

Common template for EMN study on Third-Country National Victims of Trafficking in Human Beings: Detection, Identification and Protection

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Action: EMN NCPs are invited to submit their completed common templates by [25 October 2021](#).

If needed, further clarifications can be provided by directly contacting the EMN Service Provider (ICF) at emn@icf.com.

1 BACKGROUND AND RATIONALE FOR THE STUDY

Trafficking in human beings is a crime against people that can take various forms such as sexual exploitation (including forced prostitution), forced labour or services, slavery and servitude related practices, as well as the removal of vital organs, all of which constitute a grave violation of victim's fundamental rights. Trafficking in human beings is prohibited in various international instruments such as in the Charter on Fundamental Rights of the European Union (EU),¹ the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Children and Women, supplementing the UN Convention against Transnational Organized Crime (Annex II),² the Council of Europe (CoE) Conventions on Action against Trafficking in Human Beings³ (which is monitored by GRETA, the CoE Group of Experts on Action against Trafficking in Human Beings) and on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention),⁴ the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),⁵ Optional Protocol to the

¹ Charter of Fundamental Rights of the European Union, 2012, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012P%2FTXT>, last accessed on 10 May 2021.

² UNODC, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), 2000, https://www.unodc.org/res/human-trafficking/2021the-protocol-tip_html/TIP.pdf, last accessed on 9 May 2021.

³ CoE, Convention on Action against Trafficking in Human Beings, 2005, <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008371d>, last accessed on 9 May 2021.

⁴ CoE, Convention on Preventing and Combating Violence Against Women and Domestic Violence, 2011, <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>, (Istanbul Convention), last accessed on 9 May 2021.

⁵ UN, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979, <https://www.un.org/womenwatch/daw/cedaw/>, last accessed on 10 May 2021.

Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the International Covenant on Civil and Political Rights (ICCPR),⁶ the Global Compacts for Migration⁷ and Refugees⁸ and the 2030 Agenda for Sustainable Development.⁹

According to the latest available data, between 2017 and 2018, there were more than 14 000 registered victims within the EU.¹⁰ Trends in the EU seem to mirror those at global level: for every 10 victims detected, five are adult women and two are girls, one in every three is a child.^{11 12 13} Trafficking in human beings is not only recognised as a highly profitable crime,¹⁴ it is also recognized as a crime with links to social development and security, migration, conflict- and climate-induced displacement. The impact and cost of human trafficking on individuals as well as on political, economic and social systems is compelling. Trafficking victims may suffer from an array of physical and devastating psychological health issues stemming from brutal physical and emotional attacks at the hands of their traffickers, dangerous workplace conditions, occupational hazards, inhumane living conditions, poor sanitation, inadequate nutrition, poor personal hygiene, and general lack of quality health care. Human trafficking has the power to affect the victims' life forever:¹⁵ therefore, the application of a human right-based and victim-centred approach is needed.

Persistent demand for sexual services and for low-wage workers employed in manual jobs continue to ensure opportunities for traffickers to operate: in spite of the recent significant increase in the number of people convicted, many perpetrators remain undetected and unpunished.¹⁶ Given its clandestine nature, and the many factors which may deter a victim from reporting the crime, trafficking in human beings is believed to be significantly under reported.¹⁷ Detection and

⁶ UN, International Covenant on Civil and Political Rights, 1966, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>, last accessed on 10 May 2021.

⁷ UN, Global Compact for Safe, Orderly and Regular Migration, 2018, https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/73/195, last accessed on 9 May 2021.

⁸ UN, Global Compact for Refugees, 2018, https://www.unhcr.org/gcr/GCR_English.pdf, last accessed on 9 May 2021.

⁹ UN, 2030 Agenda for Sustainable Development, 2015, https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E, last accessed on 10 June 2012. Trafficking in human beings is addressed under Goal 5 (Gender Equality), Goal 8 (Decent Work and Economic Growth) and Goal 16 (Peace Justice and Strong Institutions).

¹⁰ European Commission, Data collection on trafficking in human beings in the EU, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf, last accessed on 8 May 2021.

¹¹ European Commission, Data collection on trafficking in human beings in the EU, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf, last accessed on 8 May 2021.

¹² UNODC, Global Report on Trafficking in Persons, 2020, https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTIP_2020_15jan_web.pdf, last accessed on 8 May 2021.

¹³ The Counter Trafficking Data Collaborative, Global Data Hub on Human Trafficking, www.ctdatacollaborative.org, last accessed on 10 June 2012.

¹⁴ ILO, Profits and Poverty: The Economics of Forced Labour, 2014, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf, last accessed on 9 May 2021.

¹⁵ IOM, UN.GIFT and London School of Hygiene and Tropical Medicine, Caring for Trafficked Persons: A Guide for Health Providers, https://publications.iom.int/system/files/pdf/ct_handbook.pdf, 2009, last accessed on 14 June 2021.

¹⁶ UNODC, Global Report on Trafficking in Persons, 2020, https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTIP_2020_15jan_web.pdf, last accessed on 8 May 2021.

¹⁷ EUROPOL, European Union serious and organised crime threat assessment (SOCTA), 2021, <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment>, last accessed on 10 May 2021.

identification of (potential) victims of trafficking in human beings is therefore likely to remain at the same time critical and problematic, as flagged by a recent report of the European Parliament.¹⁸

Third-country nationals account for more than half of the registered victims in EU Member States.¹⁹ Vulnerable migrants have been reported to be at persistent risk of becoming victims of trafficking along migration routes: in particular unaccompanied minors and those in the asylum procedures, might be at a higher risk of becoming victims of trafficking in human beings and other gender-based violence, such as rape or domestic violence.²⁰ Reception centres for asylum applicants can be targeted by human traffickers for recruitment.²¹ Early identification of victims is crucial to promptly assist, support and protect victims of trafficking in human beings and enables police and prosecution authorities to better investigate and punish traffickers.²² However, their detection and identification in mixed migration flows remains a challenge²³ in a number of Member States,²⁴ some of which also relate to tensions with the current legal framework (especially within asylum procedures)²⁵ as well as to disruption in victim assistance and support services.²⁶ For instance, difficulties have occurred in some Member States, e.g. labour exploitation cases not recognised as trafficking in human beings and treated by the police under civil law (Latvia), difficult in detection and identification of victims due to more restricted movements during the Covid-19 pandemic crisis (Luxembourg), ‘cross-border’ victims or third-country nationals ‘forced’ to commit criminal acts themselves (the Netherlands) or collaboration with governmental agencies (Sweden).

The full extent of the impact of the COVID-19 pandemic on trafficking in human beings is not yet known. However, a rise in poverty as a result of restrictions, an increase in vulnerabilities linked to

¹⁸ European Parliament, Report on the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, (2020/2029(INI)), 2020, https://www.europarl.europa.eu/doceo/document/A-9-2021-0011_EN.pdf, last accessed on 15 May 2021.

¹⁹ European Commission, Data collection on trafficking in human beings in the EU, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf, last accessed on 8 May 2021.

²⁰ European Commission, Third report on the progress made in the fight against trafficking in human beings, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/third_progress_report.pdf, last accessed on 15 May 2021.

²¹ EUROPOL, European Union serious and organised crime threat assessment (SOCTA), 2021, <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment>, last accessed on 10 May 2021.

²² European Commission, Communication on the EU Strategy on Combatting Trafficking in Human Beings 2021-2025, 2021(New EU Strategy) https://ec.europa.eu/home-affairs/sites/default/files/pdf/14042021_eu_strategy_on_combatting_trafficking_in_human_beings_2021-2025_com-2021-171-1_en.pdf, last accessed on 18 May 2021.

²³ European Commission, Third report on the progress made in the fight against trafficking in human beings, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/third_progress_report.pdf, last accessed on 15 May 2021.

²⁴ European Commission, Study on reviewing the functioning of Member States’ National and Transnational Referral Mechanisms, 2020, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_reviewing_the_functioning_of_member_states_national_and_transnational_referral_mechanisms.pdf, last accessed on 15 May 2021.

²⁵ Johanna Schlintl, Liliana Sorrentino, Residence Permits, International Protection and Victims of Human Trafficking: Durable Solutions Grounded in International Law, 2021, https://documentation.lastradainternational.org/lisidocs/3387-REST%20Report%20Residence%20Permits%20-%20International%20Protection%20and%20Victims%20of%20Human%20Trafficking%20-%20FEB%202021.pdf?fbclid=IwAR2YgjiwVDXeb0CtOMDdJQd9IOGBDw_pMZ0d7hS_NQF3-E3deluMOBdDued4, last accessed on 10 May 2021.

²⁶ International Organization for Migration (IOM), Understanding the migration & mobility implications of COVID-19, https://www.iom.int/sites/default/files/documents/covid-19_analytical_snapshot_59_human_trafficking_update.pdf, last accessed on 12 June 2021.

migration statuses and ongoing travel restrictions may have, among other factors, resulted in higher levels of trafficking and placed third-country national migrants at greater risk of exploitation.²⁷ The risks of exploitation of minors in particular are thought to have increased.²⁸ The pandemic has also made the identification of victims of trafficking more challenging for authorities and has resulted in delays in identification procedures.²⁹

In 2012, the EU called upon Member States to set up “systematic approach(es) to victim identification, protection and assistance” including promoting “regular training for officials likely to come into contact with victims or potential victims of trafficking in human beings [...] aimed at enabling them to identify and deal with victims and potential victims of trafficking in human beings”.³⁰ One of the key priorities of the EU Strategy on Combatting Trafficking in Human Beings 2021-2025 is protecting, supporting and empowering victims, which also includes the early identification of victims: in this regard, working together with relevant EU agencies, as well as embedding cooperation and partnerships against trafficking with non-EU countries of origin and transit and organisations at regional and international levels in the EU’s external relations policy is fundamental.³¹

2 EU LEGAL AND POLICY CONTEXT

This section outlines EU legislation relevant to the identification and protection of victims of trafficking. It begins by describing the anti-trafficking legislation and its main recent developments, followed by relevant elements of the Common European Asylum System (CEAS). Whilst the Anti-trafficking Directive 2011/36/EU introduces the concepts of detection and identification of victims in all situations, existing instruments for international protection and forced return procedures do not explicitly provide for a tailored mechanism.^{32 33} The recast asylum acquis goes some way in improving this situation as described below, although there may be room to further enhance provisions for victims of trafficking in human beings who are in Dublin or forced return procedures.

2.1 EU Anti-trafficking legislation

The EU recognises trafficking in human beings as a violation of human rights: Article 5(3) of the EU Charter on Fundamental Rights prohibits trafficking in human beings outright. The EU’s competence to act in relation to trafficking in human beings is set out in the EU Treaties, and in several legal documents. The Treaty on the Functioning of the EU (TFEU) recognises the EU’s power to act on

²⁷ Giammarinaro, Maria Grazia, COVID-19 Position paper: The impact and consequences of the COVID-19 pandemic on trafficked and exploited persons’, UN Human Rights Special Procedures, 2021, <https://www.ohchr.org/Documents/Issues/Trafficking/COVID-19-Impact-trafficking.pdf>, last accessed on 6 May 2021.

²⁸ EUROPOL, European Union serious and organised crime threat assessment (SOCTA), 2021, <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment>, last accessed on 10 May 2021.

²⁹ CoE, 10th General Report GRETA Activities, 2021, <https://rm.coe.int/10th-general-report-greta-activities-en/1680a21620>, last accessed on 9 May 2021.

³⁰ European Commission, EU Strategy towards the eradication of trafficking in human beings 2012-2016, 2012 (EU Strategy), https://ec.europa.eu/anti-trafficking/sites/default/files/the_eu_strategy_towards_the_eradication_of_trafficking_in_human_beings_2012-2016_1.pdf, last accessed on 6 May 2021.

³¹ New EU Strategy.

³² Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (Anti-trafficking Directive), <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32011L0036>, last accessed on 10 May 2021.

³³ Forced return is outside the scope of this study.

trafficking in relation to its nature as (i) a phenomenon with links to migration,³⁴ and (ii) a cross-border crime.³⁵

Several Directives within the migration acquis either focus on, or have implications for, third-country national victims of trafficking in human beings, but the Anti-trafficking Directive 2011/36/EU is the first act at the EU level to address trafficking in human beings in a comprehensive and integrated way. The instrument adopts a victim-centred ‘human rights approach’, providing for a common definition of the criminal offence of trafficking, and obliging Member States to “establish appropriate mechanisms aimed at the early identification of and assistance to victims, in cooperation with relevant support organisations”.³⁶ In 2020 the European Commission published its third two-yearly report on the progress made in the fight against trafficking in human beings as required under Article 20 of the Anti-trafficking Directive 2011/36/EU.³⁷

Prior to the entry into force of the Anti-trafficking Directive 2011/36/EU, the Residence Permit Directive 2004/81/EC was the only piece of EU legislation providing for assistance to third-country national victims of trafficking.³⁸ It sets out a framework for Member States to grant a temporary reflection period of unconditional stay and assistance and conditions for granting a residence permit to third-country national victims of trafficking in human beings, when these persons cooperate with the authorities competent to start pre-trial investigations and convict the perpetrator. Some Member States³⁹ make provision for certain forms of residence permit, based on the vulnerable position of the victim. This possibility is sometimes limited to particular categories of persons (e.g. minors).⁴⁰

According to the Anti-trafficking Directive 2011/36/EU, “a person should be provided with assistance as soon as there is a reasonable-grounds indication for believing that he or she might have been trafficked and irrespective of his or her willingness to act as a witness”.⁴¹ The Anti-trafficking Directive 2011/36/EU goes on to state that in cases where the victim does not already reside lawfully in the Member State the assistance should be provided unconditionally for at least the duration of the reflection period. However, it can be withdrawn if on completion of the identification process or expiry of the reflection period, the victim is not considered eligible to remain in the Member State.⁴² The Anti-trafficking Directive 2011/36/EU, however, recognises that in addition to

³⁴ Treaty on the Functioning of the European Union (TFEU), Article 79, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT>, last accessed on 15 May.

³⁵ TFEU, Article 83.

