the donor community in responding appropriately and adequately.



Policies

- Standardized and harmonized operating procedures should be in place for migrant and refugee referral.
- Specific migration-related anti-trafficking responses should be reflected in National Action Plans.
- Centralized co-ordination mechanisms to oversee anti-trafficking action in migrant reception facilities should be established. The role and competences of the agencies involved in identification procedures, similar to the registration procedure, should embrace a strong focus on human trafficking issues at all stages.
- The provision of assistance should not be conditional on willingness to co-operate in legal proceedings.
- There is a critical need to move beyond current “humanitarian emergency” responses to more elaborated, forward-looking assistance and prevention strategies to avoid organized crime syndicates and lone exploiters from luring vulnerable individuals at accommodation facilities into feeding black market activities and adversely impacting local economies. Prevention and protection mechanisms are currently all too often focused on limited forms of exploitation, such as sexual exploitation, whereas risks of male trafficking and human trafficking for forced labour are often overlooked. This should not be the case.
- A range of funding programmes are available to support governmental and non-governmental organizations in providing services to trafficking victims. As resources are often limited in time and scope, there is, however, an urgent need to effectively and efficiently map out and strategize the use of available assistance funds so that funds are not jeopardized but are rather made strategically available in a coherent and uniform manner.



Procedures

- Striving for swift identification procedures should not undermine the respect for essential guarantees of applicants' fundamental rights, including the non-refoulement principle.
- Adequate information on potential risks of exploitation and human trafficking should be operationalized into first reception procedures and systematically provided to migrants.
- Individual risk assessments should be undertaken prior to the return of trafficked persons.
- Dedicated spaces for interviews and referral should be in place.
- All above-mentioned procedures should be gender and age sensitive, as well as culturally informed.



Tools

- Capacity-building and regular, centrally-co-ordinated and targeted training should be considered a priority when it comes to increasing the effectiveness of identifying victims of trafficking within first identification and reception facilities.
- The number of cultural mediators and interpreters available in hotspots and other reception facilities remain insufficient and should be addressed.
- National databases of identified and presumed victims of trafficking could be established to reflect all possible interventions by relevant stakeholders both at the level of social assistance and in the context of criminal investigations.

List of Acronyms

CARA	Centre for Accommodation of Asylum Seekers <i>(centro di accoglienza per richiedenti asilo)</i>
CAS	Temporary Reception Centre <i>(centro di accoglienza straordinaria)</i>
CDA	Accommodation Centre (centro di accoglienza)
CoE	Council of Europe
CoESPU	Center of Excellence for Stability Police Units
CPSA	First-Aid and Reception Centre <i>(centro di primo soccorso e accoglienza)</i>
CTHB	Combating Trafficking in Human Beings
DNAA	National Anti-Mafia and Anti-Terrorism Directorate <i>(Direzione Nazionale Antimafia ed Antiterrorismo)</i>
E.K.K.A	National Centre for Social Solidarity <i>(Εθνικό Κέντρο Κοινωνικής Αλληλεγγύης)</i>
EASO	European Asylum Support Office
EC	European Commission
ECHR	European Court of Human Rights
EU	European Union
EURODAC	European Dactyloscopy System
Eurojust	European Union Judicial Co-operation Unit
Europol	European Police Office
Frontex	European Agency for the Management of Operational Co-operation at the External Borders of the European Union
ICMPD	International Centre for Migration Policy Development
Interpol	International Criminal Police Organization
IO	International Organization
IOM	International Organization for Migration
MC	Ministerial Council
MEDU	Doctors for Human Rights <i>(Medici per i Diritti Umani)</i>
NGO	Non-Governmental Organization
NRM	National Referral Mechanism
OSCE	Organization for Security and Co-operation in Europe
OSR/CTHB	Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings
PC	Permanent Council
PfC	Partner for Co-operation
pS	Participating State
SAR	Search and Rescue
SPRAR	System for the Protection of Asylum Seekers and Refugees <i>(Sistema di protezione per richiedenti asilo e rifugiati)</i>
SR/CTHB	OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings
THB	Trafficking in human beings
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
VoT	Victim of trafficking



B is a Nigerian girl who was aged just over 18 years old at the time of writing. B is assisted and protected under the programme for long-term assistance and social inclusion for trafficked persons in compliance with Article 18 of Italian Legislative Decree n. 286/1998¹.

We meet B, with her consent, in a comfortable and simple apartment managed by a Sicilian NGO involved in managing assistance and social reintegration programmes for victims of human trafficking. We are here to listen to her advice on how other people in similarly difficult situations can be better helped upon arriving in Italy. She gives us a timid and surprised look, yet nonetheless begins telling us that she was sold in Nigeria and brought to Italy for sexual exploitation. Wracked by terrible memories which she is desperate to put behind her, she is shocked that we may be interested in her opinion. “How can I, a simple Nigerian girl, suggest what could be done better?”

After some time, B finally opens up and informs us that “what would be really helpful in the hotspots is if there were spaces where girls like me could talk confidentially. Other girls will share their stories only if they feel safe, and know that other migrants are not watching them, trying to threaten them”. We are told that a typical response to anyone speaking to those in a perceived position of power is usually: “Do not say anything! Why do you want to get your Mama in trouble? Think about your relatives at home. You swore you’d keep silent.”

Although on this occasion, B chose to ignore these threats and speak to us, her voice is one of very few who would. With so many voices going unheard, and so many experiences unshared, it becomes easy for the same patterns to be repeated.

¹ Decreto Legislativo 286/1998 “Unique Text of the Provisions concerning Immigration Rules and Rules on the Status of a Foreigner”. Available at: <http://www.camera.it/parlam/leggi/deleghe/98286dl.htm> accessed 15 November 2017.



Introduction, Settings and Aims

The Inextricable Link between the Smuggling of Migrants and Trafficking in Human Beings in the Context of Mixed Migration Flows

→ The line between smuggling of migrants and trafficking in human beings has become irrevocably blurred. Smuggling always involves the crossing of an international border and individuals who pay a smuggler to gain entry into a state do so voluntarily, at least in principle². Europol estimates that more than 90 per cent of the more than one million irregular migrants who arrived in Europe in 2015 used services provided by more than 40,000 people operating in loose criminal networks. In the central Sahara, smuggling by land is controlled by regional criminal organizations able to transport small numbers of passengers, often divided in different ethnic groups. Smuggling by sea in the European context takes place via the Mediterranean, under the management of well-structured criminal organizations linked with a variety of other criminal groups controlling individual parts of the travel process. Corruption at border crossings often facilitates this. It is close to impossible for an undocumented migrant to make a trip from North Africa to Southern Europe across the Mediterranean without the help of a paid intermediary. Regrettably, tighter border controls either lead to higher smuggling fees and more perilous journeys or totally deprive asylum seekers of the opportunity to claim and receive protection.

Human trafficking involves some form of coercion, physical or psychological, for the purpose of exploitation of the victim. As laid out in Article 3 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, the exploitation must include “at a minimum, 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”. Human trafficking is a gross violation of human rights and dignity. As opposed to smuggling, it can also very well occur within national borders.

For our purposes, the crime of human smuggling and the crime of trafficking in persons should be approached as two concentric circles, with intertwined modalities and modus operandi, as it has become increasingly evident that the migration and refugee crisis creates a perfect market for the trafficking of migrants within both transit and destination countries. Adequate capacities to distinguish between smuggling and trafficking are crucial for the investigation and prosecution of these crimes, as well as for the proper identification of trafficking victims and the activation of relevant assistance and protection mechanisms. However, while the same smuggling networks often subject their clients to subsequent exploitation, **this interconnection remains overlooked or ignored** and, as a consequence, the response rarely goes beyond addressing smuggling.

Widespread unemployment and a lack of viable economic opportunities leave countless numbers of people without jobs or sustainable livelihoods. At the same time, a growing demand for cheap labour, combined with often pervasive corrupt practices, has led to an increasing tolerance towards the exploitation of economically vulnerable people in dangerous and degrading work in the OSCE region. This demand, against the backdrop of the evolving crises, actually contributes to migration flows, thereby heightening the vulnerability of the affected populations, providing new, lucrative opportunities for criminal networks and ensuring an unbroken cycle of exploitation.

The smuggling of migrants takes place along a number of different routes: by air, by land and by sea. Land routes include those from Turkey into Bulgaria; from Ethiopia into Sudan and then into Libya; from Nigeria through Niger to Libya (and then to Italy – or even to Morocco and then to Spain); from Pakistan to Iran and to Turkey; and from Greece to the former Yugoslav Republic of Macedonia, and subsequently to Serbia and Hungary³.

² Also see OSCE, “An Inextricable Link, Security Community Issue 3/2016”. Available at: <http://www.osce.org/magazine/285641> accessed 4 December 2017 and UNODC, “How is human trafficking different from migrant smuggling?” Available at: <http://www.unodc.org/unodc/en/human-trafficking/faqs.html> accessed 4 December 2017.

³ Frontex, “Trends and Routes: Migratory Routes Map”. Available at: <http://Frontex.europa.eu/trends-and-routes/migratory-routes-map> accessed 24 October 2017.

The scenarios under which a migrant can become a victim of human trafficking during their journey may vary. Smuggled migrants may not necessarily end the relationship with their smugglers after reaching a destination country as they may have already amassed a debt to them. It is subsequently demanded that this debt be repaid. Failure to do so exposes the migrant, or more often, their family members at home, to retaliation or the threat thereof. Exploitation originating from a contracted debt can occur prior to the migrants' arrival in Europe, for example during their stay in Egypt or Libya, and often in the form of domestic servitude where victims, predominantly women, can also be sexually abused⁴. Being in dire straits and in urgent need of providing for their families or sparing them from the possibility of harm, migrants begin to work in sweatshops or on construction sites before realizing only too late that they have been trapped. In such circumstances, violence and abuse inevitably take place. Finally, smugglers and traffickers may use migrants' vulnerabilities to use them as recruiters, intermediaries and in other capacities.

The relatively new context of "mixed migration flows" which describes the movement of people of different status and motivations, using the same migration facilities, travelling side by side along the same routes and facing different outcomes within the European immigration system, poses a challenge to the once clear-cut legal distinction between the two crimes of smuggling and trafficking in question. Whilst many migrants find themselves exposed to trafficking after they have been smuggled across the border, it is also often the smugglers who take on the role of traffickers by turning them into sex slaves or selling them into forced labour. Even having paid for their journey, migrants can still remain in debt and, therefore, are highly vulnerable to exploitation.

The increasingly blurred lines between the two crimes often have irrevocable consequences for migrants' future. Under the international legal framework, as well as most

national laws, smuggled migrants, even while being subjected to hardship and abuse, are not considered to be victims of crime or human rights violations. They have no right to support and assistance, remedies for the harm suffered or protection from possible further harm. Moreover, in an increasing number of cases, smuggled migrants are themselves penalized for violating immigration regimes. In contrast, those identified as victims of trafficking are entitled to comprehensive assistance and protection, including immunity from prosecution for any crimes or administrative offences that may have been committed due to their being trafficked. The fact that competent authorities predominantly focus on the detection of smuggling means that hundreds of new arrivals who have been in a situation of trafficking, or who continue to be at risk of exploitation, remain unidentified, and, therefore, unprotected.

In some cases, the above confusion becomes even more complicated because of the glossary problem. One can still hear even from actors operating in migration hotspots (for more information see p. 15 of the report) that all the arriving migrants are victims of trafficking, which in fact means that smuggling and trafficking are being used interchangeably with little understanding of the distinction between the two crimes. It is evident that further efforts are still needed to improve the situation and change persisting attitudes.

Such efforts need to ensure that identification mechanisms are promptly activated at the very initial reception stage. The identification of victims of human trafficking⁵ through the hotspots approach is a crucial point in the context of combatting trafficking along new migration routes and in the framework of the current European and international legislation. Presumed/potential victims of trafficking should be immediately informed of their rights to assistance and protection and if possible, criminal investigations should be initiated, in a multi-agency context, with a human rights based and victim-centred approach.

4 Among many available last reports see: IOM, "Report on Victims of Trafficking in Mixed Migration Flows Arriving in Italy by Sea: April 2014 – October 2015" (Rome: IOM, 2015) p. 7; Oxfam, "'You Aren't Human Any More' Migrants Expose the Harrowing Situation in Libya and the Impact of European Policies". Available at: <https://www.oxfam.org/en/research/you-arent-human-any-more-migrants-expose-harrowing-situation-libya-and-impact-eu> accessed 24 October 2017.

5 All references to "victims of trafficking" within this report follow guidance from Directive 2011/36/EU, which states "a person should be provided with assistance and support as soon as there is a reasonable-grounds indication for believing that he or she might have been trafficked" thus including both actual and presumed victims of this crime. Council Directive 2011/36/EU "On Preventing and Combatting Trafficking in Human Beings and Protecting its Victims, and replacing Council Framework Decision 2002/629/JHA" [2011] OJ L101/1, 5 April 2011. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF> accessed 15 November 2017



Sea arrivals in 2017

147,220



Dead and missing in 2017 (estimate)

2,784

**Demography of Mediterranean
Sea arrivals from January 2017**



Women

10%



Children

20%



Men

70%

Source: UNHCR, "Operational Portal: Refugee Situations: Mediterranean Situation".
Available at: <http://data2.unhcr.org/en/situations/mediterranean> accessed 24 October 2017.

States' legal and positive obligation to protect victims of human trafficking

→ States have a legal and positive obligation to protect victims of human trafficking. According to the Council of Europe Convention on Action against Trafficking in Human Beings (2005, Article 10/1)⁶, victims should be identified by competent authorities of State Parties and protected. The Directive 2011/36/EU on trafficking requires that Member States implement early identification mechanisms of assistance, in order to protect presumed victims of human trafficking (Article 11/1). States shall ensure that victims receive legal representation, legal counsel and access to specific schemes for the protection of witnesses, based on individual risk assessments, in accordance with domestic law and procedures. Victims shall be protected against victimization which may occur when they are interviewed and when they give evidence in court (Article 12/2,-4).

The European Court of Human Rights (ECHR) unequivocally underlines that “*trafficking threatens the human dignity and fundamental freedoms of its victims and cannot be considered compatible with a democratic society*”⁷. The Court notes that Article 4 of the Convention requires that Member States criminalize and prosecute effectively any act aimed at maintaining a person in a situation of slavery, servitude or forced or compulsory labour. In order to comply with this obligation, Member States are required to put in place a legislative and administrative framework to prohibit and punish such acts⁸.

Article 4 of the Convention may, in certain circumstances, require a State to take operational measures to protect victims, or potential victims. It also entails a procedural obligation to investigate where there is a credible suspicion that an individual's rights have been violated. The Court underlines that the requirement to investigate does not depend on a complaint from the victim but that the authorities must act of their own motion once the matter has come to their attention⁹.

The positive obligation of the State with respect to the relevant articles of the Convention cannot be regarded as satisfied if the protection mechanisms provided for in domestic law are not properly implemented. Victims of human trafficking usually do not make claims, unless specific programs of protection are adopted. They may not recognize themselves as victims or be willing to co-operate. They often do not have access to relevant information or are blackmailed and intimidated by traffickers and fear any interaction with law enforcement authorities.

Hence, Member States, in line with positive obligations emerging from the international legal frameworks, are expected to put in place all the procedural steps aimed at identifying presumed victims of trafficking at the earliest possible stage, thereby ensuring their proper referral and guarding against their automatic return to countries of origin without their vulnerabilities having been adequately addressed.

6 Council of Europe, Council of Europe Convention on Action against Trafficking in Human Beings (2005). Available at: <https://rm.coe.int/168008371d> accessed 15 November 2017.

7 *Rantsev v. Cyprus and Russia* App No. 25965/04 (ECtHR, 7 January 2010) para 282

8 These principles are mentioned in many Court decisions and are part of the legislation on trafficking interpreted in the present day conditions as *Rantsev v. Cyprus and Russia* App No. 25965/04 (ECtHR, 7 January 2010), *M. and Others v. Italy and Bulgaria* app No. 40020/03 (ECtHR, 31 July 2012), *C.N. v. the United Kingdom* App No. 4239/08 (ECtHR 13 November 2012), *Siliadin v. France* App No. 73316/01 (ECtHR, 26 July 2005), *C.N. and V. v. France* App No. 67724/09 (ECtHR, 11 October 2012), *Keenan v. The United Kingdom* App No. 27229/95 (ECtHR, 2 April 2001), *Opuz v. Turkey* App No. 33401/02 (ECtHR, 9 June 2009), *Talpis v. Italia* App No. 41237/13 (ECtHR, 21 March 2017).

9 *Rantsev v. Cyprus and Russia* App No. 25965/04 (ECtHR, 7 January 2010) para 288

Research objective

→ Based on the work of the OSR/CTHB, including with field missions in OSCE participating States and regions critically affected by large movements of people, this report aims to offer a way forward in ensuring timely identification of victims of human trafficking in mixed migration flows, with a particular focus on **front-line migrant reception facilities within the first identification and reception framework**.

The report focuses on the roles and responsibilities of a range of stakeholders present in first identification and reception centres. It also explores all stages of a typical migrant's journey from disembarkation towards the final determination of status. Addressing the need for a more effective response to migration-related human trafficking challenges, the recommendations provided in this report include concrete victim-centred, multi-agency measures that can be implemented by national anti-trafficking stakeholders, civil society actors and international organizations at an early stage of their interaction with migrants. The report also recommends critical actions aimed at strengthening the prevention and protection of vulnerable people in migrant reception facilities in receiving countries. These recommendations further offer ways and means for integrating such actions within an overall national response to trafficking in human beings.

The dedicated text boxes throughout the report reflect practices and experiences witnessed or discussed by the OSR/CTHB team of experts during a needs assessment visit to Lampedusa and Sicily in July 2017, as well as other relevant assessment visits.

Methodology

→ Complementing a preliminary desk study, direct interviews were undertaken based on a set of questions with relevant frontline actors operating at several disembarkation points and first identification and migrant reception facilities in the OSCE region (see Annex).

A number of areas were explored, in particular pertaining to the identification of victims of trafficking, including, inter alia:

- the role of competent authorities and management modalities present at the hotspots;
- accommodation arrangements and capacities at reception centres;
- actors coming into contact with new arrivals, as well as their mandates and division of responsibilities; and
- the availability of relevant trained professionals, including cultural mediators and interpreters, who may ensure that all migrants are being properly informed of their rights.

In terms of existing identification and referral practices, special attention was paid to the existence of early screening procedures for arrivals, as well as the practicalities of the pre-identification, registration and identification phases. This was done to understand how information related to human trafficking was being handled throughout each phase, along with which actors are mandated to be involved in the identification of presumed trafficking victims.

In addition, the research focused on whether these procedures were successfully utilizing a multi-agency and human rights-based approach to address the needs of trafficking victims. This included the evaluation of the existence and quality of relevant protocols/guidelines enforced at the local level under the supervision of prosecutors' offices and whether any referral mechanism was in place to ensure the effective communication of vulnerabilities (particularly between the first and second line reception stages) to minimize the risks of victimization or re-victimization.

Finally, the research provided the opportunity to analyze the range of assistance services available to both adult and child victims of trafficking, including:

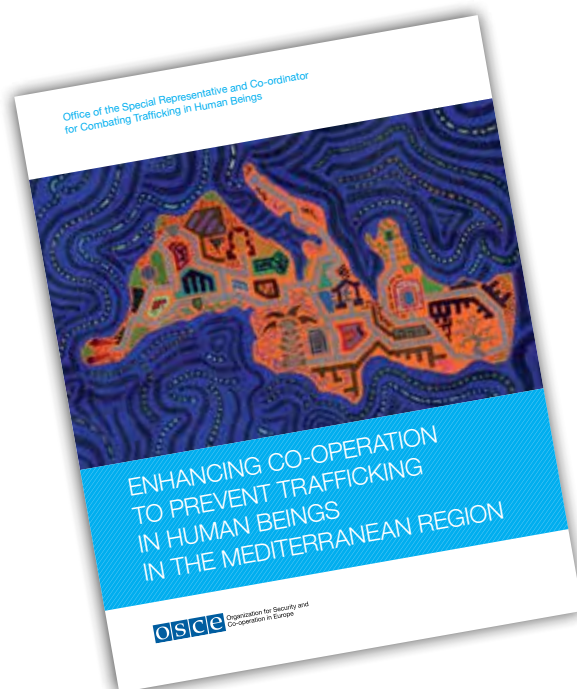
- healthcare;
- specialized shelters;
- legal advice;
- job placement;
- access to training and education; and
- residence permits.

Limitations

→ Despite the available documentation on human trafficking in conflict and crisis areas, data collection on human trafficking cases among the migrant population is still challenging. Indeed, while anecdotal evidence is plentiful, research and analysis are scarce.

The forms of exploitation trafficked migrants are subjected to make it particularly challenging to interview victims, for obvious reasons, particularly when they still find themselves in an irregular situation and fearful of the security or legal repercussions they may incur when coming forward.

Given the large variety of domestic legislation and national procedures regulating the identification and accommodation architecture across OSCE participating States, this report does not claim to cover all possible trafficking scenarios. That said, this report does provide broad recommendations which can be implemented OSCE-wide given the inclusive approach taken during the drafting process. At the very least, these recommendations could be taken as a comparison to existing national legislation, or as a starting point for building further policies and strategies to better identify and protect human trafficking victims in mixed migration flows.



10 Frontex, "Risk Analysis for 2017". Available at: http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2017.pdf accessed 27 November 2017.

11 See recent news in: ANSA, "NGOs to sign controversial migrant SAR code on Monday". Available at: http://www.ansa.it/english/news/2017/07/31/ngos-to-sign-controversial-migrant-sar-code-on-monday_32f9ac00-086a-4830-ad33-829cc72df0c5.html accessed 24 October 2017.