³⁶ It is noted that Denmark, Georgia, the Republic of Moldova and Norway are not bound by this Directive.

³⁷ European Commission, Third report on the progress made in the fight against trafficking in human beings, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/third_progress_report.pdf, last accessed on 15 May 2021.

³⁸ Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, (Residence Permit Directive), <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32004L0081>, last accessed on 15 May.

³⁹ AT, BE, ES, HU, IT, LU, NL, PL, SK.

⁴⁰ Denmark, Ireland and Norway do not participate in and therefore are not bound by the 2004 Directive, while having similar national provisions in place for granting reflection periods and granting of a temporary residence permit based on a victim’s cooperation with the authorities. European Commission, Report on the application of Directive 2004/81/EC, 2010, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010DC0493&from=EN>, last accessed on 9 May 2021.

⁴¹ Anti-trafficking Directive, recital 18 and Article 11(3).

⁴² Anti-trafficking Directive, recital 18.

residence based on cooperation, victims of trafficking may also be eligible for international protection.⁴³

It is also of note that potential victims of trafficking who have been issued a reflection period cannot be subject to any expulsion order against them for the duration of this period,⁴⁴ and that victims of trafficking who have been granted a residence permit will not be subject to an entry ban, provided that there is no threat to public policy, public security or national security within the scope of the Return Directive 2008/115/EC.⁴⁵

Finally, in its *Rantsev v. Cyprus and Russia* ruling,⁴⁶ the European Court of Human Rights (ECtHR) recalled the positive obligations that fall to States when it comes to inquiring into possible trafficking situations and to taking the necessary measures to protect victims. Going further than a simple obligation for states to enact laws aimed at ensuring the prohibition of slavery, servitude and forced labour as provided for in Article 4 of the European Convention on Human Rights (ECHR), the Court, set forth the obligation for states to take appropriate measures to 'remove an individual from a situation or risk, where it is presumed that state authorities were aware that this individual was at real and immediate risk of being trafficked or exploited'. Very recently, the Court reiterated that these positive obligations are incumbent upon states and stressed the need for the latter to 'protect victims and investigate as soon as there are reasonable grounds to believe that there is credible suspicion of trafficking'.⁴⁷

2.2 Main EU policy developments addressing trafficking in human beings

While the main responsibility for tackling trafficking in human beings and protecting victims lies with Member States, in 2012 the European Commission launched the first EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016 (EU Strategy).⁴⁸ It calls on Member States to adopt a systematic approach to victim identification, protection and assistance, including through the establishment of formal, functional national referral mechanisms (NRMs). In its mid-term report on the implementation of the EU Strategy,⁴⁹ for the first time, the European Commission collected statistical data on the trafficking of human beings at a European level. In 2020, a fifth edition was published together with the third report on the progress made in the fight against trafficking in human beings mentioned above.

⁴³ Anti-trafficking Directive, Article 11(6).

⁴⁴ Article 6(2) of the Residence Permit Directive provides for a possibility to Member States authorities to terminate the reflection period in cases where the person concerned has actively, voluntarily and on his or her own initiative renewed contact with the perpetrators of trafficking or for reasons relating to public policy and to the protection of national security.

⁴⁵ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, (Return Directive), <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32008L0115>, last accessed on 9 May 2021.

⁴⁶ ECtHR, *Rantsev v. Cyprus and Russia*, Application No.25965/04, 10 May 2010: <https://rm.coe.int/16806ebd5e>, last accessed on 15 May 2021.

⁴⁷ ECtHR, *V.C.L and A.N. v. The United Kingdom*, Applications Nos. 77587/12 and 74603/12), 16 February 2021: <http://hudoc.echr.coe.int/fre?i=001-207927>, last accessed on 15 May 2021.

⁴⁸ EU Strategy.

⁴⁹ European Commission, Communication on the application of Directive 2004/81/EC, 2014, <https://ec.europa.eu/transparency/regdoc/rep/1/2014/EN/1-2014-635-EN-F1-1.Pdf>, last accessed on 9 May 2021.

On 14 April 2021, the European Commission adopted the new EU Strategy on Combatting Trafficking in Human Beings 2021-2025,⁵⁰ calling for a comprehensive response to combatting a complex criminal phenomenon as follows:

- Reducing demand that fosters trafficking, including by assessing the possibility of establishing minimum EU rules criminalising the use of exploited services from victims of trafficking and proposing legislation on corporate governance to clarify the responsibilities of companies.
- Breaking the business model of traffickers, online and offline including by conducting a dialogue with internet and technology companies and encouraging systematic training of law enforcement and judicial practitioners on detecting and addressing trafficking in human beings.
- Protecting, supporting and empowering the victims with a specific focus on women and children including by seeking to improve the early identification of victims and their referral to further assistance and protection. Strengthen victim empowerment programmes and facilitate re-integration. The European Commission will also fund gender-specific and child-sensitive training to help police, social workers, border guards or healthcare staff to detect victims.
- Promoting international cooperation with international partners including by means of foreign policy instruments and operational cooperation to help combat trafficking in countries of origin and transit including through dedicated human rights and security dialogues.

Tackling trafficking in human beings and the early identification of potential non-EU victims (who account for more than half of the total number) is also a priority under several of the latest Communications adopted by the European Commission. These include the new EU Security Union Strategy⁵¹ launched in July 2020, and the New Pact on Migration and Asylum⁵² of September 2020. It also plays a prominent role in the Europol Serious and Organised Crime Threat Assessment and the EU Strategy to tackle Organised Crime 2021-2025, presented respectively on 13 and 14 April 2021.⁵³

The European Commission recently published three studies - one on the gender dimension of trafficking,⁵⁴ one on its economic, social and human costs⁵⁵ and one on reviewing the functioning of Member State's National and Transnational Referral Mechanisms⁵⁶ - focused on (different aspects of) the topic, with the latter one in particular treating victim detection and identification in the

⁵⁰ New EU Strategy.

⁵¹ European Commission, Communication on the EU Security Union Strategy, 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0605&from=EN>, last accessed on 9 May 2021.

⁵² European Commission, Communication on a New Pact on Migration and Asylum, 2020, https://ec.europa.eu/info/sites/default/files/1_en_act_part1_v7_1.pdf, last accessed on 9 May 2021.

⁵³ European Commission, Communication on the EU Strategy to tackle Organised Crime 2021-2025, 2021, https://ec.europa.eu/home-affairs/sites/default/files/pdf/14042021_eu_strategy_to_tackle_organised_crime_2021-2025_com-2021-170-1_en.pdf, last accessed on 9 May 2021.

⁵⁴ European Commission, Study on the gender dimension of trafficking in human beings, 2016, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_the_gender_dimension_of_trafficking_in_human_beings_final_report.pdf, last accessed on 9 May 2021.

⁵⁵ European Commission, Study on the economic, social and human costs of trafficking in human beings within the EU, 2020, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_the_economic_social_and_human_costs_of_trafficking_in_human_beings_within_the_eu.pdf, last accessed on 15 May 2021.

⁵⁶ European Commission, Study on reviewing the functioning of Member States' National and Transnational Referral Mechanisms, 2020, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_reviewing_the_functioning_of_member_states_national_and_transnational_referral_mechanisms.pdf, last accessed on 15 May 2021.

context of migration and asylum. Finally, the outcomes of this study will complement the Commission's evaluation of the Anti-trafficking Directive 2011/36/EU, which is a key action of the New EU Strategy.

2.3 EU asylum acquis

The EU asylum acquis comprises two Regulations and four Directives, which legislate on different aspects of the procedure for granting international protection, including which country is responsible for examining each application (Dublin III Regulation),⁵⁷ and how to compare fingerprints for law enforcement purposes (Eurodac Regulation),⁵⁸ the type of persons who qualify for international protection and the rights related to the international protection status (Qualification Directive 2011/95/EU),⁵⁹ the common standards that Member States should have in place for granting and withdrawing international protection (Asylum Procedures Directive 2013/32/EU),⁶⁰ and the common standards for the reception of applicants that should be granted to guarantee them a dignified standard of living (Reception Conditions Directive 2013/33/EU).⁶¹ In the EU asylum acquis, victims of human trafficking are considered a vulnerable category of applicants under the Reception Conditions Directive 2013/33/EU which lays down specific provisions for vulnerable applicants and their special reception needs, including the assessment of such needs.⁶² The applications of vulnerable persons can be prioritised under the Asylum Procedures Directive 2013/32/EU.⁶³ Finally, the new EU Pact on Migration and Asylum⁶⁴ proposes to put in place a pre-entry screening that should be applicable to all third-country nationals who are present at the external border without fulfilling the entry conditions or after disembarkation, following a search and rescue operation.⁶⁵

⁵⁷ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), (Dublin III Regulation), <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32013R0604>, last accessed on 15 May 2021.

⁵⁸ Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, (Eurodac Regulation), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013R0603>, last accessed on 15 May 2021.

⁵⁹ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), (Qualification Directive), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0095>, last accessed on 15 May.

⁶⁰ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (Asylum Procedures Directive), <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32013L0032>, last accessed on 18 May 2021.

⁶¹ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), (Reception Conditions Directive), last accessed on 18 May 2021.

⁶² Reception Conditions Directive, articles 21 and 22.

⁶³ Asylum Procedures Directive, Article 31(7)(b).

⁶⁴ European Commission, Communication on a New Pact on Migration and Asylum, 2020, https://ec.europa.eu/info/sites/default/files/1_en_act_part1_v7_1.pdf, last accessed on 9 May 2021.

⁶⁵ European Commission, Proposal for a Regulation introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817, 2020,

In this study, the Dublin III Regulation is of relevance as it establishes the criteria and mechanisms for determining the Member State responsible for the examination of an asylum claim in the EU. Where a Member State other than the one in which the applicant has lodged an application is found to be responsible for examining the application, the applicant will usually be transferred to that Member State. Where the applicant has lodged multiple applications in different Member States, the person will usually be transferred back to the Member State previously determined as responsible. In cases where a victim has been exploited in the Member State responsible, it could be traumatic to be returned to that Member State, even though in accordance with the Dublin Regulation, the transfer can take place. However, questions have arisen in relation to the reflection period that should be granted under art 6(2) of the Residence Permit Directive 2004/81/EC.⁶⁶ According to this provision, any expulsion order against a victim of trafficking shall not be enforced during this reflection period, which is an occasion for them to recover and decide whether they want to cooperate with the competent authorities, by, for example, reporting their trafficking situation. The Court of The Hague has referred several questions for a preliminary ruling, including whether a transfer decision pursuant to the Dublin Regulation during the reflection period qualifies as an expulsion order and thus whether such transfer is precluded by the Residence Permit Directive 2004/81/EC.⁶⁷

Where the applicant is an unaccompanied minor without family members on the territory of other Member States, the State where the unaccompanied minor has lodged an application for international protection shall be responsible.⁶⁸ Moreover, so-called 'Dublin' transfers do not always take place for instance where a Member State decides to take responsibility for an application for international protection lodged by a third-country national or a stateless person itself, for example:

- on the basis of a national decision (the so-called 'sovereignty clause'),⁶⁹
- on humanitarian grounds based in particular on family or cultural considerations (the so-called 'humanitarian clause').⁷⁰

Concerns arise when it comes to asylum applicants who may become victims of trafficking during so-called 'secondary movements' or may be returned under the Dublin III Regulation to the country

https://ec.europa.eu/info/sites/default/files/communication-screening-third-country-nationals_en.pdf, last accessed on 18 May 2021.

⁶⁶ Johanna Schlintl, Liliana Sorrentino, Residence Permits, International Protection and Victims of Human Trafficking: Durable Solutions Grounded in International Law, 2021, https://documentation.lastradainternational.org/lisdocs/3387-REST%20Report%20Residence%20Permits%20-%20International%20Protection%20and%20Victims%20of%20Human%20Trafficking%20-%20FEB%202021.pdf?fbclid=IwAR2YgjlVdXeb0CtOMDdJQd9IOGBDw_pMZ0d7hS_NQF3-E3deluMObDued4, last accessed on 10 May 2021. Also, Case C-66/21 CJEU in which the Netherlands asked preliminary questions on the relation between art. 6(2) Dir. 2004/81 and Dublin transfers.

⁶⁷ Court of the Hague, 29 January 2021 ECLI:NL:RBDHA:2021:727 also Johanna Schlintl, Liliana Sorrentino, Residence Permits, International Protection and Victims of Human Trafficking: Durable Solutions Grounded in International Law, 2021, https://documentation.lastradainternational.org/lisdocs/3387-REST%20Report%20Residence%20Permits%20-%20International%20Protection%20and%20Victims%20of%20Human%20Trafficking%20-%20FEB%202021.pdf?fbclid=IwAR2YgjlVdXeb0CtOMDdJQd9IOGBDw_pMZ0d7hS_NQF3-E3deluMObDued4, last accessed on 13 June 2021.

⁶⁸ Dublin III Regulation, Article 8(4).

⁶⁹ Dublin III Regulation, Article 17(1).

⁷⁰ Dublin III Regulation, Article 17(2).

where exploitation has occurred. In 2011, in *N.S. and M.E.* (Joined cases C-411/10 and C-493/10),⁷¹ the Court of Justice of the EU (CJEU), held that, in line with Article 4 of the EU Charter of Fundamental Rights, Member States may not transfer an asylum applicant to the responsible Member State where they cannot be unaware that systemic deficiencies in the asylum procedure and in the reception conditions in that Member State amount to substantial grounds for believing that the asylum applicant would face a real risk of being subjected to inhuman or degrading treatment. The determining Member State shall continue to examine the criteria set out in the hierarchy of criteria in order to establish whether another Member State can be designated as responsible. This principle applies to all applicants whether or not they claim to be victims of trafficking.⁷² Nonetheless, decisions not to transfer remain dependent on effective detection methods, identification processes and a procedure in place for the transfer to be delayed or a final decision made whether or not to proceed with it.

Detection and identification of potential victims is key, and national courts have stressed the importance of these steps on several occasions, pointing to the tension that may arise from the time-efficiency spirit of the Dublin Regulation on the one hand, and the protection duties imposed on Member States on the other.⁷³

When the Dublin III Regulation was adopted in 2013 it also improved possibilities for detection, since it introduced a provision to conduct a personal interview ‘in order to facilitate the process of determining the Member State responsible’.⁷⁴ The Dublin III Regulation introduced provisions on the consideration of safety and security of unaccompanied minors in particular where there is a risk of the child being a victim of trafficking,⁷⁵ but does not explicitly introduce provisions relevant to adults who are (potential) victims of trafficking in human beings within Dublin procedures: the Reception Conditions Directive 2013/33/EU states that Member States shall take into account the specific situation of vulnerable persons such as (among others) victims of human trafficking.⁷⁶

2.4 The victims’ rights directive

Adopted in 2012, the Victims’ Rights Directive 2012/29/EU establishes minimum standards on the rights, support and protection of victims of crime and ensures that persons who have fallen victim to crime are recognised and treated with respect.⁷⁷ Trafficking in human beings is recognised as one of the crimes covered by the Victims’ Right Directive 2012/29/EU.⁷⁸ Victims of crime must receive proper protection, support and access to justice: in particular, the need for special support and protection for women (and their children) who are victims of gender-based violence, especially with

⁷¹ Judgment of the Court (Grand Chamber) of 21 December 2011. *N. S. (C-411/10) v Secretary of State for the Home Department and M. E. and Others (C-493/10) v Refugee Applications Commissioner and Minister for Justice, Equality and Law Reform*. References for a preliminary ruling: Court of Appeal (England & Wales) (Civil Division) - United Kingdom and High Court of Ireland - Ireland.

⁷² Dublin III Regulation, Article 3(2).

⁷³ For instance, Case N. NL19.30940 mentioned above (footnote 63).

⁷⁴ Dublin III Regulation, Article 5.

⁷⁵ Dublin III Regulation, Article 6(3)(c).

⁷⁶ Reception Conditions Directive, Article 21.

⁷⁷ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, (Victims’ Rights Directive), <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32012L0029>, last accessed on 18 May 2021.

⁷⁸ TFEU, Article 83(1).

a view to avoiding secondary and repeated victimisation, is emphasised.⁷⁹ In the context of the individual needs' assessment, particular attention shall be paid to victims of trafficking.⁸⁰

On that basis, all EU Member States,⁸¹ must ensure and prioritise victims' protection and safety regardless of their residence status. Indeed, while Article 1 of the Victims' Right Directive 2012/29/EU calls for a non-discriminatory approach to the protection of victims of crime, Article 2 further defines victims as "anyone who has suffered physical, mental, emotional or economic harm caused by a criminal offence, as well as family members of someone whose death case caused by a criminal act". Read in conjunction with Recital 10 which highlights that "Member States must take necessary measures to ensure that the rights set out in this Directive are not made conditional on the victim's residence status", the definition of 'victims' provided de facto encompasses third-country nationals who may fall victims to crime within the EU territory, including the one of trafficking in human beings. The Victims' Right Directive 2012/29/EU provides victims and their family members with a right to information, support and protection. It further strengthens the victims' procedural rights in criminal proceedings and requires that EU Member States ensure appropriate training on victims' needs for officials who are likely to come into contact with victims. For certain groups of victims, the EU has adopted specific rules which respond more directly to the specific needs of some victims as, *inter alia*, to provide protection and support for victims of human trafficking.⁸²

3 STUDY AIMS AND OBJECTIVES

The proposed study aims to explore the national practices of detection, identification and protection of third-country national victims of trafficking in human beings. In this respect, without adopting the same scope, it updates the 2013 EMN study "Identification of victims of trafficking in human beings in international protection and forced return procedures" and covers:

1. Overview of national situations in relation to trafficking in human beings, in particular focusing on the national, latest available data, trends, patterns and trafficking purposes (Introduction).
2. National policy and legislative developments and measures to detect (presumed) third-country national victims of trafficking in human beings, including information on competent authorities, existing reporting mechanisms, possibilities to appeal decisions. (Section 1).
3. National policy and legislative developments and measures to identify (presumed) third-country national victims of trafficking in human beings, including referral mechanisms (if existent) among national authorities and other relevant stakeholders (Section 2)
4. National policy and legislative developments and measures to protect (presumed) third-country national victims of trafficking in human beings, including the legal framework for granting the reflection period, residence permits and the provision of appropriate information and assistance (Section 3).
5. Cooperation mechanisms with other Member States, EU agencies (EASO, Europol, Frontex), international organisations and third countries of origin and of transit (Section 4).

⁷⁹ Victims' Rights Directive, Recital 17.

⁸⁰ Victims' Rights Directive, Article 22(3).

⁸¹ Denmark opted out from the Victims' Rights Directive.

⁸² Victims' Rights Directive, articles 8, 22 and 24.

6. Challenges and good practices in Member States, such as those concerning vulnerable persons, (presumed) cases falling under the scope of the Dublin III Regulation and the impact of COVID-19 (Section 5).

4 SCOPE OF THE STUDY

The study covers the following categories of third-country nationals, detected, identified and protected as (presumed) victims of trafficking in human beings, who are:

- Asylum applicants;
- In an irregular situation;
- In possession of a valid authorisation to stay on the territory of a Member State (residence permit or short-term visa).

Third-country nationals who are in an irregular situation and subject to a return decision will be out of the scope of this study as they have already been dealt with in other recent EMN products.

The temporal scope for statistics and the national contexts is from January 2015 up to December 2020 for statistics and the national contexts.

The study is aimed at policy makers at national, European and international level, but also representatives of specific industries (e.g. private sectors in areas where trafficking in human beings is documented to occur), civil society organisations, academia, and will complement and update findings of other relevant European Commission reports and studies as well as contribute to the European Commission’s study for the evaluation of the Anti-trafficking Directive.

For the purpose of this study, the definitions listed in the section below will apply.

5 DEFINITIONS

The study uses the following definitions, which – unless otherwise stated – are based on the EMN Asylum and Migration Glossary.⁸³

Detection of (a situation of) trafficking in human beings	The process of identifying a possible situation of trafficking in human beings.
Dublin procedure	The process of determining the EU Member State responsible for examining an application for international protection lodged in one of the EU Member States by a third-country national under Regulation (EU) No 604/2013 (Dublin III Regulation).
Dublin transfer	<ol style="list-style-type: none"> 1. The transfer of responsibility for the examination of the merits of an application for international protection from one Member State to another Member State. 2. The (physical) transfer of an applicant to the EU Member State who is considered to be

⁸³ EMN Glossary, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en, last accessed on 18 May 2021.

Detection of (a situation of) trafficking in human beings	The process of identifying a possible situation of trafficking in human beings.
	responsible for examining the merits of an application following a Dublin procedure
Identification of a victim of trafficking in human beings	The process of confirming and characterising a situation of trafficking in human beings for further implementation of support.
Identified victim of trafficking in human beings	A person who has been formally identified as a victim of trafficking in human beings according to the relevant formal authority in Member States.
International protection	<p>In the global context, the actions by the international community on the basis of international law, aimed at protecting the fundamental rights of a specific category of persons outside their countries of origin, who lack the national protection of their own countries.</p> <p>In the EU context, protection that encompasses refugee status and subsidiary protection status.</p>
National referral/cooperation mechanisms	Mechanism aimed at identifying, protecting and assisting victims of trafficking in human beings, through referral, and involving relevant public authorities and civil society. ⁸⁴
Potential victim of trafficking in human beings	A person vulnerable to trafficking in human beings. ⁸⁵
Presumed victim of trafficking in human beings	A person who has met the criteria of EU regulations and international Conventions but has not been formally identified by the relevant authorities (e.g. police) as a trafficking victim or has declined to be formally or legally identified as victim of trafficking.

⁸⁴ Article 11(4) of the Anti-trafficking Directive lays down an obligation on Member States to take the necessary measures to establish appropriate mechanisms aimed at the early identification of, assistance to and support for victims, in cooperation with relevant support organisations.

⁸⁵ Definition inspired by IOM, <https://publications.iom.int/books/migrants-and-their-vulnerability-human-trafficking-modern-slavery-and-forced-labour>, last accessed on 10 June 2021.

Detection of (a situation of) trafficking in human beings	The process of identifying a possible situation of trafficking in human beings.
Protection of (<i>presumed/identified</i>) victims of trafficking in human beings	The action of national authorities aimed at protecting the fundamental rights of (presumed) victims of trafficking in human beings. ⁸⁶
Reception centre	A location with facilities for receiving, processing and attending to the immediate needs of refugees or asylum applicants as they arrive in a country of asylum.
Reflection period	A period of time determined according to national law granted to third-country nationals officially identified as victims of trafficking in human beings allowing the victim to recover and escape the influence of the perpetrators of the offences so that they can take an informed decision as to whether (or not) to cooperate with the competent authorities.
Registered victim of trafficking in human beings	A person who is either an identified or a presumed victim of human trafficking and has been registered by authorities and/or other agencies and organisations. ⁸⁷
Trafficking in human beings	The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.
Transfer of procedure	The process of changing from one migration procedure to another. ⁸⁸

⁸⁶ Definition inspired by the Anti-trafficking Directive, Article 11. A person shall be provided with assistance and support as soon as the competent authorities have a reasonable-grounds indication for believing that the person might have been subjected to trafficking in human beings.

⁸⁷ Definition inspired by the European Commission, Data collection on trafficking in human beings in the EU, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf, last accessed on 8 May 2021.

⁸⁸ Definition elaborated by the Core AG for the purpose of this study.

Detection of (a situation of) trafficking in human beings	The process of identifying a possible situation of trafficking in human beings.
Victim(s) of crime	Anyone who has suffered physical, mental, emotional or economic harm caused by a criminal offence, as well as family members of someone whose death case caused by a criminal act'. ⁸⁹
Voluntary Return	The assisted or independent return to the country of origin, transit or third country, based on the free will of the returnee.
Vulnerable person	Minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of trafficking in human beings, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.

6 PRIMARY QUESTIONS TO BE ADDRESSED BY THE STUDY

Primary research questions:

1. What is the national situation with regard to (presumed) third-country national victims of trafficking in human beings in the Member States?
2. What are the national policies and procedures in place to detect (presumed) third-country national victims of trafficking in human beings (including targeted policies and strategies for vulnerable persons)?
3. What are the national policies and procedures in place to identify (presumed) third-country national victims of trafficking in human beings (including targeted policies and strategies for vulnerable persons)?
4. What are the national policies and procedures in place to protect and support (presumed) third-country national victims of trafficking in human beings and what is the role of national referral mechanisms?
5. To what extent and how do Member States cooperate internationally in detecting, identifying and protecting (presumed) third-country national victims of trafficking in human beings?
6. What are the key challenges and good practices in the Member States in the detection, identification and protection of (presumed) third-country national victims of trafficking in human beings?

7 RELEVANT SOURCES AND LITERATURE

EMN Studies

⁸⁹ Victims' Rights Directive, Article 2.

- EMN (2014), [Study on the identification of victims of trafficking in human beings in international protection and forced return procedures.](#)

EMN Ad-Hoc Queries (AHQ)

- EMN (2019), [AHQ on Access of victims of trafficking to their rights](#)
- EMN (2018), [AHQ on Identification of victims of human trafficking during asylum interview](#)
- EMN (2016), [AHQ on Protection of victims of human trafficking](#)
- EMN (2012), [AHQ on Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims](#)
- EMN (2009), [AHQ on Types of residence permits that victims of trafficking who do not cooperate with the authorities are granted](#)

Other Studies, Reports and Communications

- European Commission (2021), [Communication on the EU Strategy on Combatting Trafficking in Human Beings 2021-2025](#)
- European Commission (2021), [Communication on the EU Strategy to tackle Organised Crime 2021-2025](#)
- EUROPOL (2021), [European Union serious and organised crime threat assessment \(SOCTA\)](#)
- Council of Europe (2020), GRETA's activities, [General reports and resources](#)
- Council of Europe (2020), [Guidance Note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection](#)
- European Commission (2020), [Communication on the EU Security Union Strategy,](#)
- European Commission (2020), [Communication on a New Pact on Migration and Asylum,](#)
- European Commission (2020), [Third report on the progress made in the fight against trafficking in human beings](#)
- European Commission (2020), [Data collection on trafficking in human beings in the EU](#)
- European Commission (2020), [Study on the economic, social and human cost of human trafficking](#)
- European Commission (2020), [Study on reviewing the functioning of Member States' National and Transnational Referral Mechanisms](#)
- European Parliament (2020), [Report on the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims](#)
- UNODC (2020), [Global Report on Trafficking in Persons](#)
- UNODC (2020), [How Covid-19 restrictions and the economic consequences are likely to impact migrant smuggling and cross-border trafficking in persons to Europe and North America](#)
- Council of Europe (2020), [Assistance to victims of human trafficking](#)
- European Commission (2016), [Study on the gender dimension of trafficking in human beings](#)
- European Commission (2014), [Communication on the application of Directive 2004/81/EC,](#)
- ILO (2014), [Profits and Poverty: The Economics of Forced Labour](#)
- European Commission (2013): [Guidelines for the identification of victims of trafficking in human beings](#)
- European Commission (2012), [EU Strategy towards the eradication of trafficking in human beings 2012-2016](#)
- OHCHR (2010), [Recommended Principles and Guidelines on Human Rights and Human Trafficking](#)

Case law

- European Court of Human Rights, V.C.L and A.N. v. The United Kingdom, Applications Nos. 77587/12 and 74603/12), 16 February 2021: <http://hudoc.echr.coe.int/fre?i=001-207927>
- Court of Justice of the European Union (Grand Chamber) of 21 December 2011. N. S. (C-411/10) v Secretary of State for the Home Department and M. E. and Others (C-493/10) v Refugee Applications Commissioner and Minister for Justice, Equality and Law Reform. References for a preliminary ruling: Court of Appeal (England & Wales) (Civil Division) - United Kingdom and High Court of Ireland - Ireland.
- European Court of Human Rights, Rantsev v. Cyprus and Russia, Application No.25965/04, 10 May 2010: <https://rm.coe.int/16806ebd5e>

8 AVAILABLE STATISTICS

This study builds on the study on data collection on trafficking in human beings in the EU which provides for an in-depth analysis of criminal justice statistical data for years 2017 and 2018.⁹⁰

Information is checked against the EMN Annual Report on Migration and Asylum 2020 (ARM): to facilitate data collection, the EMN Service Provider provides the relevant datasheets on trafficking for each Member State, prepared since 2016, as part of the Statistical Report of the EMN Annual Report on Migration and Asylum.