12 Repubblica, "In avaria la 'nave nera' anti-migranti degli estremisti di destra: soccorsa da una Ong rifiuta l'aiuto" Repubblica IT. Available at: http://www.repubblica.it/esteri/2017/08/11/news/migranti_quadruplicato_numero_arrivi_in_spagna_sos_me_diterrane_e_firma_codice_ong-172837404/?ref=RHPPLF-BH-ID-C8-P7-S1.8-T1 accessed 24 October 2017.



Focus: The Mediterranean Route

Frontex reports an important change in the SAR modus operandi in the Mediterranean Region. In 2016, approximately 30 percent of 181,459 migrants landing on European coastlines were rescued through NGO-led interventions¹⁰. These rescue interventions are often regarded by authorities as a contributing factor to the facilitation of the operational strategies of smuggling networks. While relief at sea needs to be assessed in light of the principles and obligations enshrined in three international conventions (the International Convention for the Safety of Life at Sea, the United Nations Convention on the Law of the Sea and the International Convention on Maritime Relief), the policies adopted by governmental authorities and NGO actors at any given time can swiftly affect migratory routes¹¹.

Current difficulties, at the time of writing, faced by NGOs in accessing the Libyan coast, for example, have led to changes to the routes from sub-Saharan Africa. These changes most significantly affect Spain, the coastline of which, from beginning to mid 2017, witnessed the arrival of 8,385 migrants (nearly four times as many as the same period last year). If this trend continues, Spain could surpass Greece where 11,713 arrivals were recorded. This is a significantly lower number compared to the 160,888 registered during the same period in 2016. It should also be noted that many migrants from West African countries give preference to the route through Morocco, considering a journey through Libya too risky¹².

Finally, the implementation of any proposals to set up first line reception facilities in Libyan territorial waters, thereby shifting hotspots further from the European coastline, will further affect the direction of the migration flow. The situation can therefore be considered to be extremely fluid.

The Hotspot Approach: Rationale, Actors and Roles

→ Any research on anti-trafficking responses within first identification and reception migrant facilities would be incomplete without analyzing the so called hotspot approach¹³ to managing exceptional migratory flows adopted by the European Union.

The hotspot approach was first unveiled by the European Commission in May 2015 as part of a 'European Agenda on Migration' aiming to introduce a comprehensive strategy to migration management against the backdrop of the current migration and refugee crisis¹⁴. The Agenda envisaged the approach taking shape in the following terms: "... the European Asylum Support Office (EASO), Frontex and Europol will work on the ground with frontline Member States to swiftly identify, register and fingerprint incoming migrants. The work of the agencies will be complementary to one another. Those claiming asylum will be immediately channeled into an asylum procedure where EASO support teams will help to process asylum cases as quickly as possible. For those not in need of protection, Frontex will help Member States by co-ordinating the return of irregular migrants. Europol and Eurojust will assist the host 16 Member States with investigations to dismantle the smuggling and trafficking networks"¹⁵.

As is discernible from the above definition, the hotspot identification procedures were envisaged to address both human smuggling and trafficking crimes. However, the protection element of the definition demonstrates a rather one-sided focus on irregular migration, pre-determined by the consideration of asylum eligibility and with no specific reference to the protection of victims of trafficking in human beings. This report analyzes whether practices on the ground reflect this narrow focus.

The following stages and procedures were witnessed by the OSR/CTHB as being applicable to arriving migrants:

- rescue operations and disembarkation;
- health checks and identification of vulnerabilities (including by using information that may already have been collected on board a ship);
- transfer to hotspot locations, security checks and distribution of information leaflets on current migration and asylum regulations, along with options for seeking international protection;
- pre-identification;
- group briefings by international organizations on the current migration and asylum legislation, including on rights and duties associated with entry to a specific country, the possibility to apply for international protection or access to the relocation procedure (in a language understandable to the audience);
- identification;
- accommodation provision in reception facilities and more in-depth medical examinations taking into account the results of initial medical checks at disembarkation;
- targeted individual briefings on international protection options and access to assistance;
- individual voluntary debriefings with Frontex (throughout all stages);
- exiting first line reception facilities; and
- transfer to a secondary reception facility (regional hub, temporary facilities, etc.) for economic migrants who do not apply for international protection or for those entitled to assistance and protection as victims of human trafficking.

13 For more information see the European Court of Auditors Special Report No.06/17: EU response to refugee crisis: the 'hotspot' approach. Available at: <https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=41222> accessed 21 August 2017.

14 European Commission, "A European Agenda on Migration" COM(2015) 240 final, 13 May 2015. Available at: https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/communication_on_the_european_agenda_on_migration_en.pdf accessed 21 August 2017.

15 Ibid.

The above procedures and activities are implemented by a considerable number of actors, including:

- national authorities;
- non-governmental organizations;
- European Union agencies;
- and international organizations.

National authorities are represented by a wide range of actors throughout all required procedures, including:

- national coast guards who co-ordinate SAR operations in co-operation with European programmes;
- healthcare authorities, often supported by non-governmental organizations (for example MEDU or the Italian Red Cross in Italy), which conduct first medical screening on board arriving vessels and at disembarkation points, or in-depth examinations at reception facilities;
- police, whose role varies from preliminary identification, search and control of phones and documents, to identification and registration, fingerprinting, data recording and interviews, and ultimately, the identification of possible smugglers or presumed victims of trafficking;
- migration officers who activate relevant tools in relation to migrants' statuses, i.e. refugees and asylum seekers, economic migrants, presumed trafficking victims; and
- other law enforcement units such as anti-terrorism or forensic police.

Non-governmental actors supporting current hotspot procedures are numerous and vary from country to country. They are mainly involved in providing assistance to particularly vulnerable groups of migrants, including victims of trafficking. Local NGOs play a critical role in accommodating, assisting and protecting identified victims within their programmes implemented outside hotspots, during the second line reception stage. Special attention is devoted to children, in particular unaccompanied minors, where Save the Children and Terre des Hommes are particularly active. In co-ordination and co-operation with local authorities and NGOs, they provide information and assistance to minors, particularly in terms of family tracing. They also support possible age assessment procedures and identify and refer presumed child victims of trafficking.

The EU agencies present in hotspots include Frontex, the European Asylum Support Office, Europol, Eurojust and the European Commission. The key international organizations active and fully operational within the hotspot system include the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration.

Finally, it should be underlined that while the roles of hotspot actors may vary, in particular when addressing migration-related human trafficking, at the national level, the responsibility to identify victims of human trafficking and oversee related assistance **ultimately lies with a specifically mandated state agency**. For example, in Italy, while at the hotspot stage this task is shared mainly between police and the IOM, the overall system of identification, assistance and protection, combining law enforcement and public social efforts, is managed by the Department of Equal Opportunities under the Presidency of the Council of Ministries. In Greece, on the other hand, it is the duty of the National Centre for Social Solidarity (E.K.K.A) to act as the principal state agency to co-ordinate efforts of all anti-trafficking stakeholders in the framework of the Greek National Referral Mechanism.

A Journey from Rescue to a Possible new Life

To further contextualize the scope in which the findings and recommendations of this report should be applied, it is worth offering a snapshot of a typical migrant's journey across the range of required identification procedures on the territory of a given receiving State.



At Sea



As already noted above, SAR operations in the Mediterranean are generally co-ordinated and conducted by coast guard authorities. In most cases, such interventions are delegated to NGO-owned vessels in response to rescue requests received by the co-ordination center. In other cases, a boat with migrants can be directly identified by an NGO operating in the Mediterranean through information transmitted via radar or by small drones. Finally, coast guard authorities themselves can be directly alerted to a boat approaching a State's territorial waters, so as to ensure the early detection and reduction in tragic accidents. In these instances, migrants are usually transferred to larger coast guard vessels and safely escorted to the shore.

It should be emphasized that rescue operations at sea are extremely dynamic and their objective first and foremost is to save as many human lives as possible. In this respect, the tremendous efforts made by the countries at the forefront of exceptional migration flows can never be underestimated.

After rescued migrants have been transferred to a coast guard vessel, the following procedures generally take place on board:

- migrants are divided into groups and given a coloured bracelet with an identification number which will then be replicated on paper when migrants are being photographed at the pre-identification stage;
- a report lists nationalities, gender ratio, number of minors, vulnerabilities and medical needs identified on board a vessel, before being sent to a co-ordination body on land. This report helps competent local authorities make informed arrangements for disembarkation, identification and registration of new arrivals, as well as ensuring the availability of cultural mediators and smooth reception modalities; and
- following a preliminary medical-screening, a report is sent to relevant public health authorities prior to disembarkation. In emergency cases, critical patients are transferred by helicopter to the nearest medical establishments.

It became evident, from interviews conducted by the OSR/CTHB staff with representatives of coast guard authorities in Lampedusa and Pozzallo that, depending on the vessel capacity, it is sometimes feasible to deploy a small multi-agency team focusing on the identification of presumed victims of trafficking on board. Such a team could include a social worker and/or anti-trafficking NGO representative/representative of an agency in charge of the implementation of CTHB interventions, as well as a police investigator and cultural mediator. Assuming that the initial separation of women and children is in place, this team can then provide targeted information on THB indicators and give an overview of the available assistance to victims of trafficking so as to facilitate further interactions at a later stage. However, as things currently stand, nothing more than separating visibly vulnerable groups is done in this context, despite circumstances in which large ships can remain at sea for up to two days before disembarkation. It would thus appear that even when favorable physical and operational circumstances for preliminary identification activities are present, this early opportunity to act on THB indicators is lost.

Disembarkation and Transfer



Prior to being transferred to a designated identification facility and especially in frequent cases of large numbers of new arrivals, migrants may spend a considerable amount of time at the place of disembarkation. These areas are characterized by the presence of a wide range of actors, including police and immigration officers, representatives of European agencies (Frontex, EASO and sometimes Europol), representatives of international organizations, as well as a number of non-governmental organizations.

In addition, all new arrivals go through a second medical screening conducted by local public health authorities. The check lasts a few minutes and includes temperature taking, identifying infectious diseases (many migrants are affected by scabies and are immediately separated from others) and detecting visible vulnerabilities. **At times, there is an identifiable lack of co-ordination between on-board medical checks and ensuing medical screenings on land.**

While primarily focusing on the exigencies of their mandates, all actors present during the disembarkation stage may come into contact with THB signs and indicators. However, it is not always evident whether there is a co-ordinated approach on the immediate further referral of such cases.

In frequent cases of large disembarkations made at ports, some migrants may spend about a day at the ports, in uncomfortable conditions, only to begin another journey of several hours to the designated reception centres. The time spent at the ports depends on various conditions and also on the places of disembarkation.