9 METHODOLOGICAL CONSIDERATIONS

As with all EMN Studies, the National Reports should be primarily based on secondary sources. These may be supplemented by expert interviews. For example, experts working in the field (e.g. national authorities, service provider, civil society organisations, and international organisations) could be consulted to identify key challenges and good practices in the Member States in the detection, identification and protection of (presumed) third-country national victims of trafficking in human beings.

10 ADVISORY GROUP

The Core Advisory Group (AG) for this study is composed by: FR, IE, LU, NL, PL EMN NCPs, ICF (EMN Service Provider), DG HOME. Together with the following EMN NCPs (BE, CZ, EE, ES, FI, HU, LT, LV, MT, PL, SE, SI, SK, GE, MD), EASO and EUROPOL, they form the wider AG for this study.

11 TIMETABLE

Date	Action	By whom
20 April	AG meeting	Lead EMN NCPs, wider AG, COM, EMN Service Provider

⁹⁰ European Commission, Data collection on trafficking in human beings in the EU, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf, last accessed on 8 May 2021.

Common Template - Study on Third-Country National Victims of Trafficking in Human Beings: Detection, Identification and Protection

Date	Action	By whom
29 April	Draft version 2 common template to be shared with core AG members (1-week deadline)	Core AG EMN NCPs (FR, IE, LU, NL, PL NCPs), Odysseus experts
19 May	Draft version 3 to be shared the wider AG and COM for comments (1-week deadline)	All EMN NCPs to review
9 June	Core AG meeting to discuss comments	Core AG EMN NCPs (FR, IE, LU, NL, PL NCPs), EMN Service Provider
17 June	Consolidated final draft to be shared with COM	EMN Service Provider
25 June	Launch of common template	EMN Service Provider
25 October	Submission of common templates	All EMN NCPs

The following tentative timetable has been proposed for the development of the common template for this study:

12 TEMPLATE FOR NATIONAL CONTRIBUTIONS

The template provided below outlines the information that should be included in the National Contributions of EMN NCPs to this Study. The indicative number of pages to be covered by each section is provided in the guidance note. For National Contributions, the total number of pages should not exceed 40 pages, including the questions and excluding the introduction of the study. A limit of 30 pages will also apply to the Synthesis Report, in order to ensure that it remains concise and accessible.

Common template of EMN study 2021

Detection, identification and protection of third-country national victims of trafficking in human beings

National contribution from *Member State*^{*91}

Disclaimer: The following information has been provided primarily for the purpose of contributing to a synthesis report for this EMN study. The EMN NCP has provided information that is, to the best of its knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of the EMN NCPs' Member State.

Top-line factsheet [max. 1 page]

*The top-line factsheet will serve as an overview of the **national contribution** introducing the study and drawing out key facts and figures from across all sections, with a particular emphasis on elements that will be of relevance to (national) policymakers. Please add any innovative or visual presentations that can carry through into the synthesis report as possible infographics and visual elements.*

Please provide a concise summary of the main findings of Sections 1-5:

The Presidency of the Council of Ministers – Department for Equal Opportunities (DPO) – is the body responsible for steering and coordinating the prevention of trafficking in human beings and assisting victims. To this end, in 2016 the DPO adopted the National Action Plan against the trafficking and grievous exploitation of human beings 2016-2018, in implementation of the EU directive 2011/36. The plan was broken down into the 5 priorities of the EU strategy, that is: a) Identifying, protecting and assisting victims of trafficking; b) intensifying the prevention of trafficking in human beings; c) bolstering the prosecution of traffickers; d) improving the coordination between the main interested parties and the consistency of policies; e) increasing awareness of the emerging problems regarding all forms of trafficking in human beings and drawing up an effective response. The Plan envisaged the establishment of a coordinating Steering Committee of a political-institutional nature to ensure the adoption of an integrated, multidisciplinary approach among the various actors, both institutional and from the third sector. This body

⁹¹ Replace highlighted text with your **Member State** name here.

and the Technical Committee were reactivated and made operational in 2021 in order to compile the next National Action Plan against trafficking and the grievous exploitation of human beings.

In 2021, the working group coordinated by the Directorate General for Immigration and Integration Policies of the Ministry of Labour and Social Policies (MLSP) presented Guidelines for the identification, protection and assistance of victims of labour exploitation in agriculture, in accordance with the Three-Year Plan to combat labour exploitation in agriculture and the gangmaster system (2020 – 2022), with specific focus on victims of trafficking. In addition to the Guidelines, the working group drew up proposals for the regulatory amendment and harmonisation of the treatment provided for foreign victims of trafficking and grievous exploitation (article 18 of Legislative Decree 286/1998 and subsequent supplements, the Consolidated Act on Immigration) and for foreign victims of labour exploitation (article 22 of Legislative Decree 286/1998), in order to overcome the uncertainty arising from the legal status of the foreign victims of these phenomena, strengthen their legal status and facilitate a sustainable route to social and occupational integration.

Various authorities have been given responsibility for and have been trained in the detection of potential victims of trafficking, including the State Police, actors involved in first reception – with the support of the personnel of several European agencies (for example, EASO) and international agencies in a number of immigration offices – and the Territorial Commissions, with the latter specifically made responsible for the pre- identification and the mechanism of referral to the Anti-Trafficking Body. Between 2006 and the end of 2019, the IOM, in collaboration with the Interior Ministry's Department for Civil Liberties and Immigration, provided information and legal guidance at landing sites, hotspots and in the reception centres for adults and minors in order to ensure the swift identification of victims of trafficking, trigger the protection mechanisms and alert the competent authorities. Moreover, since 2018, in partnership with the Interior Ministry's Department of Public Security and the European Commission, the IOM has provided support to law enforcement in the Immigration Offices of Police Stations, hotspots and border crossings (sea, land and air) along with procedures for identifying and formalising applications for international protection. Expertise gained in the health sector (that is, the National Institute for the Promotion of the Health of Migrant Populations and the Fight against the Diseases of Poverty and within international bodies) has enabled the early identification of potential women victims of trafficking for sexual purposes through the use of indicators, including regarding health, that are monitored through clinical activity. The formal identification takes place under the responsibility of the anti-trafficking body or following reports from law enforcement. The State Police is the authority responsible for triggering an application for the right to remain in the territory by a (presumed) victim. With regard to collaboration on the issue of trafficking in human beings, the State Police takes part in international working groups concerned with combatting trafficking, with particular reference to cases of sexual exploitation of victims. Cooperation with Europol in the exchange of information with police in identifying traffickers and victims has been particularly effective. In the framework of the Dublin procedure, cooperation is made at a bilateral level with various Member States to exchange information on the victims of trafficking. . . .

One of the main problems regarding trafficking is the attempt to harmonise the procedure for detection and identification of victims of trafficking. To this end, training is promoted and organised that involves police operators in the sector. In the health context, one of the main challenges is the adoption of a procedure and instruments for early identification that are common to all regional contexts and, consequently, training must be given as part of the annual professional updating courses of health personnel and others who work in the NHS (such as social workers and cultural mediators), which involves continuous updating – given the dynamic nature of the phenomenon – and the preliminary identification (harmonised across all the regional organisations) of the institutional network of reference for collaboration in the process of the detection, protection and empowerment of victims of trafficking. Furthermore, the IOM has underlined the need to broaden the analysis to various forms of exploitation of the victims of trafficking for purposes other than sexual (that is, begging, forced marriage and domestic servitude) that remain little known, in order to

organise interventions to protect the victims and suppress crimes, including through the use of new technologies and the development of indicators drawn up with the involvement of victims, the anti-trafficking bodies, law enforcement and the Judicial Authorities, and in comparison with the situation in other countries of the European Union.

On the issue of good practices, there have been numerous initiatives at the national level (Ministry of Interior-Department for Civil Liberties and Immigration in collaboration with IOM), at the territorial level (i.e through the stipulation of Memorandum of understanding between a number of Prefectures and Non governmental/civil society organisations-NGOs/CSOs concerning the detection, identification and protection of victims).

Introduction:

National situation with regard to detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings (2015-2020)

Q1. Please describe the main policy developments and debates that have occurred in the reference period 2015-2020 with regard to detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings (e.g., parliamentary debates, policy reforms, draft/adopted legislation, media coverage, awareness-campaigns, relevant publications).

The Legislative Decree no. 24/14 adopting the European Directive 2011/36/EU identified the Presidency of the Council of Ministers – Department for Equal Opportunities (DPO) – as the body responsible for steering and coordinating the prevention of trafficking in human beings and assisting victims. This Department funded and implemented the first National Action Plan to combat the trafficking and grievous exploitation of human beings 2016-2018, conducted through projects aimed at ensuring the reception, integration and protection of the victims of trafficking.

The National Anti-Trafficking Plan was developed in implementation of the aforementioned EU Directive 2011/36, which lays down minimum standards regarding the definition of crimes and penalties in the matter of trafficking in human beings and common provisions for Member States of the EU, aimed at reinforcing, on one hand, the prevention and elimination of the crime and, on the other, the protection of victims. The plan was broken down into the 5 priorities identified by the EU strategy: identifying, assisting and protecting victims of trafficking; intensifying the prevention of trafficking in human beings; bolstering the prosecution of traffickers; improving coordination between the main interested parties and the consistency of policies; increasing awareness of the emerging problems regarding all forms of trafficking in human beings and providing an effective response. In the light of the complexity of the interventions across multiple sectors, the Plan laid down the establishment of a coordinating Steering Committee of a political-institutional nature to ensure the adoption of an integrated, multidisciplinary approach among the various actors, both institutional and from the third sector. This body and the Technical Committee, in which the Interior Ministry's Department for Civil Liberties and Immigration took part, were reactivated and made operational in 2021 in order to compile the next National Action Plan against trafficking and the grievous exploitation of human beings.

The National Guidelines for the identification, protection and assistance of victims of labour exploitation in agriculture, validated by the technical group⁹² and coordinated by the Directorate General for Immigration and Integration Policies of the Ministry of Labour and Social Policies, as laid down by the priority action 9 "Protection and assistance" of the "Three-Year Plan to combat labour exploitation in agriculture and the gangmaster system (2020-2022)", adopted in February 2020.

The Guidelines provide a model of public-led intervention based on common standards and general principles on the protection, safety and care of victims of labour exploitation in agriculture.

For these reasons, at the end of August, the Guidelines were sent to the Government for the respective follow-ups for the purposes of their adoption at a Unified Conference as part of an Agreement between the

⁹² The technical group is made up of representatives of the Directorate General for the Fight against Poverty and Social Planning, the Directorate General of Information Systems, Technological Innovation, Data Monitoring and Communication of this Ministry; representatives of the Department for Equal Opportunities (DPO), the Central Service of the Reception and Integration System (RIS) of asylum applications and recipients of international protection managed by ANCI, the National Active Labour Policies Agency (NALPA), the National Labour Inspectorate (NLI), INPS, the Regions, the International Labour Organisation, the International Organisation of Migrations (IOM), the NOVA Consortium (partner of the projects "SU.PR.EME" and "P.I.U SU.PR.EME" for actions to combat labour exploitation in the central-southern regions) of ANPAL Servizi Spa and INAPP.

Government, Regions, Provinces, Municipalities and Mountain Communities, in accordance with article 9, paragraph 2 of the Legislative Decree of 28 August 1997, no. 281.

Consistent with the current legislation, the key points of the Guidelines are: (a) the promotion of a system of governance and coordination for the implementation of a national mechanism of public-led referral on the identification, protection and primary assistance to victims of labour exploitation in agriculture; (b) the definition of a victim of labour exploitation; (c) the identification of common procedures and operational measures divided into phases (preliminary and formal identification, the protection and assistance of victims of labour exploitation); (d) the indication of the subjects and actors in the various phases; (e) the care treatment for foreign citizens who are victims of labour exploitation, without residence permits, in accordance with the current regulations; (f) recommendations in terms of information and awareness, training and reinforcing the expertise of the services and actors involved.

The process launched by the Directorate General for Immigration and Integration Policies of the Ministry of Labour and Social Policies will continue with the establishment of an inter-institutional, multi-actor and multidisciplinary working group dedicated to the pursuit of the objectives of the 10 priority actions of the Three-Year Plan aimed at the identification of a national referral mechanism for the socio-occupational integration of the victims of labour exploitation in agriculture.

In order to make the system outlined in the aforementioned Guidelines more coherent and effective, the Three-Year Plan recommends the harmonisation of the systems of identification and protection of foreign victims of exploitation. For these reasons, in addition to the Guidelines, the working group coordinated by this Directorate General has drawn up proposals for the regulatory amendment and harmonisation of the treatment provided for foreign victims of trafficking and grievous exploitation (article 18 of Legislative Decree 286/1998 and subsequent supplements, Consolidated Act on Immigration) and for foreign victims of labour exploitation (article 22 of Legislative Decree 286/1998), in order to overcome the uncertainty arising from the legal status of foreign victims of these phenomena, strengthen their legal position and facilitate a sustainable route to socio-occupational integration.

The Consolidated Immigration Act (Legislative Decree 268/1998, articles 18 and 22, paragraph 12 quarter and subsequent) already provided, reinforced when Law no. 199/2016 came into force, instruments of protection for the victims of labour exploitation but the current system has a series of problems, the direct consequence of which is the infrequent use of the instruments provided. The entire system of protection and assistance was actually designed to protect victims of trafficking and exploitation for sexual purposes and it appears necessary to introduce corrective measures that will enable other victims to be offered similar processes of protection and the intervention standards to be raised. The amendments proposed envisage a protection system of victims of labour exploitation that remains, for the most serious cases, the one currently laid down by article 18 of the Legislative Decree no. 286/98 (Consolidated Immigration Act) and, in parallel, introduce a new article in the Consolidated Immigration Act, article 22 bis ("Measures for foreign victims of labour exploitation") aimed at providing specific protection for all victims of labour

exploitation and, in particular, for all those cases in which the performance of labour services in below standard conditions is not imposed by the use of violence or threats.