As soon as the landing is completed, all migrants are immediately photographed and assigned the number replicating that on the bracelet originally received on board a vessel. Each migrant is searched for possible physical evidence that could help in the investigation of cases of smuggling, and some migrants, with the help of interpreters or cultural mediators, can be further interviewed by police officers prior to boarding the buses transporting them to designated hotspots. Those possessing some evidence to facilitate an investigation are separated from the rest of the group. Separation is also relevant to other clear-cut cases demonstrating visible vulnerability, particularly in relation to unaccompanied minors. **The focus on possible THB cases is nonetheless still hardly discernible. While presumed THB cases can still be identified, this may happen as a result of smuggling-related investigative activities rather than as part of any concerted and co-ordinated anti-trafficking efforts.**

Finally, given large influxes of arrivals and the need for the swift transfer of disembarked migrants to first-line reception centres, **the conditions for information-gathering by police officers are limited.** If conditions allow, preliminary information can already be provided at the place of disembarkation, but there are many cases where this only happens during or after the transfer. In many instances, migrants receive information while already in line for pre-identification, with both processes often occurring at the same time. In reality, it is often international organizations and relevant NGOs that provide the first information to migrants. In some cases, this happens already after the identification stage, as earlier access to migrants is not granted or possible. Information materials are also not available in all the necessary languages. The same can be said of the availability of cultural mediators: for example, communication with migrants from sub-Saharan Africa sometimes has to be done through double interpretation.



At the First Identification Centre

Pre-identification



Pre-identification of migrants reaching first-line reception centres is normally conducted by teams, made up of representatives from the national police and Frontex, in the format of initial screening interviews and acquisition of nationality statements. Collected information is entered into a special pre-identification form which includes personal data and information on the places of residence and departure, as well as reasons for leaving the country of origin. At this stage, unaccompanied minors are also identified and possible familial links between migrants are established to avoid the risk of separation at a later stage. The presence of cultural mediators and interpreters should be a pre-requisite for the procedure to be effective. If a declared nationality is in doubt, further interviews are conducted at a later stage.

It is worth highlighting a number of issues and challenges for further consideration regarding this particular stage of a migrant's journey.



1

While the pre-identification form offers a multiple-choice section of reasons for leaving the country of origin, at this stage migrants are not sufficiently informed about the consequences of their choice, which, at a later stage, can seriously affect the migrants' future, including the type of protection they are entitled to or the decision on their return.

2

As a rule, in-depth group information sessions on access to international protection and assistance to victims of trafficking in human beings are conducted by relevant international organizations and NGOs *after* the pre-identification stage. The provision of such information well in advance is rather an exception and reflects local arrangements rather than the uniform approach.

3

The **pre-identification form also pre-conditions the behaviour of the interviewing team.** There is very limited space for a personalized approach, making it difficult to identify specific vulnerabilities and, should it be required, the referral of interviewees for further targeted intervention.

4

The conditions for **pre-identification interviews vary and are often hardly conducive to yielding valid results.** Interviews are sometimes done in a designated open-air area, along a long line of desks, in a limited number of languages and often too quickly, with migrants still experiencing the shock of a long and perilous journey or suffering from the consequences of possible violence they may have been subjected to.

Registration and Identification



The procedure of registration, identification and fingerprinting is normally conducted after all new arrivals have been provided with food, water and aid kits and have attended the group information sessions mentioned in the previous section.

This stage involves photo taking and fingerprint detection. In EU countries, this is done in accordance with European Parliament Regulation 603/2013¹⁶ and within the operational scope of the EURODAC database, allowing for the immediate comparison of fingerprints of asylum seekers and those who have illegally crossed the EU border.

Fingerprinting as well as personal data recording are carried out by a joint team of national police and Frontex officers. In the absence of travel and ID documents, which is common in the majority of cases, nationality screening is conducted on the basis of standard questions on language, geography, history, society and custom characteristics of certain national identities.

Before proceeding, a team of police and Frontex experts must inform migrants about the ensuing procedure. This information should be provided orally, in simple terms, and taking into account factors such as gender, age and cultural peculiarities. The presence of a cultural mediator is therefore highly desirable. Migrants should always have the opportunity to confirm the data recorded during the identification procedure and make necessary changes if needed. **Any detected vulnerabilities should be immediately addressed.**

In case of doubt regarding the age of a migrant going through the identification procedure, the application of non-invasive methods is highly recommended, with medical examinations to be used only as a last resort. For example, the draft Italian law 47/2017¹⁷ envisages that the age-related social and health assessment **should be conducted through a multidisciplinary approach where a multidisciplinary team should take a decision on the basis of an interview** that elicits a person's prior experience as well as results of pediatric and psychological evaluations. In practice, once the law is adopted, it will no longer be possible to conclude the age assessment on the basis of a single medical examination (e.g. wrist X-ray). **This will also create additional opportunities for multidisciplinary interventions** that can facilitate the detection of vulnerabilities, including the identification of possible victims of trafficking.

It should be pointed out that any deviations from the principle of acting in the best interests of the child may lead to trauma or re-traumatization and hinder the process of victim identification. **Efforts should be made to ensure that no unaccompanied minor remains in police custody** awaiting a transfer to a shelter.

¹⁶ Regulation (EU) No. 603/2013 of the European Parliament and of the Council, 26 June 2013. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0001:0030:EN:PDF> accessed 15 November 2017.

¹⁷ Legge 7 Aprile 2017, n. 47 "Provisions on measures to protect unaccompanied minors". Available at: <http://www.gazzettaufficiale.it/eli/id/2017/04/21/17G00062/sg> accessed 15 November 2017.

Medical Assistance



Medical assistance and any interaction between migrants and health care providers at a given hotspot should be regarded as critical in detecting migrants' vulnerabilities. As confirmed by a number of medical doctors interviewed during the visits, **a medical consultation often proves to be the first moment in a migrant's journey** when fears can be alleviated and the wall of self-defense, resistance and suspicion inside an individual exposed to hardship and violence may begin to crack. It can be the moment when a migrant opens up and entrusts their story to a doctor, as long as the right questions are asked and doctors are aware of possible indicators.

Some interviewed doctors revealed that they sometimes received information that gave them grounds to believe they were dealing with a possible victim of human trafficking. There were instances when they were even informed about traffickers cohabiting with their victims at the same hotspot. However, the absence of **clear referral procedures, commitment to the principle of confidentiality, an often non-systematized multi-agency support, as well as an extreme workload, often prevented doctors from taking this information any further.**



Doctor in Lampedusa

A is a young doctor who works with the Italian Red Cross in the first line reception centre in Lampedusa. The doctor conducts regular medical checks on migrants arriving at the centre. Most of A's visitors, especially those coming from Libya, have visible signs of violent treatment: gunshot wounds, cuts, burns and fresh scars.

Although never trained to detect human trafficking indicators, on a routine medical visit, A meets H, a Tunisian boy arriving from Libya. H shares with A the story of violence he was put through. He also says that one of his controllers is among the recent arrivals and is still threatening him. A takes the initiative and advises H to talk to the IOM colleagues and the police. On verifying H's statement, the controller is identified and arrested. H is now undergoing the social assistance and integration programme operating under Italian law.

Such stories demonstrate the utility of having doctors who have an understanding of trafficking in human beings indicators.



Once the above procedures have been completed and the status of a migrant has been determined, there are three possible scenarios which a migrant's subsequent journey may take:

1. accommodation in second line reception facilities for asylum seekers;
2. transfer to second line accommodation facilities for further relocation to another EU Member State; or
3. return to a country of origin if a migrant is not considered to be in need of international protection.¹⁸

As can be seen from the rationale behind these existing options, there is no explicit path of protection for presumed victims of trafficking. Although it can be argued that this protection mechanism should be provided for by specific national legislation, the absence of a distinct reference to being a victim of trafficking in terms of status determination undoubtedly contributes to an insufficient focus on this type of identification by stakeholders operating in hotspots.

Indeed, **in circumstances when identification of presumed victims of trafficking is postponed to a second line contact, the identification momentum can often be lost.** Prompt identification efforts should immediately be activated at the first point of contact with new arrivals. Any subsequent actions should follow presumed victims throughout their journeys within the reception system. In this regard, **existing reception capacities need to be improved, diversified and properly monitored to allow quality space for specialized services for unaccompanied minors and trafficking victims.** Monitoring systems also need to be enhanced across the countries.

In the meantime, a lack of funding prevents specialized facilities from being set up. Moreover, **non-specialized second line reception facilities often host a mix of vulnerabilities creating conditions for possible re-victimization. Investigations and criminal proceedings reveal cases of forced prostitution and recruitment attempts for the purposes of labour exploitation¹⁹.** Cases of violence and abuse committed against minors and other vulnerable migrants by centre managers have also been reported. Kidnapping and ransom for the purpose of extortions are also reported across the OSCE region on regular basis.

Municipal social services repeatedly voice their concern on difficulties encountered in finding adequate shelter facilities for trafficking victims, which makes the delivery of targeted needs-based assistance even more challenging than they should be. Specialized NGOs echo these sentiments and can provide evidence on a significant number of migrants, presumed victims of trafficking, who have been served with expulsion orders. It is evident that such people remain invisible, unassisted and are often accommodated in inadequate reception facilities where they run the risk of being:

- re-trafficked;
- prosecuted for crimes committed while being exploited (non-practice of the principle of non-punishment);
- considered illegal migrants and transferred to identification and expulsion centres; or
- undocumented minors.

¹⁸ European Commission, "State of Play of Implementation of the Priority Actions under the European Agenda on Migration" COM(2016) 85 final, 10 February 2016. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/managing_the_refugee_crisis_state_of_play_20160210_en.pdf accessed 15 November 2017.

¹⁹ Apart from the news reported by media during the last months, a special monitoring need on that has been also underlined by the Italian Senate in the "Report on identification and expulsion centres" (Italy, 2016) p. 30. Available at: http://www.asylumineurope.org/sites/default/files/resources/senato_cie_report_2016.pdf accessed 15 November 2017. Council of Europe, Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms (1950). Available at: <https://rm.coe.int/1680063765> accessed 15 November 2017.

Migrant Reception Options in Italy

The Italian migrant reception system is co-ordinated by the Department of Civil Liberties and Immigration of the Ministry of Interior and regulated by Law 142/2015²⁰, which was integrated and modified by the recently adopted Law 46/2017²¹.

Within the hotspot approach, Italy offers a number of reception options to organize and manage mixed migration flows of new arrivals. Those identified as undocumented migrants are notified with a rejection or an expulsion order and, where places are available, are transferred to identification and expulsion centres. **Asylum seekers are channeled into reception centres, including regional hubs. Relocation candidates can also be accommodated in regional hubs or other centres.**

The hotspot approach is implemented through a network of first line reception facilities in Lampedusa, Taranto, Trapani and Pozzallo, along with more broadly in disembarkation areas, where most arrivals were taking place at the time of writing. Indeed, it is worth reiterating that hotspots are not specific centres set up for this purpose. Rather, the term refers to existing reception structures where the approach is implemented. By the very nature of the phenomenon, these are located more broadly in disembarkation areas, where most arrivals take place.

The duration of stay within the hotspot reception system should normally not exceed 72 hours, **except for unaccompanied minors**. This is due in large part to the longer procedure necessary to accommodate them in appropriate accommodation.