The key points of the proposal of the legislative amendments drawn up are:

(a) the amendment of article 18 of the Legislative Decree 286/1998, aimed at the victims of trafficking or the most serious cases of labour exploitation, through:

1. the inclusion of the so-called social pathway in primary legislation, for which it is laid down that a residence permit shall be issued irrespective of a criminal complaint, including on the notification of the social welfare services organised by the local authority. The proposed amendment is intended to bypass the current restrictive interpretations that, contrary to what is already laid down by article 27 of the Presidential Decree 394/1999, require, only for victims of labour exploitation, the active collaboration of the victim in criminal proceedings against the exploiters. It is therefore expressly acknowledged, for the purpose of avoiding doubts in interpretation, in primary legislation, that the process of social protection can be activated even without a criminal complaint or the collaboration of the victim in criminal proceedings;
2. the provision, in implementation of what is laid down by article 6 of the Directive 2004/81/EC, of a “period of reflection” of 90 days, in order to allow the victim of trafficking or grievous exploitation to make an informed decision, in total safety, about the most appropriate path to pursue to remove them from situation of exploitation. The proposal imposes, through primary legislation, the aforementioned period of reflection, already in fact laid provided, both for the victims of trafficking and grievous exploitation, by the Single Programme of Emergence of the anti-trafficking system;
3. the provision of a special clause exempting victims from punishment for any crimes connected to the illegal entry and residence in the State.

(b) inclusion as part of Legislative Decree 286/98 of a new article (article 22 bis) dedicated in an organic way to the protection of foreign victims of labour exploitation in cases not involving violence, threats or danger to the safety of the person. The provision contains, specifically:

1. the provision of a social path, as an alternative to the legal process, including for victims of labour exploitation in cases of lesser gravity, or when the situation of exploitation does not lead to concrete and current danger to the safety of the person.

Currently, the protection of this category of person is linked by law (article 22, paragraph 12 ter) to the reporting of the situation of exploitation, a constraint that, without an adequate network of support, leads to difficulty in implementation, given the combination of various factors (for example, the precariousness of the legal and social position, their isolation and the paucity of information on labour rights). The proposal aims to overcome these problems;

2. the possibility for victims to take part in social and occupational integration programmes, where available at the national, regional and local level. In the current absence of dedicated resources, the new legislation lays down that the State, the Regions and Local Authorities shall provide specific programmes dedicated to the victims of labour exploitation, which require necessarily different forms of protection from those concerning victims of trafficking or the most grievous cases of exploitation;
3. the possibility, for foreign victims of labour exploitation, of being included in the System of Reception and Integration (SRI), within the limits of the places available, consistent with what is

already laid down by the Decree Law 130/2020, enacted with amendments by the Law of 18 December 2020, no. 173.

At the territorial level, the initiatives undertaken in favour of victims of trafficking by a number of Prefectures are worthy of mention, such as, for example, Ancona, Bari, Potenza and Matera, which – respectively for their territories – have stipulated protocols of understanding with third sector entities that are experts in the field, aimed at the detection of phenomenon and taking care of victims of trafficking. Protocols of understanding have also been signed by the Territorial Commissions for the recognition of international protection in their respective territories.

Q2. Please elaborate on the characteristics of detected, identified and protected (presumed) third-country national victims of human trafficking (including age, gender, country of origin, migration status), trafficking purposes (e.g. sexual exploitation, including forced prostitution, forced labour or services, slavery and servitude related practices, as well as the removal of vital organs), latest patterns and trends in the reference period 2015-2020.

With regard to the request, please arrange to send quantitative data in table format provided by the SIRIT service with regard to the persons assisted, new reception intakes and the assessments for the year 2020. Note that these data could quickly be subject to updating.

From 2006 until the end of 2019, the IOM, in collaboration with the Department for Civil Liberties and Immigration of the Interior Ministry, has provided information and legal guidance at landing sites, hotspots and in the reception centres for adults and minors in order to ensure the swift identification of victims of trafficking, trigger the mechanisms of protection and alert the competent authorities⁹³. As part of these activities, the IOM has drawn up a series of indicators for the early identification of victims of trafficking at the border, disseminated through training and capacity building interventions aimed at the operators of the reception system and the various actors involved in the management of the migratory flows⁹⁴.

Based on the indicators and its own direct experience, the IOM believes that at least 80% of Nigerian women and girls who arrived in Italy by sea from Libya between 2014 and 2019 were intended for sexual exploitation in Italy or in another European country. Within the flows arriving by sea, an increase has also been noted in the number of women from the Ivory Coast, whom the IOM believes are, in most cases,

⁹³ Between 2017 and 2019, as part of the ADITUS project, the IOM was able to provide information and legal guidance at the landing sites, in the Hotspots and in the reception centres to more than 9,000 potential trafficking victims, of whom more than 500 were referred to specific forms of support. For further information on the project funded by the Department of Civil Liberties and Immigration of the Interior Ministry through FAMI funds: [Progetto ADITUS | Organizzazione Internazionale per le Migrazioni \(iom.int\)](#). The IOM's anti-trafficking activities envisaged by the project at the landing sites are conducted in continuity with the actions carried out by the IOM since 2006, always in close collaboration with the Department of Civil Liberties of the Interior Ministry, first as part of the Praesidium and then in the area of the FAMI funds.

⁹⁴ As part of the ADITUS project, the training and capacity building activities on the issue of trafficking and grievous exploitation involved more than 3,000 operators of the reception system (of which more than 600 are employed in the reception system of unaccompanied foreign minors), Law on Enforcement, Territorial Commissions for the recognition of international protection, voluntary guardians and the personnel of Prefectures.

trafficked to Italy and other countries of the European Union after an initial phase of exploitation (both sexual and for domestic servitude) in the countries of transit, in particular Tunisia and Libya.

For an analysis of the indicators identified by the IOM during the activities conducted until 2019 at the maritime borders through its anti-trafficking teams, see the following reports:

- Report on the victims of trafficking among the mixed migratory flows arriving by sea. April 2014 - October 2015 (2015) [Microsoft Word - Rapporto Finale attività OIM anti-tratta FS \(002\) REV.docx \(iom.int\)](#);
- Trafficking of human beings through the central Mediterranean route: data, stories and information collected by the International Organisation for Migrations (2017) [OIM Rapporto tratta 2017.pdf \(iom.int\)](#);
- Migrant vulnerability to human trafficking and exploitation: evidence from the central and eastern Mediterranean migration routes (2017) [migrant vulnerability to human trafficking and exploitation November 2017.pdf \(iom.int\)](#);
- Victims of trafficking in the central Mediterranean route: focus on women from the Ivory Coast, from trafficking in Tunisia at risk of being further trafficked in Italy (2019) [Microsoft Word - BriefingOIMVittimediTratta \(iom.int\)](#).

Moreover, since 2018, in partnership with the Interior Ministry's Department of Public Security and the European Commission, the IOM has provided support to law enforcement in the Immigration Offices of Police Stations, hotspots and at border crossings (sea, land and air) in the procedures for identifying and formalising applications for international protection⁹⁵. Since August 2020, the support has been extended to the detection procedures of reports on illegal labour under article 103, Decree Law no. 34/2020⁹⁶. As part of these activities, the IOM's cultural mediators deployed inside Police Stations, with the support of a team of lawyers and experts on the issues in Rome, are assisting law enforcement in the identification. Through these activities, the IOM is bringing new trends to light and is drawing new indicators for early detection of situations of trafficking in human beings to be used in the Immigration Offices, regarding sexual exploitation but also begging, forced marriage and domestic servitude, in collaboration with police authorities, anti-trafficking bodies and other associations at the local level.

In implementation of the Three-Year Plan to combat labour exploitation in agriculture and the gangmaster system 2020-2022, since October 2020 the IOM has also worked alongside the National Inspectorate of Labour (NIL) during the supervisory activity, with the support of cultural mediators specialised in the detection and identification of victims of labour exploitation, which ensures the activation of mechanisms of care and protection where necessary.⁹⁷ In the case of specific circumstances, the IOM acts to rapidly make the victim safe, including through the coordination with the territorially competent social services, the network of the System of Reception and Integration (SRI) or the Prefecture, and facilitates the

⁹⁵ As part of the projects LIMEA (*Linguistic and Intercultural Mediation for Emergency Action*) and e SAAS (*Support Action for Asylum Sections of Immigration and Border Police Offices*), the IOM has, since April 2018, have provided linguistic mediation and intercultural support to Immigration Offices. During the identification phases, it has also been possible to ensure the emergence of vulnerabilities of asylum applicants and migrants, contributing to their possible inclusion in appropriate protection pathways. Since 2018, 455 cases have been reported to other projects of the IOM on the territory, mainly at the landing sites, of which 329 are victims of trafficking and unaccompanied minors.

⁹⁶ From October 2020 to June 2021, the SIRIO project (*Support Initiative to migrants' Regularization in the police Immigration Offices in Italy*) enabled the emergence of 100 cases of vulnerable migrants, of whom 38 were woman and 62 men, mainly from Nigeria and Pakistan. Of these, 14% of the cases were reported to the territorially competent anti-trafficking bodies, 4% were directed to the social services of the respective Municipality, 7% to centres or anti-violence services and 7% to the Prefecture. The remaining 44% were directed to projects to combat labour exploitation managed by IOM.

⁹⁷ In March 2021, IOM and NIL stipulated a Framework Protocol of Partnership to ensure the correct application of the current legislation on the gangmaster system and labour exploitation to strengthen the procedures for the emergence of these phenomena to protect the fundamental rights of victims, including through training and capacity building activities.

activation of tried and tested mechanisms of protection. Moreover, through outreach activities, the IOM makes foreign workers aware of the rights and duties consequent to the establishment of an employment contract, as well as the protection mechanisms laid down by the Italian legal system for victims of labour exploitation, jointly with stakeholders such as trade unions and/or the protection bodies of the anti-trafficking network⁹⁸.

Measures in place to detect (presumed) third-country national victims of trafficking in human beings	Details
Self-reporting	No
Awareness raising campaigns	In all immigration offices, the use of an attachment to the C3 form on the indicators of vulnerability encountered during the registration of applications for international protection has been promoted and emphasised.
Collection of indicators	The module attached to the C3 form on the identification of persons with specific needs has been promoted and is used as a guideline in the collection of indicators. Expertise in the health sector (INMP [<i>National Institute for the Promotion of the Health of Migrant Populations</i>] and international bodies ⁹⁹) has enabled the early identification of potential female victims of trafficking for sexual purposes, by using indicators, including health, monitored within the clinical activity ¹⁰⁰ . Currently these indicators are being verified in order to extend their applicability to all Italian health contexts.
Intelligence gathering by investigative services (police, labour inspectorate)	
Proactive screening in asylum procedures	During access to international protection, the accent is placed on the identification of indicators of trafficking (through ad hoc questions and the compiling of the aforementioned

⁹⁸ From May 2020 to June 2021, as part of the SU.PR.EME and A.L.T. *Caporalato!* projects, the fundamental role is clear of cultural mediation for the emergence of victims of labour exploitation. In fact, 168 victims of labour exploitation were identified, of whom 30% were referred to the Anti-trafficking system.

⁹⁹ UNHCR. Istanbul Protocol. Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Geneva, UNHCR, 1999. IOM/UNGIFT/LSHTM. Caring for trafficked persons: guidance for health providers. Geneva, International Organization for Migration, 2009. HPA. Human trafficking – key messages for primary care practitioners. London, Health Protection Agency, 2012. Hemmings S, Jakobowitz S, Abas M, Bick D, Howard LM, Stanley N, Zimmerman C, Oram S. Responding to the health needs of survivors of human trafficking: a systematic review. *BMC Health Serv Res.* 2016 Jul 29; 16:320. doi: 10.1186/s12913-016-1538-8. Baldwin SB, Barrows J, Stoklosa H. Protocol Toolkit for Developing a Response to Victims of Human Trafficking. HEAL Trafficking and Hope for Justice, 2017. Fraley HE, Aronowitz T, Stoklosa HM. Systematic Review of Human Trafficking Educational Interventions for Health Care Providers. *West J Nurs Res.* 2020 Feb;42(2):131-142. doi: 10.1177/0193945919837366. Richie-Zavaleta AC, Villanueva A, Martinez-Donate A, Turchi RM, Ataiants J, Rhodes SM. Sex Trafficking Victims at Their Junction with the Healthcare Setting-A Mixed-Methods Inquiry. *J Hum Traffick.* 2020;6(1):1-29. doi: 10.1080/23322705.2018.1501257.

¹⁰⁰ The health indicators drawn up are added to a selection of non-health indicators taken from: the Council of Ministers, Attachment 2. Guidelines for the definition of a mechanism of rapid identification of the victims of trafficking and grievous exploitation, 26 February 2016. UNHCR, The identification of trafficking victims among applicants for international protection and referral procedures. Guidelines for the territorial commissions for the recognition of international protection, 2016. Save the Children, Knowing how to recognise minors who are victims of trafficking and exploitation in Italy, June 2020.

	<p>supplementary attachment) in order to promote the prioritisation of scheduling the interview at the territorial commission.</p> <p>Referral Mechanism (see table below) + Monitoring carried out on a six-monthly basis to record the number of potential trafficking victims found by the Territorial Commissions among applicants for international protection.</p>
Proactive screening in migration procedures	<p>In the migration procedures from the first reception phase, particular attention is paid to the communication flow among the actors involved for the purpose of ensuring the widest possible protection to the (potential) victims of trafficking. The mechanism of referent enables organisations like the police, border police, local authorities and non-governmental organisations (NGOs) to share information on potential victims and encourage their access to consultancy, accommodation and assistance.</p>
Other	<p>In the migration procedures from the first reception phase, particular attention is paid to the communication flow between the actors involved in order to guarantee the broadest possible protection of the (potential victim of trafficking. The referral mechanism enables organisations such as the police, border police, local authorities and non-governmental organisations (NGOs) to share information about potential victims and favour their access to consultancy, accommodation and assistance.</p>

Section 1: Detection of third-country nationals (presumed) victims of trafficking in human beings

Q3. Please describe the national procedures to detect (presumed) third-country national victims of trafficking in human beings, by answering to the following questions:

The Department for Civil Liberties and Immigration of the Interior Ministry co-funded the ADITUS project with resources from the Asylum, Migration and Integration Fund, in collaboration with the IOM. This project, which was launched in January, 2017 and concluded at the end of 2019, was broken down into 4 lines of intervention: 1. information briefings at the landing sites/hotspots and identification of vulnerabilities – especially victims of trafficking and unaccompanied foreign minors; 2. support and capacity building activities of the operators in the centres for unaccompanied foreign minors on the issue of trafficking, grievous exploitation and family reunion, in accordance with the Dublin III Regulation; 3. training of the reception operators on the issues of trafficking and grievous exploitation; 4. support for the monitoring activities of reception centres envisaged by the Mireco project. The project’s activities have

followed up on those previously implemented by the 'Assistance' and 'Praesidium' projects, both co-funded by the Interior Ministry's Department for Civil Liberties and Immigration.

a) Are there measures in place to detect (presumed) third-country national victims of trafficking in human beings? Yes No

If so, please further elaborate in the table below.

b. What measures are in place to promote and facilitate self-reporting by (presumed) third-country national victims of trafficking in human beings?

c. Please indicate whether (and in what way) these specific measures differ for any of the cases below.

Specific measure to detect (presumed) third-country national victims of trafficking in human beings:	Details
<p>within asylum procedures</p>	<p>From the initial phases of access to the asylum procedure, including in the first reception facilities, the utmost attention is paid to the identification of the indicators through the analysis of the applicant's conduct and how they tell their own story. The operators are trained and aware that a standard profile of a trafficking victim does not exist, nor can generalisations be made, but that the identification of the victims of trafficking does not require a high number of tests. Particular consideration is given to indicators of ethnicity, gender, age, instruction and also behavioural attitudes such as fear, shame and the relationship with companions.</p> <p>The referral mechanism and the role of the Territorial Commissions in the detection of victims of trafficking:</p> <ul style="list-style-type: none"> - The ability of the Territorial Commissions in the pre-identification of possible victims of trafficking among the applicants for international protection expresses its potential in the activation of the procedure of reporting and guidance towards a way out from the phenomenon, the so-called referral procedure. - All the international and European measures specifically encourage the "early identification" of trafficking victims among asylum applicants, since it can make possible immediate assistance and protection for the presumed victim, removing them, as far as possible, from the exploitation circuit awaiting them. It is precisely in this way that the aforementioned referral mechanism acts, through which the applicant, whose profile presents indicators of trafficking, is immediately put in contact with the bodies that specialise in assistance and protection. In order to facilitate this particular procedure to protect victims, the Guidelines drawn up by the National Commission for the Right of Asylum and the UNHCR underline the importance of signing Protocols of Understanding between the Territorial Commission and the anti-trafficking bodies. <p>It is therefore necessary to make clear that the identification of the profiles of trafficking victims is not always simple since, on one hand, it requires specific technical expertise, constantly updated by the interviewer, and, on the other, it encounters the general reticence of victims to disclose their situation.</p>

Proceeding to the accurate description of the process of detection and protection of the trafficking victim, it should be made clear that it starts with a preliminary identification phase by the officials of the Territorial Commission that, in the course of the hearing, detect the first indicators attributable to a potential exploitation situation. This phase is followed by giving notification of the presumed victims to the assistance and protection programmes conducted by the anti-trafficking bodies, subject to their "informed" consent, which presupposes the person has been properly informed about the forms of protection provided by the national system. The information briefing given by the investigating officials is therefore, for the victim, a fundamental opportunity to acquire knowledge, not only about the risks connected to subjection to the criminal network but, above all, about their rights. Indeed, it is appropriate to note that victims do not think they have the right to better prospects in life, both because they are ruthlessly controlled by their traffickers but also because, due to the cultural legacy, they have been educated to live in a condition of deference and, in this case, of obedience to those who made possible their emigration, disavowing their status as victim.

With the acquisition of their consent, the preliminary identification phase is followed by formal identification by the anti-trafficking body which, in the territory in question, conducts programmes in accordance with article 18 of the Legislative Decree 286/1998. Specifically, the anti-trafficking body contacts the presumed victim in order to begin interviews in a comfortable environment. During these interviews, the body's specialised personnel examine in detail the situation of the person reported by the Commission and, if necessary, assess any adherence to assistance and social integration programmes, also ensuring the possibility of transfer to the protected houses run by the anti-trafficking system in order to ensure they cannot be retraced by the criminal network. At the end of the interviews, the anti-trafficking body sends a report to the Territorial Commission so that it can acquire a more complete picture of the applicant's situation and assess the emergence of any elements that could be relevant in assessing the application for international protection. From the procedural point of view, therefore, it is good practice, once the reporting to the anti-trafficking body has been carried out, for the proceedings for the recognition of international protection to be suspended for the period necessary to acquire the report.

Once this report has been acquired, the Commission calls back the applicant to carry out, where it is deemed necessary, further investigations. Should it deem that it has collected sufficient elements to assess the applicant's need for protection, it makes a

	<p>decision that, depending on the case, may be acceptance or rejection of the application for international protection.</p> <p>In the case of acceptance of the application, the Commission assesses the existence of the prerequisites attributable to refugee status or subsidiary protection, including in consideration of any risks should applicant return to the country of origin, which may depend on the experience of trafficking undergone, leading to the occurrence of situations of persecution or serious harm, in accordance with the current regulations.</p> <p>In the absence of prerequisites for the recognition of international protection, the Commission takes a negative decision and, in certain special cases, given the rejection of the application, assesses the applicability of the “special protection” in compliance with the principle of non-refoulement. Finally, if during the examination, well-founded reasons emerge to believe that the applicant is the victim of crimes of enslavement and retention in slavery and trafficking in persons listed respectively in articles 600 and 601 of the Criminal Code, the Commission sends the records to the Chief of Police for an assessment of the prerequisites for the issuing of a residence permit under article 18 of the Legislative Decree no. 286/1998.</p>
<p>within other migration procedures (e.g. seasonal workers, domestic workers, au pairs, students)</p>	<p>In other procedures linked to migration, a form is used, attached to the application for a residency permit, with specific questions aimed at detecting indicators of exploitation which could lead to further investigations by the police.</p>
<p>who are voluntary returnees</p>	<p>Before adopting the measure, during the information briefing interview, specific questions are asked for the purpose of discovering clear indications of situations of vulnerability. If so, all the necessary measures are implemented in order to protect the person.</p>
<p>who fall under other categories included in the definition of vulnerable persons adopted for this study (e.g. minors, unaccompanied minors, disabled people, elderly people, pregnant women)?</p>	<p>Any (potential) victims of trafficking in human beings are identified by police operators in the conduct of their daily duties, for example border controls, on the basis of reports of domestic violence and assaults, in response to verbal disputes about unpaid salaries or thefts etc.. Sometimes the victims are not aware of being such, for which reason, many indicators are taken into account to detect forms of exploitation such as living or working conditions, the relationship with companions as well as their appearance and behaviour.</p> <p>The National Health Service provides services dedicated to guidance and counselling within which it is possible to support the presumed victims of trafficking so that they can become aware and free themselves through self-identification. Therefore, all the non-emergency health contexts can contribute to the detection of trafficking. Evidence of this activity is contributed by INMP and other international bodies (see note 99)</p>

who are in an irregular situation	<p>Before adopting the measure, during the information briefing interview, specific questions are asked for the purpose of discovering clear indications of situations of vulnerability. Indeed, if the indicators previously mentioned are found, all the necessary measures to protect the person are implemented.</p> <p>The National Health Service provides services dedicated to guidance and counselling within which it is possible to support the presumed victims of trafficking so that they can become aware and free themselves through self-identification. Therefore, all the non-emergency health contexts can contribute to the detection of trafficking. Evidence of this activity is contributed by INMP and other international bodies (see note 99)</p>
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d. What procedural safeguards exist for each category presented above?

The procedural guarantees are dictated by the regulation that lays down that each case shall be treated individually and with specific investigations.

In particular, confidentiality-priority examination of the application for international protection in the case of a trafficking victim – vulnerable category – a decision by the R.A. of the interviewer of the same gender at the time of the hearing.

e. What organisations / authorities are trained / competent to detect (presumed) third-country national victims of trafficking)?¹⁰¹

See answer to Q3

The importance of identifying (presumed) victims of trafficking in human beings through the detection of indicative signs led to the promotion of training sessions on the subject, aimed, in particular, at police officers in the immigration offices. The national procedures in force place the emphasis on the management of the first meeting with the victim (or potential victim) of trafficking in human beings. Indeed, although anyone can become the victim of trafficking in human beings, there are certain risk factors linked to the gender, age, place of residence, education, employment, behavioural attitudes, membership of a socially vulnerable or marginal group and membership of an ethnic group. In this way, the support of the personnel of European Agencies (for example, EASO) in a number of immigration offices and at the central directorate contributes to the implementation of the detection of the aforementioned indicators of vulnerability and promotes the harmonisation of strategies and procedures targeted at the identification and support of (presumed) third-country victims. The first contact personnel are responsible for and promote the communication flows with the other actors involved, in particular with reception and protection centres for (potential) victims of trafficking. The aforementioned communication flows are aimed at supporting vulnerable people and combatting all forms of trafficking in human beings, be it

¹⁰¹ EMN NCPs are invited to address this question by using as source the European Commission, Study on reviewing the functioning of Member States' National and Transnational Referral Mechanisms, 2020, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_reviewing_the_functioning_of_member_states_national_and_transnational_referral_mechanisms.pdf, last accessed on 15 May 2021.

national or transnational, through support for (potential) victims in reception centres, specifically accommodation, psychological and material assistance, medical care and legal assistance, where necessary.

Moreover, the personnel of the flying squads have attended training courses on investigative techniques in combatting trafficking in human beings. The same personnel have been selected for participation in conferences and seminars on the issue. The training of the police personnel assigned to investigate trafficking in people has also focused on a specific victim profile, that of minors, in order to reinforce the prevention and combat the trafficking of minors through the development of collaboration between public and private actors and good practices in the identification and support of minors who are victims or at risk of trafficking and grievous exploitation in Europe, especially in Member States.

A methodology has been developed based on the rights of minor, identifying the criteria of recognition (“indicators”) of minors who are victims of trafficking in human beings and grievous exploitation by singling out specific subjective profiles for the purpose of monitoring the phenomenon and defining shared solutions (best practices) to be adopted for the first assessment for identification purposes and the first “reception” of the victims, involving in this process a series of other subjects active in the territory. Training manuals have been drawn up based on a shared methodology, as well as standard operating procedures for the development of good practices for the identification, support and assistance aimed at the protection of victims of trafficking in general and, in particular, of minors. This documentation is available to all the institutions involved (law enforcement, the judiciary and private actors).

In the examination procedure of the application for international protection, the investigative officers are able to PRE-IDENTIFY a victim of trafficking if elements emerge that can be attributed to this kind of crime during the interview. Every year, training and updating courses on trafficking are held for investigative officers. Training courses organised by the National Commission in collaboration with UNHCR and EASO make it possible to augment the expertise of the members of the Territorial Commissions on the entire national territory and to boost their expertise in the techniques of interviewing potential victims and so in

the early identification of trafficking victims. This interpretative ability developed by the Commissions has significantly favoured the detection of trafficking cases among applicants for international protection.

Organisation / authorities	Trained to detect (presumed) third-country national victims of trafficking? Y/N	Competent to detect (presumed) third-country national victims of trafficking? Y/N	Details
Police	Yes	Yes	Training and updating courses and, in particular, specific courses aimed at the operators of the squads of the general prevention office and the investigative system (flying squads – police station CID squads)
Border guards			
Labour inspectors			
Migration services			
Asylum case officers	Yes	Yes (see referral mechanism analysed in the above table)	Training and updating courses. Training courses are organised every year on the Trafficking Module in collaboration of EASO, in addition, ad hoc courses are held continuously on Trafficking at the Territorial Colleges, in concert with UNHCR.
General practitioners			
Other health workers	Yes	Yes	Specific courses are held for health workers (especially nurses, obstetricians, gynaecologists and psychologists) that provide tools for the detection of women, who are potential victims trafficking, in the health sector, emergency and otherwise. Training activities of this kind were conducted in the period 2019-2020 at the INMP.
Employers			
Trade unions			
Civil society organisations			
Others	Yes, actors involved in first reception	Yes	Specific courses for first reception operators

f. Please describe how national referral mechanisms (or alternative mechanisms in absence of these) have evolved in the detection of (presumed) third-country national victims of trafficking in human beings?¹⁰²

With a multi-agency approach in relation to the evolution of the phenomenon of trafficking over the years.

Section 2: Identification of (presumed) third-country national victims of trafficking in human beings

Q4. Please describe the national procedures to identify (presumed) third-country national victims of trafficking in human beings, by answering the following questions:

What organisations / authorities are competent to identify (presumed) third-country national victims of trafficking? See answer to Q3

Anti-trafficking bodies that, in the territory of reference, create programmes under article 18 of the Legislative Decree 286/1998, Law Enforcement and the Judiciary.

Organisation / authorities	Competent to identify (presumed) third-country national victims of trafficking Y/N	Details
Police	Yes	
Border guards	Yes	
Labour inspectors		
Migration services		
Asylum case officers	Yes Expertise in Pre-identifying	Formal identification takes place at the responsibility of the anti-trafficking body or following reports from law enforcement.
Civil society organisations		
Others	YES YES/IOM	Health workers on the basis of indicators, including those of health, observed as part of the clinical activity (INMP expertise and certain international entities [indicated in note 99]). See the list above of active projects and those concluded, implemented by the IOM. See answer to Q2

b) Are there specific measures in place to identify (presumed) third-country national victims of trafficking in human beings? Yes No

If so, please elaborate.