As a rule, newly arrived migrants are placed in first line reception centres (first aid and reception centres - CPSA). **After the initial screening of their needs, they should be transferred to second line reception facilities. However, due to a high number of migrants, challenges in the identification of their vulnerabilities and a shortage of specialized services to address these vulnerabilities, the distinction between the first and second reception lines is not as straightforward in reality.**

In practice, migrants can be accommodated in the following facilities:

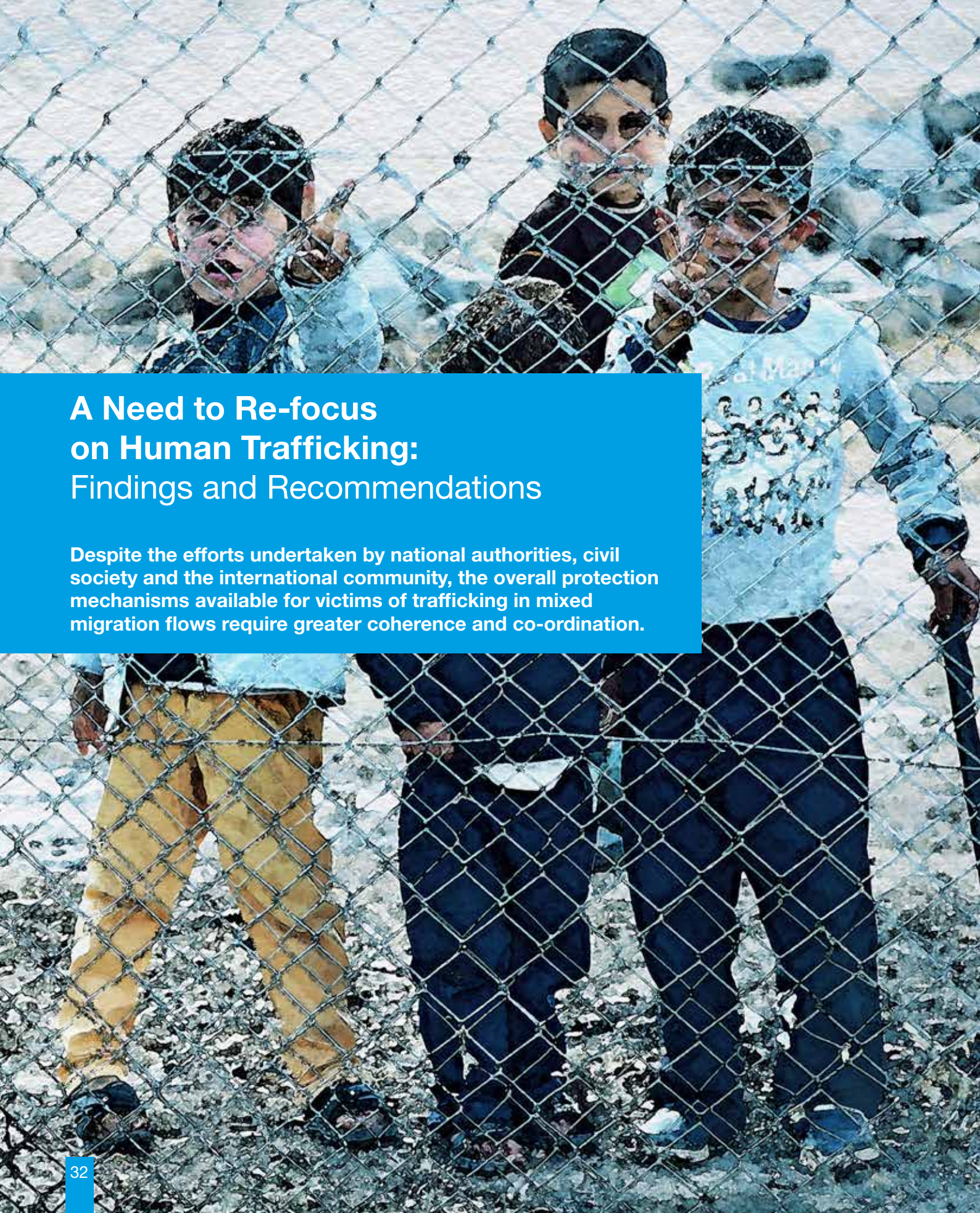
- centres for accommodation of asylum seekers (CARA) where applicants wait for a decision of the territorial commission being granted international protection. The turnover in such centres is quite low due to a relatively small number of relocation requests. As a consequence, some of these centres, for example, CARA di Mineo near Catania, are being used to accommodate other groups of migrants, often with different vulnerabilities and needs; and
- first accommodation centres (CDA) and temporary centres for emergency reception (CAS). The CAS network is used when asylum applicants cannot be accommodated in other facilities. They thus complement hotspot first line reception facilities, should their capacity be reached. Accommodation in these temporary facilities is strictly limited, as applicants should be promptly transferred preferably to the Asylum and Refugee Protection System (SPRAR) centres managed by municipalities across Italy.

The SPRAR is a **network of second line reception facilities for international protection applicants and grantees**. Unlike CDA or CARA, these facilities are not designed to provide first immediate assistance to new arrivals as their focus is on the social and economic integration of the beneficiaries of international protection (as refugees, subsidiaries or on humanitarian grounds).

The system of migrant accommodation centres around Italy is thus complex and does not always respond to specific vulnerabilities, including regarding human trafficking victims. This situation is mirrored in virtually all OSCE participating States, and merely reinforces the need to find fast emergency solutions to the increasing number of migrants who require further diversification to cater for the special needs of specific vulnerable groups.

20 In Decreto Legislativo 8 Agosto 2015, n. 142 "Implementation of Directive 2013/33 / EU laying down rules for the reception of applicants for international protection as well as of Directive 2013/32 / EU laying down common procedures for the recognition and withdrawal of international protection status". Available at: <http://www.gazzettaufficiale.it/eli/id/2015/09/15/15G00158/sg> accessed 15 November 2017.

21 In Legge 13 Aprile 2017, n.46 "Conversion into law of decree-law of 17 February 2017, no. 13, laying down urgent provisions for the acceleration of international protection proceedings, as well as for the fight against illegal migration". Available at: <http://www.gazzettaufficiale.it/eli/id/2017/04/18/17G00059/sg> accessed 15 November 2017.



A Need to Re-focus on Human Trafficking: Findings and Recommendations

Despite the efforts undertaken by national authorities, civil society and the international community, the overall protection mechanisms available for victims of trafficking in mixed migration flows require greater coherence and co-ordination.

Procedural Swiftness should not Compromise the Rights of Arrivals

→ Striving for **swift procedures** should not undermine respect for essential guarantees to **ensure full respect of applicants' fundamental rights** and the **non-refoulement principle**.

Reasonable time limits and adequate resources must be ensured so that migrants receive the necessary, full and clearly explained information during all stages of the process; have access to a lawyer and legal assistance; and enjoy the right to be fully protected as presumed victims of trafficking.

Catering for adequate time to properly identify THB vulnerabilities and providing first responders with the right tools to do so is particularly necessary to ensure the **accurate identification of presumed and potential victims of trafficking of human beings**, along with further underlying **vulnerabilities and special needs**.

Currently, such vulnerabilities are not sufficiently identified, either due to time constraints, or because appropriate tools are not in place or remain unused.

First Line Interviews and Adequate Provision of Information

→ There is a crucial need to **strengthen the provision of information** to new arrivals in all countries from the very earliest stage, **prior to any formal procedure** they will be required to enter, especially at places of disembarkation. This should be done in close co-ordination with national authorities, international organizations and specialized NGOs.

During this process, migrants should be properly informed about their rights, existing procedures to follow and help they may seek through lawyers and cultural mediators. All registration and identification procedures in hotspots need to unconditionally operate together with interpreters and cultural mediators.

As things currently stand, the **number of cultural mediators and interpreters** available in hotspots and other reception facilities remains insufficient and **should be redressed**. Relevant registration officers should be properly and regularly trained to identify and refer vulnerabilities related to trafficking in human beings, or receive appropriate support from trained experts at all stages of the registration phase.

All procedures implemented in first-line reception centres should allow for **designated separate spaces for interviews** with vulnerable migrants, to ensure that shared information remains confidential and does not leak to possible traffickers, who, in some instances, share the same accommodation with their victims. This also aids in building trust and creating favorable pre-conditions for further assistance and possible co-operation.

Identification of Victims of Human Trafficking

→ The first migrant identification stage in general, and the hotspot approach in particular, can be regarded *inter alia* as a migration control mechanism that ensures identification of new arrivals and their screening for eligibility to **enter the asylum system**. The **role and competences of the agencies involved in the identification procedures**, similar to the registration procedure above, should thus embrace a strong focus on human trafficking issues at all stages.

Identification of vulnerability and special needs at the earliest possible stage is critical to the quality of asylum determination and the relocation eligibility process, as well as the identification of trafficking victims in order to **mitigate, prevent or eliminate human trafficking risks**.

Although police and mandated anti-trafficking operators dedicate time and resources to the identification of victims of trafficking in available reception facilities, these efforts do not bring tangible results and often get **diluted by the overall, almost exclusive, focus on human smuggling**.

With identification often undertaken by law enforcement officers whose primary task is to differentiate between those in need of protection and those who should be returned to their countries of origin, such decisions are taken on the basis of pre-identification forms that are completed by migrants prior to any information briefings on available protection mechanisms for migrants entering the EU. As a rule, no presumed victims of trafficking are identified at this stage, nor can they realistically be identified, given the focus of the procedure.

The pre-identification actors should be diversified to shift the focus from a law enforcement perspective towards a more human rights-centred approach. They should also be sensitized to and trained in the early detection of human trafficking indicators. Such indicators should be specific to migrants' countries of origin as well as reflect a comprehensive range of forms of exploitation. Proper referral protocols should be in place in case such indicators have been detected.

Capacity-building and regular targeted training should be considered a priority when it comes to the effectiveness of the VoT identification within the hotspot approach. Indeed, rather than relying on a single stakeholder to ensure successful identification of victims of human trafficking, an **integrated approach to all anti-trafficking interventions** in the context of mixed migrations flows is required. Developing such an approach requires a **coherent national strategy** with a clear division of roles and responsibilities of competent stakeholders at central and local levels and the optimization of allocated financial resources. Chances of successfully identifying a victim of trafficking are thus considerably increased, as instead of one actor, a series of competent stakeholders will come into contact with vulnerable migrant populations. These stakeholders, rather than just focusing on those in need of protection and those who should be returned, will instead be aware of and, in fact, on the alert for, possible indicators of a presumed case of trafficking in human beings.

The inability to identify vulnerabilities and, consequently, adequate protection needs, often results in transfers to detention centres or collective expulsions without a proper assessment of individual circumstances. Unified vulnerability assessment criteria should be adopted and include psycho-social aspects alongside law enforcement and medical considerations.

Another identification challenge worth highlighting in the wider context of the anti-trafficking response is the pervasive assumption of many anti-trafficking stakeholders that victims will ultimately come forward and identify themselves. Regrettably, although understandably, this does not prove to be the case. **Pro-active approaches should be regarded as key** when it comes to the identification of victims of trafficking in mixed migration flows.

Critical Need to Develop Multi-Agency Co-operation

→ The utility of multi-agency co-operation goes beyond the realm of identification. Indeed, all anti-trafficking interventions in available migrant reception facilities require the **establishment of a multi-agency co-ordination mechanism** which would:

- ensure sufficient capacity and expertise to identify THB-specific vulnerabilities and needs;
- with appropriate safeguards in place, facilitate information sharing on presumed victims of trafficking throughout their journey, at least, within the borders of one participating State, to guarantee the sustainability of assistance efforts;
- be regulated by formalized protocols and guidelines at both central and local levels;
- delegate specific and clear-cut roles and responsibilities to all actors operating in reception facilities, with the co-ordination role assigned to local authorities; and
- reflect good practices of multi-agency co-operation within the current hotspot approach.