In the Hotspot procedures (currently partially disappled, due in part to the introduction of quarantine because of the COVID 19 pandemic), the role is envisaged by the IOM and the State Police in the early identification of trafficking victims¹⁰³.

See referral mechanism referred to on the first page – table of specific measures

c) Please indicate whether (and in what way) these specific measures differ for any of the cases below.

Specific measure to identify (presumed) third-country national victims of trafficking in human beings:	Details
within asylum procedures	The referral mechanism and the role of the Territorial Commissions in the detection of trafficking victims (see description of the procedure referred to on the first page – table of specific measures) <i>See answer Q3c</i>
within other migration procedures (e.g. seasonal workers, domestic workers, au pairs, students)	
who are voluntary returnees	
who fall under other categories included in the definition of vulnerable persons adopted for this study (e.g. minors, unaccompanied minors, disabled people, elderly people, pregnant women)?	
who are in an irregular situation	

d) Does a (presumed) third-country national victim have to be formally identified by a competent authority in order to apply for / be granted a reflection period / residence permit / protection status? Yes No

However, it is clear that when the IOM pre-identified a potential trafficking victim at the landing sites (following an interview, through indicators), it succeeded in obtaining their transfer to facilities deemed suitable for the reception of victims in order to be able to carry out a follow-up and prevent any departure and recruitment by criminal networks. This was above all thanks to effective collaboration established with a number of anti-trafficking bodies and with the qualified reception facilities identified by the IOM near the landing sites.

e) Please describe how national referral mechanisms (or alternative mechanisms in absence of these) have evolved in the identification of (presumed) third-country national victims of trafficking in human beings?¹⁰⁴

¹⁰² Ibid.

¹⁰³ http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/hotspots_sops_-_versione_italiana.pdf

¹⁰⁴ Ibid.

Section 3: Protection of (presumed) third-country national victims of trafficking in human beings

Q5. In line with the Anti-trafficking Directive, please describe in the table below what kind of assistance, support and protection (presumed) third-country national victims of trafficking in human beings are given access to in your Member State who are in the reflection period, in the Dublin III procedure, in the asylum procedure or who have a valid authorization to stay (residence permit, short term visa or visa-free stay) respectively. Please also indicate, for each type of assistance, the competent authority that can trigger its provision.

NB: in the table below the ‘competent authority that can trigger the provision’ has been interpreted as inclusive of all authorities that can signal the opportunity to authorise the provision of each type of assistance.

As regards the reception profiles, it is made clear that, after the Decree Law of 4 October 2018, no.113 came into force, enacted with amendments by the Law of 1 December 2018 no. 132, the legislative amendments allow foreigners with residence permits for special cases, including trafficking victims, to be received in the SIPROIMI (name changed to SAI under the Decree Law 130/2020), should they not access specifically dedicated pathways (articles 18, 18 bis, 22, paragraph 12 quarter of the Legislative Decree 286/98).

Type of assistance	Reflection period	Dublin III procedure	Asylum procedure	Residence permit holders	Short term visa/visa-free stay
Information on risks and protection mechanisms	Yes (State Police + all authorities involved in the immigration system for the specific period)	Yes (State Police + all authorities involved in the procedure)	Yes (State Police, National Asylum Commission’s civil servants, anti trafficking bodies + other authorities involved in the procedure)	Yes (State Police + all authorities that detected this necessity)	Yes (State Police + all authorities that detected this necessity)
Appropriate and safe accommodation	Yes (Ministry of Interior + all authorities involved in the immigration system for the specific period)	Yes (Ministry of Interior + all authorities involved in the procedure)	Yes (Ministry of Interior + all authorities involved in the procedure)	Yes (Ministry of Interior + all authorities that detected this necessity)	Yes (Ministry of Interior + all authorities that detected this necessity)
Necessary medical treatment	Yes (Health Ministry-INMP + all authorities involved in immigration system for the specific period)	Yes (Health Ministry-INMP + all authorities involved in the procedure)	Yes (State Police + all authorities involved in the procedure)	Yes (State Police, Health Ministry-INMP + all authorities that detected this necessity)	Yes (State Police, Health Ministry-INMP + all authorities that detected this necessity)

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Counselling and information	Yes (all authorities involved in the immigration system for the specific period)	Yes (State Police + all authorities involved in the procedure)	Yes (State Police + all authorities involved in the procedure)	Yes (State Police + all authorities that detected this necessity)	Yes (State Police + all authorities that detected this necessity)
Legal assistance	Yes (State Police + all authorities involved in the immigration system for the specific period)	Yes (State Police + all authorities involved in the procedure)	Yes (State Police + all authorities involved in the procedure)	Yes (State Police + all authorities that detected this necessity)	Yes (State Police + all authorities that detected this necessity)
Translation and interpretation	Yes (<i>Ibidem</i>)	Yes (<i>Ibidem</i>)	Yes (<i>Ibidem</i>)	Yes (<i>Ibidem</i>)	Yes (<i>Ibidem</i>)
Psychological assistance	Yes (<i>Ibidem</i>)	Yes (<i>Ibidem</i>)	Yes (<i>Ibidem</i>)	Yes (<i>Ibidem</i>)	Yes (<i>Ibidem</i>)
Subsistence (material assistance)	Yes (<i>Ibidem</i>)	Yes (<i>Ibidem</i>)	Yes (<i>Ibidem</i>)	Yes (<i>Ibidem</i>)	Yes (<i>Ibidem</i>)
Social and economic integration	Yes (Ministry of Interior, Ministry of Labour + all authorities involved in the immigration system for the specific period..)	Yes (Ministry of Interior, Ministry of Labour + and all authorities involved in the procedure)	Yes (Ministry of Interior, Ministry of Labour + and all authorities involved in the procedure)	Yes (Ministry of Interior, Ministry of Labour + and all authorities that detected this necessity)	Yes (Ministry of Interior, Ministry of Labour + and all authorities that detected this necessity)
Protection against re-victimisation	Yes (State Police + all authorities/actors involved in the protection system)	Yes (State Police + all authorities/actors involved in the protection system)	Yes (State Police + all authorities/actors involved in the protection system)	Yes (State Police + all authorities/actors involved in the protection system)	Yes (State Police + all authorities/actors involved in the protection system)
Other					

Article 17, paragraph 2, of the Legislative Decree 142/15 in adoption of the Directive 2013/33/EU regarding reception, laid down that "the single programme of emergence, assistance and social integration referred to in article 18, paragraph 3-bis, of the Legislative Decree of 25 July 1998, no. 286" shall be applied to applicants for international protection as victims of trafficking in human beings" which guarantees adequate conditions of accommodation, sustenance and health care.

Q6. How does your Member State apply the principle of non-refoulement for victims of trafficking in human beings? Please indicate whether (and in what way) specific measures differ from general practice.

Q7. How does your Member State implement Article 60 and 61 of the 'Istanbul Convention'?¹⁰⁵

With regard to the implementation of articles 60 and 61 of the Istanbul Convention, regarding respectively the asylum applications based on gender and the right of non-refoulement, treatment of these cases is in compliance with the procedural measures laid down by the current national legislative system, nevertheless taking into particular consideration the peculiar and specific conditions of asylum applicants on a case-by-case basis.

Q8. Please describe what typology(ies) of reflection periods, residence permit(s), protection status(es) and national programme(s) are available to protect (presumed) third-country national victims of trafficking, by answering the following questions.

a) What organisations / authorities are competent to trigger the request for a (presumed) victim to remain on the territory of your Member State? Please indicate if the organisations / authorities differ between cases of presumed and identified third-country national victims of trafficking in human beings.

- The competent authority to trigger the request for the right to remain on the territory of a (presumed) victim is the State Police. There are no differences between presumed and identified victims with regard to their stay on national territory because, in both cases, the protection of those persons is ensured while further investigations are carried out.

b) Can third-country national victims of trafficking in human beings submit a request for a reflection period themselves? Yes No

If so, to whom? Please indicate if this possibility exists for both cases of presumed and identified third-country national victims of trafficking in human beings and the extent to which they differ.
Yes for both

c) Does your Member State provide for a reflection period also for presumed third-country national victims of trafficking in human beings? Yes No

d) How long does the reflection period last to decide if presumed third-country national victims of trafficking in human beings want to cooperate with the authorities? Does it have the same duration in case it is provided to identified victims?

There is no peremptory period but it is assessed on a case-by-case basis, on average – 3-6 months.

e) Are (presumed) third-country national victims of trafficking in human beings expected to cooperate with the authorities during the reflection period? Yes No

If so, what is expected from them (e.g. report to the police, refer to support organisations, discontinue contact with traffickers)? Does cooperation differ between identified and presumed third-country national victims of trafficking in human beings?

In dealing with victims and potential victims of trafficking, it must above all be remembered that they are victims of a crime and that, sometimes, they are not even aware of being exploited. However, a

¹⁰⁵ CoE, Convention on Preventing and Combating Violence Against Women and Domestic Violence, 2011, <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>, last accessed on 9 May 2021.

relationship of collaboration of the (potential) victim with the authority is desirable. In particular, the most immediate intervention required is that of removing them from the current situation of exploitation in such a way as to not undergo further physical or psychological harm. Clearly, it is necessary to offer protection that assists with this removal.

There is no difference in treatment between identified and presumed victims of third countries.

f) What type of residence permit(s) are available specifically for (presumed) victims of trafficking in human beings in your Member State?

A residence permit is provided for special protection.

Residence permits, article 18 of the Consolidated Immigration Act, residence permits, article 22 of the Consolidated Immigration Act (for victims of grievous exploitation).

Please indicate if this possibility exists for both cases of presumed and identified third-country national victims of trafficking in human beings and the extent to which they differ. NO

g) What are the conditions for getting these permit(s) granted? The condition for obtaining the aforementioned permits is that the person's situation of vulnerability is confirmed.

Prerequisites for the issuing of residence permits are laid down in accordance with article 18 of the Consolidated Act and article 27 of the Presidential Decree 394/99 (judicial path and social path).

Do conditions differ between presumed and identified (i.e. not yet identified) third-country national victims of trafficking in human beings? NO

h) Are other protection status(es) and national programme(s) offered to protect (presumed) third-country national victims of trafficking in human beings? Yes No

The application for international protection can also be presented by persons who are victims of trafficking, in reality the access phase to the procedure for recognition of international protection is one of the most important opportunities to detect indicators of trafficking, given the possibility of asking in-depth questions about the situation of the person who is a (potential) victim of trafficking.

If so, please indicate the extent to which they differ between presumed and identified third-country national victims of trafficking in human beings.

No difference.

Section 4: International cooperation between Member States and with third countries in addressing detection, identification and protection of (presumed) third-country national victims of trafficking in human beings?

Q9. Please describe how your Member State cooperates within the scope of the Dublin III Regulation:

How does your Member State deal with cases of (presumed) third-country national victims of trafficking in human beings that fall under the Dublin III Regulation? Preventing and combatting all forms of trafficking in human beings, both national and transnational, is also a priority in the case of person who comes under the cases of application of the Dublin III Regulation. In this circumstance, the case is recorded as a Dublin case and is given priority with regard to the national procedures.

In case of third-country citizens who must be transferred to Italy from another Member States as part of the Dublin procedure, should it emerge that the person is a victim of trafficking or could still be at risk of trafficking, the Italian Dublin unit adopts the necessary measures to avoid, following transfer to Italy, the

person being at risk from this problem. Among the main measures adopted in these cases are: transfer to a safe place; informing the competent authorities – prefecture and police station – for the purpose of receiving the presumed victim at a suitable facility; informing the competent territorial commission for the examination of the application for international protection in order to ascertain the risks that the person is running.

In cases of third-country citizens in Italy for whom a “Dublin record” is opened by the police station, should it emerge that they are at risk of trafficking or that they may be victims of previous trafficking, the Dublin unit carries out an assessment for the purpose of deciding whether to implement a transfer to another competent Member State in the light of the Dublin regulation or whether to determine Italian competence in the application for international protection and not carry out a transfer from which risks for the person may arise. Should the Italian Dublin unit decide to carry out the transfer of the third-country citizen to another Member State, it communicates, subject to the consent of the person involved, the necessary information so that the person is not exposed to risks in the destination Member State.

b) What is the national policy and practice regarding Dublin transfers of (presumed) third country national victims of trafficking in human beings?

Given the particular condition of vulnerability, the national practice is to arrange a priority solution with regard to other Dublin transfers.

Every case is assessed individually for the purpose of deciding whether the transfer of the third-country citizen to Italy or to another Member State leads to risks connected with trafficking. If the third-country citizen who is a victim of trafficking or a risk of trafficking must be transferred – in accordance with the Dublin regulation - from another Member State to Italy, the Italian Dublin unit adopts the appropriate measures and notifies the competent authorities; if, on the other hand, the third-country citizen who is a victim of trafficking or at risk of trafficking must be transferred from Italy to another Member States, the Italian Dublin unit assesses the appropriateness of the transfer and, should this be deemed appropriate, exchanges information with the destination Member State regarding the risk referred to above.

c) How does identification and referral take place during the Dublin Procedure?

Through the assessment of the documentation received from the other Member State, if the third-country citizen is to be transferred to Italy, or through the assessment of the documentation received from the police station or from another involved party, should the third-country citizen already be in Italy.

d) Are presumed third country national victims of trafficking in human beings identified during the Dublin procedure entitled to a reflection period? Yes No

e) What, if any, are the situations in which Dublin transfers are halted for presumed third-country national victims of trafficking in human beings?

The situations are assessed on a case-by-case basis, in consideration of the interest of the person.