This co-ordination mechanism should engage expertise from independent bodies and international organizations and reflect best available practices, while its implementation should be regularly monitored throughout the whole set of procedures offered to migrants at a given reception facility.

Overall, a **comprehensive multi-agency approach**, particularly while addressing migration-related human trafficking, must involve all relevant stakeholders. This would ensure against fragmentation in dealing with the human trafficking phenomenon strictly within a given professional mandate.

While excellent practices and protocols have already been created and applied in some localities, these **should become harmonized and mandatory for all actors** across a given state, with an inter-institutional and human rights-centred approach.

There is an **urgent need to systematize and operationalize** existing **local and regional practices** in each state in a concerted, coherent manner, to avoid overlapping, but most importantly to capitalize on an individual agency's expertise and mandate. This should include, at a minimum, a supra-co-ordination structure to better administer and organize anti-trafficking operations in migrant centres.

Uniform guidelines should operate alongside the asylum procedure and be immediately activated in response to any possible indication of trafficking in human beings. This should, inter alia, ensure:

- a human-centered trust-building approach in dealing with potential/presumed victims of trafficking;
- provision of social support, assistance and protection to trafficked persons irrespective of their willingness to cooperate with law enforcement authorities;
- the setting-up of anti-trafficking multi-agency units composed of trained representatives of all relevant actors, including specialized prosecutors;
- co-ordination by a competent authority at the central level;
- prompt and effective case-by-case information sharing based on shared procedures and objectives within the established multi-agency network; and
- mandatory engagement of a cultural mediator from the first interview onwards.

In the spirit of developing multi-agency co-operation, the pioneering training offered within the OSCE project *Combating Human Trafficking Along Migration Routes* can be used as an example to follow.



National Databases and Action Plans

→ Alongside the need for the above co-ordination mechanism, the interviewed stakeholders also highlighted the necessity to **create a national database** of identified and presumed victims of trafficking which could reflect all possible interventions by relevant stakeholders both at the level of social assistance and in the context of criminal investigations. Again, with necessary security and confidentiality safeguards respected and different access levels assigned, this database would facilitate an integrated individualized approach, with assistance shadowing a client, be this at the second line reception facility, or regarding interactions within employment, educational or healthcare sectors. The same approach could be applied if a victim reaches the stage at which they express their willingness to co-operate with law enforcement and become part of criminal proceedings.

It is evident that once established, or while being developed, these migration-related co-ordination modalities should be well-integrated into the anti-trafficking National Referral Mechanism, or conversely, the NRM should be set up or updated to allow for this integration to happen.

Targeted migration-related anti-trafficking efforts should be supported by sufficient resources and clearly reflected in respective national action plans. In fact, the non-adoption or delayed drafting of updated National Action Plans will have a direct negative impact on victim identification procedures and ensuing referrals. It is therefore critical that when adopted in a timely fashion these plans, inter alia, should provide for:

- the development and implementation of guidelines to improve identification of possible trafficking victims among both migrants and asylum-seekers;
- adequate long-term funding to NGOs and other actors providing assistance to victims of trafficking;
- improved specialized services for child victims of trafficking;
- specialized facilities for male victims of trafficking; and
- increasing regular efforts to provide training on identification and referral procedures for victims of trafficking for all actors, across all regions and localities, regardless of whether they operate at migrant reception facilities or come into contact with migrants at a later point.

Migrant Reception Centres

→ A lack of specialized accommodation, sustainable, long-term prevention measures, targeted and adequately-funded services devolved to local authorities who would be able to engage specialized NGOs, as well as formalized, well-functioning referral mechanisms, continue to constitute a serious challenge.

Furthermore, available migrant reception facilities are often unsuitable for victims of trafficking in human beings and in some instances, accessible to traffickers and perpetrators who use them for recruitment or intimidation purposes. Migrant reception capacity remains insufficient, with reception conditions often inadequate and sub-standard. Prolonged stays in detention and excessive delays due to insufficient capacities to process applications, as well as a lack of available accommodation in open reception centres, including specialized shelters for vulnerable groups, remain common. These prolonged stays, originally foreseen merely as temporary, tend all too often to create tension and heighten the risk of violence, especially gender-based violence. Such temporary centres for asylum seekers are particularly unsuitable for victims of trafficking.

All reception facilities visited by the OSR/CTHB can pride themselves on the availability of qualified professionals who provide quality services to migrants on a day-to-day basis. However, **these professionals often lack specific expertise to address human trafficking issues**, can be too driven by their mandate and occasionally operate in an operational vacuum. While often effectively addressing an individual problem, a comprehensive solution, in the form of a **long-term assistance programme** involving a range of assistance providers and as part of a co-ordinated multi-agency response, is not necessarily offered. There is therefore a critical need to move forward from a concept of “humanitarian emergency” to more elaborated, forward-looking assistance and prevention strategies to avoid large numbers of individuals falling prey to organized crime syndicates, as well as lone exploiters seeking to lure victims around accommodation facilities to feed black market activities and local economies. Prevention and protection mechanisms are all too often focused on limited forms of exploitation, such as sexual exploitation, whereas risks of male trafficking, as well as human trafficking for forced labour, are often overlooked. To address this gap, there is a need to develop proactive, multidisciplinary, integrated training programmes with all actors operating at a given facility actively involved.

Provision of Assistance should not be Conditional on Willingness to Co-operate in Legal Proceedings

→ **Effective identification is inextricably linked to effective assistance.** The chances of self-identification are likely to increase once trust in the assistance system and its approaches has been established and the assistance itself begins to yield positive first results.

In this context, it should again be emphasized that in accordance with the Council of Europe Convention²², or as re-iterated in the 2013 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings (PC.DEC/1107/Corr.1), the provision of assistance to victims of trafficking should not be conditional on their willingness to co-operate in legal proceedings. This premise is equally applicable to granting a renewable residence permit (as part of such assistance) to victims, as long as the competent authority considers that their (victims') stay is necessary.

It is recommended that this principle should be further promoted and adhered to by national authorities, to the extent possible, in particular within the context of the hotspot approach. Staff involved in screening procedures should be diversified beyond law enforcement agents and trained to identify early indicators of human trafficking and as soon as there are reasonable grounds to believe that a person is a victim of trafficking, they should be granted a recovery and reflection period of at least 30 days during which expulsion orders cannot be enforced and individuals automatically benefit from the right to obtain a renewable residence permit.

Contrary to this scenario, and as outlined above, **ineffective identification can lead to irreversible decisions such as expulsions or forced removals.** Moreover, expedited removal procedures presuppose a very limited time to assess each individual case, which may not be sufficient for the proper identification of trafficking victims. It is therefore recommended that relevant national legislation should be reviewed to ensure an automatic suspending effect of appeals against such removal orders (in accordance with Article 13 of the ECHR, read in conjunction with Article 3 of the ECHR²³) and provide the person to be removed, together with their legal representation and any other stakeholders who may be providing assistance to the person in question, with full information about the planned removal operation.



²² Council of Europe, Council of Europe Convention on Action against Trafficking in Human Beings (2005). Available at: <https://rm.coe.int/168008371d> accessed 15 November 2017.

²³ Council of Europe, Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms (1950). Available at: <https://rm.coe.int/1680063765> accessed 15 November 2017.

Critical Role of the Judiciary in the Fight against Human Trafficking

→ As pointed out above, any effective fight against trafficking requires full participation of all relevant agencies. Undoubtedly, the judiciary, composed of prosecutors and judges, must be an integral part of this co-ordinated network so as to ensure the effective prosecution of the crime of human trafficking in the context of mixed migrations flows. This is especially relevant in legislative contexts where prosecutors perform an active role in the investigation or can influence the overall process of identifying, assisting and especially protecting victims of trafficking. Criminal investigators and prosecutors are at the forefront of dealing with trafficking in human beings and possess in-depth and specialized knowledge of the transnational dimension of the criminal networks involved. They make an essential contribution to the fight against trafficking in human beings, effective and swift identification of victims of trafficking and the adequate qualification of the crime at national level.

When the judicial authority conducts investigations into human trafficking and human smuggling crimes, it is essential that **effective co-ordination should be established between respective prosecutors** to facilitate an exchange of information and explore possible linkages between investigated crimes. Public prosecutors should be adequately trained to detect indicators of the crime of human trafficking so as to initiate a respective investigation. Public prosecutors should also be an integral part of a national referral mechanism due to the effectiveness of the fight against human trafficking hinging on both the effective protection of victims and the successful prosecution of traffickers. Although there are some sporadic good local practices of established cross-sectoral co-operation between prosecutor offices, immigration authorities and specialized anti-trafficking NGOs, such **practices should be legislatively formalized** to become the norm.

There is a need for a larger number of specialized prosecutors to be appointed and, above all, the adoption of **mandatory uniform protocols** for the implementation of a multi-agency referral mechanism for trafficking victims which would **include the clearly defined role of the judiciary**. Neither prosecutors nor judges can continue to remain sidelined away from the actual identification of presumed victims of trafficking. While prosecutors may often come across such victims while dealing with other types of offences, they do not possess the required knowledge to identify the indicators and, therefore, be able to share this information with their specialized colleagues and/or refer the presumed victims for adequate assistance. In this context, victims of trafficking again stay unidentified and invisible, and the crime remains undetected. It is thus highly desirable that specialized prosecutors should adopt a proactive approach to victim identification by maintaining regular contact with other prosecutors and juvenile courts, as well as monitor appointments of legal guardians and receive regular updates on the situation in all migrant reception facilities functioning on the territory within their jurisdiction, including regarding vulnerabilities detected by other stakeholders. Such an approach to data collection and sharing should be formalized and become obligatory for execution by all prosecutor offices in a given locality.



Individual Risk Assessments Prior to the Return of Trafficked Persons

→ Individual risk assessments should be conducted before trafficked persons are returned to their countries of origin in co-operation with countries of return, international organizations and NGOs, with a view to ensuring compliance with the non-refoulement obligation under Article 40, paragraph 4, of the Convention and the UNHCR's Guidelines on the Application of the 1951 Refugee Convention to Victims of Trafficking²⁴. Such assessments should also be conducted to facilitate an individual's reintegration in countries of origin. Written individual return plans should be elaborated upon and reflect considerations from all relevant stakeholders who have interacted with returnees.

Occasional practices of identifying victims of trafficking only on the basis of their nationality and country of origin should be completely ruled out.

Co-ordination of Assistantship

→ A range of funding programmes are currently available at the central and local levels to assist and support anti-trafficking responses and protection mechanisms, which enable organizations of a governmental and non-governmental nature to operate and provide services to trafficking victims. However, these differ intuitively in terms of given funds, responsible authorities and beneficiaries.

As resources are often limited in time and scope, there is an urgent need to effectively and efficiently map out and strategize the use of available assistance funds so that resources are not jeopardized, but are instead made strategically available in a coherent and uniform manner.



²⁴ UNHCR, "UNHCR Guidelines on International Protection: The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked". Available at: <http://www.unhcr.org/publications/legal/443b626b2/guidelines-international-protection-7-application-article-1a2-1951-convention.html> accessed 24 October 2017.

Building upon Effective Practices of Assisting Unaccompanied Minors

→ Initial reception perception is crucial for building trust and framing children's future interactions with authorities. Commendable efforts have been made by host countries to improve immediate protection means for children reaching Europe, in particular unaccompanied minors. However, to ensure that child trafficking along migration routes is addressed within broader child protection frameworks, the results of these efforts should be regularly monitored and good practices shared with relevant actors.

By way of example, the recently adopted Italian law n. 47/2017²⁵ offers a comprehensive approach to addressing the needs of unaccompanied minors. This law aims to **harmonize the age assessment procedure** for all minors by means of specific provisions on age assessment for child victims of trafficking. In doing so, relevant medical aspects are considered, along with an analysis of available documents. In this regard, X-ray examination is considered to be a last resort and utilized only when doubts persist and identification documents are missing. Age-related social and health assessments must be carried out by a multidisciplinary team in the form of a social dialogue, drawing on the child's previous life experience, in combination with a pediatric auxological visit and a psychological neuropsychiatric assessment. The presence of a **legal guardian** and a **cultural mediator** must be ensured throughout the process.

The **integrated reception system** provides a smooth transition from the exclusively minor reception facilities, within which children can reside for no more than 30 days, to the protection system for unaccompanied asylum seekers and unaccompanied minors (SPRAR²⁶) across the country.

This triggers the activation of a **child's social file** which, as part of the national database, will follow them on their journey. In parallel, family inquiries are undertaken by competent authorities in the best interests of the child, with results communicated to the child in question and the appointed guardian in a regulated manner.

The law also stipulates that a child may apply for a residence permit directly with the competent office, even in the absence of an appointed legal guardian. However, juvenile courts offer a list of "volunteer guardians" available to take on the protection of unaccompanied minors to ensure proper representation of each child.

Furthermore, the law promotes **family affiliation as a priority** in terms of effective integration and further assistance. The present available assistance system offers the possibility, inter alia, to enroll in the national healthcare system even before the appointment of a legal guardian, as well as arrangements for specific apprenticeships to obtain a vocational qualification. Throughout all stages of assistance, special attention should be attached to presumed and actual child victims of trafficking as part of the broader child protection system and all actions always being taken in the best interests of the child.

25 Legge 7 Aprile 2017, n. 47 "Provisions on measures to protect unaccompanied minors". Available at: <http://www.gazzettaufficiale.it/eli/id/2017/04/21/17G00062/sg> accessed 15 November 2017.

26 For more information see the SPRAR website: <http://www.sprar.it>.

Ensuring the Prevention of Human Trafficking in Mixed Migration Flows

→ Overall, prevention efforts should be stepped up, particularly in second line reception and accommodation facilities. Information and awareness-raising regarding the risks of falling victim to trafficking in human beings should become routine in these settings. **Additional safeguards should be put in place to ensure against the disappearance of unaccompanied minors** after they have been transferred to specialized accommodation centres. Unconditionally, and as soon as possible, adequately trained legal guardians should be appointed to all unaccompanied children to ensure that the safety and best interests of the child are effectively protected.

To the extent feasible, international co-operation mechanisms to promptly respond to investigator's requests and undertake **investigative actions in non-European countries of origin** should be established. **Better exchange of information** between source and transit countries should allow for early effective interventions aimed at combatting and dismantling criminal trafficking networks and prosecuting offenders. Against the backdrop of major efforts to fight human smuggling and control migration flows, **a strong and coherent focus on combating trafficking in human beings should be re-established.**



OSR/CTHB Action on Addressing the Link between Human Trafficking and Migration



→ The OSCE participating States have been calling for the need to address the links between trafficking in human beings and human smuggling since 2002, when the Porto Ministerial declaration on Trafficking in Human Beings recognized that “trafficking in human beings represents a serious and rapidly expanding area of transnational organized crime, generating huge profits for criminal networks that may also be associated with criminal acts such as trafficking in drugs and arms, as well as smuggling of migrants”²⁷. The 2003 OSCE Action Plan to Combat Trafficking in Human Beings²⁸ contextualizes this further, highlighting unresolved conflicts, post-conflict situations and illegal migration as some of the root causes of human trafficking.

The 2006 OSCE Ministerial Council “urges the participating States to promote a comprehensive approach to combating all forms of trafficking in human beings through national, regional and international arrangements, co-operation and co-ordination between law enforcement personnel, labour inspectorates, social protection units, medical institutions, immigration and border service officials, civil society organizations, victim support services, and the business community and any other relevant actors, also including a gender-sensitive approach”²⁹. Within the scope of addressing migration-related human trafficking, both the 2003 Action Plan and, in particular its 2013 Addendum³⁰, recommend a number of actions at the national level, inter alia:

- combining the efforts of law-enforcement bodies, including specially established anti-trafficking units and police at local level, officials of migration and border services, social protection units, medical institutions, as well as NGOs and other civil society institutions, as being the most relevant actors to be involved in NRM activities;
- increasing awareness about trafficking among immigration authorities and consular and diplomatic personnel so that they use this knowledge in their daily contacts with potential victims;
- encouraging national embassies to disseminate information on relevant national legislation such as family law, labour law and immigration law, due to being of interest to potential migrants, including through NGOs;
- targeting awareness-raising campaigns also at the most vulnerable groups, including persons belonging to national minorities, children, migrants and internally displaced persons (IDPs);
- facilitating, where appropriate, simplified procedures for relevant NGOs to obtain permits from the competent authorities to access State facilities, including social service and immigration reception centres, prisons and detention facilities, to contribute to the timely identification of trafficked persons; and
- enlarging, where appropriate, multidisciplinary partnership in the framework of NRMs, such as national coordinator/co-ordination mechanisms or other national structures, to facilitate dialogue and co-operation between public authorities, NGOs, trade unions and other relevant institutions engaged in anti-discrimination programmes and protection of the rights of women, children, members of ethnic, national and religious minorities, and migrants, to contribute to the identification of trafficked persons and advance the protection of the rights of potential, presumed and actual victims of THB.

27 OSCE Ministerial Declaration on Trafficking in Human Beings, MC(10).JOUR/2, 7 December 2002. Available at: <http://www.osce.org/odhr/23862> accessed 15 November 2017.

28 OSCE Permanent Council Decision No.557 OSCE Action Plan to Combat Trafficking in Human Beings, 24 July 2003. Available at: <http://www.osce.org/actionplan?download=true> accessed 15 November 2017.

29 OSCE Ministerial Council Decision on Enhancing Efforts to Combat Trafficking in Human Beings, Including for Labour Exploitation, through a Comprehensive and Proactive Approach, MC.DEC/14/06, 5 December 2006. Available at: <http://www.osce.org/mc/23048> accessed 15 November 2017.

30 OSCE Permanent Council, Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later PC.DEC/1107/Corr.1, 6 December 2013. Available at: <http://www.osce.org/addendum?download=true> accessed 15 November 2017.

Visits to Migrant and Refugee Hotspots

Finally, the MC Decision No. 2/03 on Combating Trafficking in Human Beings calls for the setting-up of a mechanism which would ensure co-operation and co-ordination with relevant international actors such as the United Nations Office on Drugs and Crime, the United Nations High Commissioner for Refugees, the United Nations High Commissioner for Human Rights, the United Nations Children's Fund, the International Labour Organization, as well as the International Organization for Migration, the International Centre for Migration Policy Development, the European Union, the Council of Europe, the Stability Pact Task Force on Trafficking in Human Beings, the Council of Baltic Sea States, the Southeast European Co-operative Initiative, Interpol and Europol.³¹

In the broader context of the current migration and refugee crisis, which triggered large flows of individuals to flee from crisis areas, many of those on the move may fall victim to trafficking syndicates operating along established migration routes. The OSR/CTHB, ever since the break-out of the crisis, has striven to call attention to the linkage between migration and exploitation of human life, through a sequence of strategic initiatives aimed at designing comprehensive and human-rights centred responses.

The Special Representative and Co-ordinator for Combating Trafficking in Human Being carried out a number of official visits to witness first-hand the progress made by relevant authorities in identifying potential victims of trafficking in human beings among mixed flows of migrants and refugees. These fact-finding visits were critical to improving the understanding of the impact of the current crisis at the grass-roots level and to inform tailored-made policy recommendations, capacity-building and awareness raising initiatives. Notably, the SR/CTHB:

- visited the Nizip 1-2 Temporary Protection Centres in Gaziantep, Turkey, on 12 May 2016;
- together with the OSCE Parliamentary Assembly, visited the First Reception Centre in Lampedusa and the Reception Centre for Asylum-Seekers in Catania, Italy, on 20-22 June 2016;
- visited a Transit Facility in Busmantsi, Bulgaria, on 29 June 2016;
- with the support of the OSCE Mission to Serbia, undertook a field visit to the Subotica reception centre; and
- visited migrant and refugee hotspots in Greece on 1-5 May 2017



³¹ OSCE Ministerial Council Decision on Combating Trafficking in Human Beings, MC.DEC/2/03, 2 December 2003. Available at: <http://www.osce.org/mc/40379> accessed 15 November 2017.

The Western Balkan Initiative

In co-operation with the OSCE Field Operations in South-Eastern Europe, the OSR/CTHB promoted enhanced regional co-operation to address migration-related human trafficking risks through a set of targeted meetings (12 April, 12 May and 17 June 2016) among national anti-trafficking co-ordinators along the Balkan Route. As such, the initiative represents a platform to exchange lessons learned and propose common approaches to shared regional challenges. This is particularly needed in terms of identification and protection of presumed and actual victims of trafficking, including unaccompanied minors, and exchange of information mechanisms between transit and destination countries. A Joint Declaration of the Western Balkans anti-trafficking co-ordinators was adopted on 27-28 October 2016 at a conference organized by the OSCE Mission to Skopje. The Declaration took stock of achievements, highlighted persistent challenges and proposed a realistic way forward in addressing migration-related human trafficking in the region.

OSCE Project: Combating Human Trafficking Along Migration Routes

This project, the first OSCE human trafficking simulation-based learning initiative, promotes an innovative approach to capacity building, whereby anti-trafficking practitioners from both OSCE participating States and Partners for Co-operation are called upon to engage in real-time simulated scenarios to identify and investigate human trafficking, thereby improving synergy among key national stakeholders. The live-exercises are based on realistic, expert-developed storylines to simulate cases of labour and sexual exploitation among migrants, including child victims.

Throughout the project, from November 2016 to September 2017, some 200 practitioners from law enforcement, the judiciary, financial investigation, labour inspection, public social services and NGOs participated in three simulation-based learning exercises at training facilities of the Center of Excellence for the Stability Police Units in Vicenza, Italy. During the simulations, trainees worked together to improve the effectiveness of investigation and prosecution mechanisms and ensure adequate protection of human rights through a victim-centred approach. Another important goal of the



exercises was to promote the utility of using financial investigations to combat trafficking in human beings.

A handbook yet to be developed in the framework of the project will provide a step-by-step guide to participating States on how to design and conduct simulation-based training exercises on human trafficking. The expected results include:

- strengthened capacity of selected practitioners from participating States and Partners for Co-operation to promptly identify trafficking victims and conduct proactive and human rights-compliant investigations; and
- development of a new capacity building methodology which provides participating States with a pragmatic framework to step up their anti-trafficking training efforts and promote multi-agency co-ordination.

At the request of participating States, similar simulation exercises will be conducted by the OSCE both at national and regional levels.

Stemming from the above mentioned initiatives, and as a result of the participation of the SR/CTHB in several international events focusing on THB in the context of the current migration crisis, it is worthwhile highlighting the following recommendations which would strengthen anti-trafficking policies in the context of the evolving migration crisis.

Protecting Victims

- Reconsider current regulatory frameworks, including national referral mechanisms, and update existing protocols for the identification and protection of victims of trafficking, keeping in mind lessons learned in the context of the on-going crisis.
- Strengthen the capacity of front-line operators and social workers to recognize indicators of trafficking and raise their awareness of existing national referral mechanisms.
- Raise awareness among migrants, asylum seekers and refugees along migration routes to support their self-identification as victims of trafficking, where necessary.
- Bring together governmental and non-governmental actors working in the fields of trafficking and asylum to streamline their response and create space for further co-ordination at the national level.
- Harmonize definitions and protocols for the identification and protection of unaccompanied minors and potential victims of trafficking.

Prosecuting Traffickers

- Improve the skills of frontline criminal justice officers and social workers in the early identification of potential cases of trafficking.
- Increase the use of financial investigations to systematically trace, seize and confiscate traffickers' illegal gains to compensate victims and finance further investigations.
- Promote avenues and mechanisms for a more systematic and strategic exchange of information between origin, transit and destination countries.
- Promote multidisciplinary, pro-active and human rights-compliant criminal justice responses.

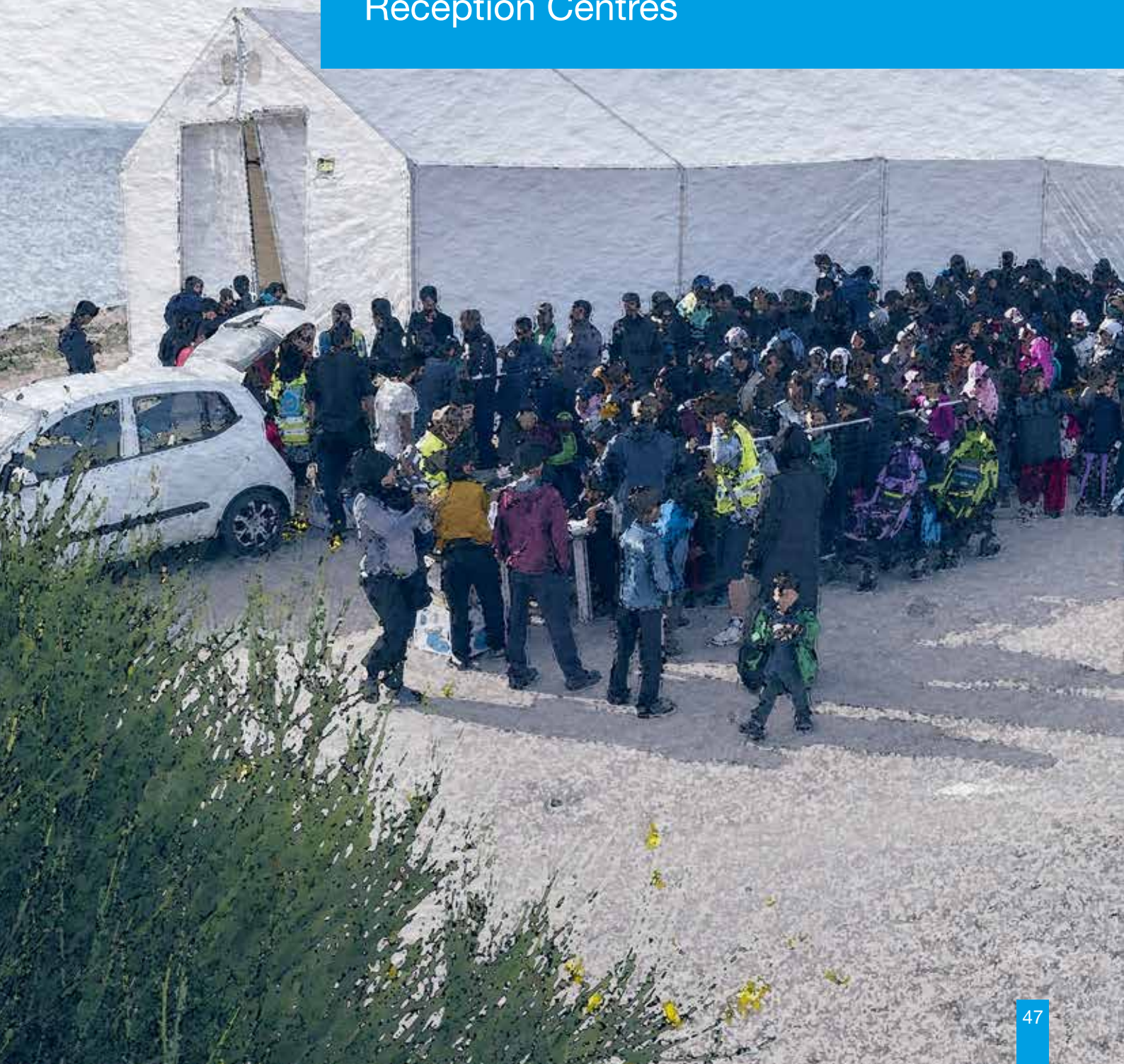
Responsible Border Management

- Enhance the capacity of border guards to identify potential victims of THB among vulnerable migrants and refugees, and increase their awareness of existing referral mechanisms.

Co-operation and Partnership

- Set-up and support regular communication platforms to exchange best practices and lessons learned between anti-trafficking stakeholders in countries of origin, transit and destination.
- Bring together relevant local, national, regional and international actors to ensure better co-ordination of efforts.

Annex: Needs Assessment in First Line Migrant Reception Centres



Questionnaire

Capacity of Reception Centres

Which competent authorities are responsible for managing the centres? What are the management modalities?

What are the existing capacities for working with new arrivals, including rooms for one-on-one confidential interviews, designated separate facilities for potential victims of trafficking, separate specialized accommodation provisions, etc.?

What is the term of a migrant's maximum stay at the centres? How is it assessed?

Accommodation arrangements at the centres: are there provisions for the separation of men, women and girls, children?

What is the range of actors (national authorities, NGOs, IOs) that are in contact with new arrivals? What is their role? How are responsibilities divided between actors?

Are the centres capable of identifying particular vulnerabilities, especially in the context of numerous landings, to ensure that potential victims of trafficking are immediately/promptly identified?

Are qualified and trusted interpreters and cultural mediators available at the centres? How are they selected? Is their role clearly understood by all actors operating at the centres?

Do the centres have trained police officers, border police and other law enforcement officials, especially in the area of identification of potential victims of trafficking?

Identification

Are there clear early screening procedures for new arrivals?

Are there qualified personnel able to identify victims of trafficking in line with a set of available indicators?

How is the pre-identification phase managed, including photograph-taking, fingerprinting, use of personal information forms, location and setting of first interviews?

Are all migrants informed about their rights and the possibility to apply for international protection and protection for victims of trafficking at the moment of their arrival in Italy?

Are there information materials available to new arrivals? Have they been translated into relevant languages?

Are men or boys perceived as possible victims of trafficking?

What is the specific role of police officers working at the centres, both in the context of identifying possible victims and detecting the crime itself?

What is the role of Frontex/Europol staff present at the centres? Are they involved in the identification of potential victims?

Is screening by medical professionals organized on board a ship and during disembarkation?

Operational/Legal Framework

Are there clear Standard Operating Procedures (SOPs) after the disembarkation? What stakeholders are involved?

To what extent is the multi-agency approach applied at each stage? Are regular multi-agency meetings and trainings organized? What is the role of the prosecutor's office, immigration police and criminal police, Europol and Frontex, NGOs, IOs?

Other possible interventions to strengthen the multi-agency approach to victim identification in mixed migration flows? How do they correlate with the overall modalities of the national referral mechanism? Do NGOs and IOs have operational access to all existing migrant/refugee facilities?

Are there protocols/guidelines at local/regional/national level to manage all relevant procedures? How is the judiciary involved?

Is the application of criminal law provisions on THB well understood by the immigration office and police?

Is the application of criminal law provisions on THB well understood by the judiciary?

Which procedures and protocols are set up by the prosecutor's office and relevant law enforcement agencies to promptly initiate investigations on the basis of the information gathered during the interviews or from direct contacts at the centres?

Is there an agreed and shared set of indicators, protocols and guidelines used by stakeholders to identify, refer and assist victims of trafficking among the migrant population?

Are there clear and binding procedures to be followed? Is systematic training provided to support that?

Are there established links/networks among first aid and reception centres (CPSA or "hotspots"), accommodation centres (CDA), identification and expulsion centres (CIE) and centres for accommodation of asylum seekers (CARA) to ensure an exchange of information and prompt interventions?

Are relevant procedures in place (whenever there are reasonable grounds to believe that a person is a victim of trafficking) to guarantee the recovery and reflection period during which expulsion orders cannot be enforced, as well as the right to obtain a renewable residence permit under Article 18 of the Consolidated Immigration Act?

Are individual risk assessments conducted to avoid forced removals of possible victims of human trafficking?

Provision of Assistance and Services

Who provides assistance to new arrivals at the points of disembarkation and first reception and supports the authorities in the identification of victims of trafficking?

What assistance services (health care, legal advice, job placement, access to training and education, etc.) are available?

Are new arrivals informed about what human trafficking is and the rights that victims of trafficking have? Is the hotline information available?

Is there capacity to accommodate and assist victims of trafficking, including specialized shelters? How are victims referred from the centres to protected facilities?

Are networks established between the initial reception centres and accommodation facilities in order to communicate vulnerabilities and potential conditions of victimization and to avoid disappearance of potential victims once they are being/have been transferred from the initial reception centres (especially women and unaccompanied children)?

Children

What are the conditions in which children are accommodated at centers? Are they accommodated together or separately from unrelated adults, for how long? Are there capacities to accommodate unaccompanied children outside the centres? How are these transfers organized?

How many unaccompanied children are physically present at the centers? What are their countries of origin? What child-specific procedures are in place?

What methods are applied for age assessment?

Are children allowed to leave the centres during the day, and if yes, what documents are issued to them by the centres to facilitate that?

Are there any instances when children run away from the centres? Do children run any risk of being approached by traffickers?

What are the health care provisions for unaccompanied children, families with children and pregnant women?

What are procedures or best practices of the identification of victims of trafficking among unaccompanied children?

What are the possible issues/challenges with the system of legal guardianship for unaccompanied children?

Notes