By way of example, a transfer in accordance with the Dublin regulation of a third-country citizen from another Member State to Italy is blocked should, following the appropriate inquiries conducted by the Dublin unit in order to check the opportunity for a family reunion between an alleged wife and an alleged husband, it emerge that the alleged husband, residing in Italy, had no actual knowledge of the alleged wife

for whom the other Member State had requested the transfer and, on the contrary, who could be her exploiter.

f) Has your Member State used the humanitarian and sovereignty clauses under Articles 3 and 17 of Dublin III Regulation for cases of trafficking in human beings? Yes No

In general, with regard to the Dublin III procedure, the IOM reaffirms the need to provide actions of uniform intervention and the exchange of information between the competent national authorities in order to ensure that victims of trafficking requiring international protection are not transferred to another EU country, including in application of the Dublin III regulation, where they may still be at risk of exploitation. In this context, the requirement is recalled, as already reaffirmed by the EU Strategy to combat trafficking in human beings 2021-2025, of transnational mechanisms, that is, platforms for the cross-border cooperation of the competent public authorities and civil society involved in following up the identification, assistance and protection of the victims of trafficking. The IOM makes itself available to facilitate, including through its presence and expertise in the international arena, the coordination and interinstitutional dialogues between the actors involved and the dissemination of good practices, including at the European level¹⁰⁶.

Q10. What (other) intra-EU cooperation mechanisms are in place regarding detection, identification and protection of (presumed) third-country national victims of trafficking in human beings?¹⁰⁷

In the context of the Dublin procedure, the mechanisms are based on bilateral collaboration with the various Member States aimed at the exchange of information about trafficking victims.

Q11. What cooperation mechanisms with third countries, if any, are in place in your Member State regarding detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings?

The State Police take part in international working groups involved in combatting trafficking in human beings, with particular reference to cases of the sexual exploitation of victims. Cooperation with Europol for the exchange of police information useful for the identification of traffickers and victims is also particularly effective.

Q12. Does your Member States cooperate with third countries in the context of voluntary return of (presumed) third-country national victims of trafficking in human beings? Yes No

If so, in what way?

By making use of the support of international organisations specifically focused on the situation.

Q13. Is your Member State considering any future cooperation mechanisms with third countries and with other Member States regarding detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings? Yes No

If so, please explain.

¹⁰⁶ The EU Strategy for the fight against trafficking in human beings 2021-2025 provides transnational referral mechanisms, that is, platforms for the cross-border cooperation of the competent public authorities and civil society involved in following up the identification, assistance and protection of the victims of trafficking. The IOM already has experience in this regard thanks to the TACT project "Study on Reviewing the functioning of National and Transnational Referral Mechanism" [Project | TACT | Transnational referral mechanism Model \(iomfrance.org\)](https://iomfrance.org)

¹⁰⁷ EMN NCPs are invited to address this question by using as source the EMN AHQ 2019.91 on [victims of trafficking of human beings exploited in another Member State](#), requested by LU NCP on 10 October 2019, last accessed on 13 June 2021. The AHQ was not made publicly available on the EMN website.

Section 5: Key challenges and good practices in Member States, including in light of the COVID-19 pandemic.

<p>Q14a. What are the key challenges faced in the i) detection, ii) identification and iii) protection of (presu third-country national victims of trafficking in human beings?</p> <p>Please include one challenge per row and indicate the stage for which it applies in the tick boxes below. needed, please add additional rows to the table below.</p>	
Challenge (Please list in order of importance or chronological order as instructed under first question)	Stage
<p>Please describe the challenge.</p> <p>One challenge being tackled is the attempt to harmonise the procedure for the detection and identification of trafficking victims. To this end, training is promoted and organised that involves the police operators in the sector.</p> <p>Also answer the following questions:</p> <p>For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?</p> <p>The main challenge tackled by the police operator is that of identifying the vulnerability indicators; also, the parties concerned are tackling the challenge of creating a relationship of trust between victims and the authorities, notwithstanding the fact that often trafficking victims do not even realise they are victims.</p> <p>b) Why is it considered a challenge?</p> <p>The challenge is due to the fact that different practices exist across the territory that it would be desirable to make uniform.</p> <p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)? The source of the statement is the Police</p>	<input checked="" type="checkbox"/> Detection <input checked="" type="checkbox"/> Identification <input type="checkbox"/> Protection
<p>DETECTION: Adequate training aimed at all the health personnel (both who work at the first aid centres and at the clinics) which is aimed at giving information on the phenomenon of trafficking, the various forms of exploitation, the indicators to be used for the early identification in the health context, the subjects institutionally involved in the process of detection, protection and empowerment of the persons who are trafficking victims.</p> <p>Also answer the following questions:</p> <p>a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?</p>	<input checked="" type="checkbox"/> Detection <input type="checkbox"/> Identification <input type="checkbox"/> Protection

<p>For the National Health Service (NHS), the regional points of reference (health departments), and ministerial points of reference (the office dedicated to health prevention of the Health Ministry).</p> <p>b) Why is it considered a challenge?</p> <p>Because the training in question must be harmonised across all the regional contexts, it must come within the annual professional updating of health figures and those who do not work in the NHS (such as social workers and cultural mediators), it must involve continuous updating, given the dynamic nature of the phenomenon, it must provide preliminary identification (this also harmonized across all regional organisations) of the institutional network in question for collaboration in the process of detection, protection and empowerment of victims of trafficking.</p> <p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</p> <p>Based on the clinical experience of the INMP and other international bodies (see note 99).</p>	
<p>Please describe the challenge.</p> <p>Adoption of a procedure and instruments for the early identification in healthcare of persons who are trafficking victims that are common to all the regional contexts.</p> <p>Also answer the following questions:</p> <p>a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?</p> <p>For the National Health Service (NHS), the regional points of reference (health departments) and the reference point of the local health authorities.</p> <p>b) Why is it considered a challenge?</p> <p>Because it must be harmonised in all the regional contexts and in all the local health authorities.</p> <p>b) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</p> <p>Based on the clinical experience of the INMP and a number of international bodies (see note 99).</p>	<p><input type="checkbox"/> Detection</p> <p><input checked="" type="checkbox"/> Identification</p> <p><input type="checkbox"/> Protection</p>

<p>Please describe the challenge.</p> <p>During the pandemic, there has been a significant reduction in the accessibility of NHS services, consequently reducing the opportunities for the detection of trafficking, health policies need to be adopted aimed at promoting access of users to health services. This could also be achieved through communication strategies (including on the social networks) and outreach activities dedicated to the detection of trafficking victims.</p> <p>Also answer the following questions:</p> <p>a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?</p> <p>For the regional reference points (health departments) and ministerial reference points (Health Ministry).</p> <p>b) Why is it considered a challenge?</p> <p>Because this is an action that must be structured and planned from the start and must be implemented in a uniform way in all the regional contexts.</p> <p>What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</p> <p>Based on the clinical experience of the INMP and a number of international bodies (see note 99).</p>	<input type="checkbox"/> Detection <input checked="" type="checkbox"/> Identification <input type="checkbox"/> Protection
<p>Please describe the challenge.</p> <p>Considering the current dynamics of the arrival of migrants and refugees through the central Mediterranean route, it is regarded as essential to boost the focus on the alternative routes which could be used by traffickers to bring their victims to Europe, particularly with reference to the air and land routes, which could involve new nationalities and expose victims to new dangers and risks for their safety. As well as trafficking for purposes of sexual exploitation, trafficking for the purpose of exploitation in illegal activities, for begging, for forced marriage and domestic servitude are still little known. However, in the last year, thanks to the widespread presence of expert cultural mediators across the territory, the IOM has been able to ensure the detection of cases of trafficking for the purpose of begging, the victims of which are young Nigerian men who have landed in Italy in recent years, when they were still minors or young adults. In these cases, the victims identified by the IOM were subject to practices long deployed in trafficking for the purpose of the sexual exploitation of women (voodoo rituals, the promise of the payment of a debt, removal from the reception centres to be drawn into the criminal network, threats and reprisals for no longer being willing to pay a contracted debt). The IOM is still updating indicators of trafficking for the purpose of forced marriage/domestic servitude among young women from the Ivory Coast and Guinea arriving by sea. It therefore appears essential to broaden and deepen the analysis of the phenomenon to include lesser known and less visible forms of exploitation, in order to be able to provide interventions to protect victims and eliminate crimes. Moreover, the COVID 19 pandemic has certainly had an impact on the modus operandi of traffickers, who have</p>	<input type="checkbox"/> Detection <input checked="" type="checkbox"/> Identification <input type="checkbox"/> Protection

made increasing recourse to online forms of recruitment and exploitation of victims through social platforms and internet sites.¹⁰⁸ At the same time, due to the limited educational and recreational opportunities during quarantine and reception, the persons most at risk, including minors, have increasingly engaged in online and educational social activities, thereby increasing the risk of recruitment for the purpose of labour and/or sexual exploitation. The IOM believes actions are necessary that can favour the detection of forms of recruitment and exploitation of trafficking victims through the use of new technologies, through the development and dissemination of specific indicators, drawn up with the involvement of the victims, the anti-trafficking bodies, law enforcement and the Judicial Authorities, and in comparison with the situation in other countries of the European Union.

Also answer the following questions:

a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)? IOM

Thanks to the information briefing on the law and support activity in the early identification of trafficking victims at the main landing sites, Hotspots and border crossings, in the informal settlements and at the Immigration Offices of Police Station, in addition to the activities in support of the voluntary, assisted return and reintegration of victims, the IOM has been able to observe how the migratory routes that involve Italy are used increasingly often by the traffickers to bring to Italy and the European Union trafficking victims intended for the most part for sexual and labour forms of exploitation, but also for the conduct of illegal activities and forced begging.

b) Why is it considered a challenge?

Because some forms of exploitation linked to trafficking are less well-known and less visible, they must be analysed in order to provide interventions to protect victims and eliminate crimes.

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)? Input from IOM experts.

Please describe the challenge.

The IOM stresses the need to reinforce the mechanism of protection of victims of trafficking and grievous exploitation, including through projects dedicated to specific vulnerabilities (psychological, health etc.) as well as the boosting/creation of protected sites (so-called safe houses and/or emergency intervention) whereby victims identified at the time of arrival or identified in the context of inspection visits can be transferred, in order to be able to keep them away from their traffickers and/or gangmasters and immediately activate specific assistance services. On this point, mention should be made of the joint initiative GLO.ACTS (Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants) between the European Union, UNODC, IOM and UNICEF¹⁰⁹. In particular, within this initiative, the IOM is developing and implementing in various countries

- Detection
- Identification
- Protection

¹⁰⁸ UNDOC 2020. Impact of the COVID-19 pandemic on trafficking in persons
[HTMSS Thematic Brief on COVID-19.pdf \(unodc.org\)](https://www.unodc.org/hotspots/trafficking/2020/09/16/htmss-thematic-brief-on-covid-19.pdf)

¹⁰⁹ <https://www.iom.int/gloact>

facilities of protection and assistance for trafficking victim and other categories of migrants in conditions of vulnerability, facilitating access to protection mechanisms and care services. It is also considered necessary to adapt programmes taking care of the victims of trafficking and grievous exploitation, calibrating the services to the needs of the victims, taking account of gender, age, specific needs and vulnerabilities in close coordination with the Three-Year Plan to combat labour exploitation in agriculture and the gangmaster system 2020-2022.

Moreover, the IOM considers it is essential to create a specific assistance programme that ensures adequate conditions of reception and assistance to unaccompanied foreign minors who are victims of trafficking, as laid down by article 17 of the Law no. 47/2017 "Provisions on protection measures of unaccompanied foreign minors". In particular, the IOM considers it desirable that an effective system of coordination is developed across the entire national territory between the reception system for unaccompanied foreign minors, anti-trafficking projects and social services at the territorial level, in order to make possible the swift reception of minors identified as trafficking victims and their transfer to suitable facilities for the protection of this specific vulnerability.

- a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)? IOM
- b) Why is it considered a challenge?
- c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)? Input from IOM experts.

Please elaborate by answering to the following questions

Q14b. What are the specific challenges at any of the above stages concerning vulnerable persons or asylum applicants?

Please include one challenge per row and indicate the stage for which it applies in the tick boxes below. If needed, please add additional rows to the table below.

Challenge <i>(Please list in order of importance or chronological order as instructed under the first question)</i>	Stage
<p><i>Please describe the challenge.</i></p> <p>Training and uniformity in order to overcome resistance by creating a relationship of trust.</p> <p>Indeed, while being aimed at an in-depth assessment of each case in order to prevent any risk of reprisal, danger or a new case of trafficking, among the main challenges is that of ensuring collaboration with the (potential) victim of trafficking by building a relationship of trust that goes beyond the offer and guarantee of assistance of the victim.</p> <p>Very often, victims find it difficult to collaborate with police forces out of fear of reprisals. By way of example, the investigations conducted into trafficking in human beings have brought to light the fact that members of international criminal groups, mostly based in Nigeria and Libya, usually recruit young Nigerians directly, including minors, with false promises of work, in the small villages of origin, but also through offers published on the internet. The victims, once they reach Libya, are brought illegally to Italy and forced, with threats and physical and psychological violence, frequently consisting of voodoo/ju-ju rituals, to engage in prostitution in the streets of various provinces, under the strict control of members of the criminal organisations. Young Nigerian women, often obliged to take drugs or alcohol, are prevented from returning home or to contact the police authorities or assistance services. Among the acts of violence in terms of the physical and psychological aspect, criminal gangs often force the victims to undergo illegal abortions without their consent. In addition to the aforementioned voodoo rituals, there is psychological violence on which the "possession" of victims by organisations is enforced through family blackmail and brainwashing, to which the young women are subject. Through these practices, the women are convinced that recourse to the police authorities could cause them very serious harm, not only by the criminal gang but also at the judicial level by the police forces.</p> <p>In the context of the international protection procedure, difficulties have been encountered in the detection of the phenomenon of trafficking - be it for sexual or labour exploitation. Often the victims are reticent to talk about their experiences of trafficking, especially out of fear due to threats and reprisals by the exploiter.</p> <p>See what has already been included in the table 14.a</p> <p>Also answer the following questions:</p> <p>a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?</p> <p>b) Why is it considered a challenge?</p> <p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</p>	<p><input checked="" type="checkbox"/> Detection</p> <p><input checked="" type="checkbox"/> Identification</p> <p><input type="checkbox"/> Protection</p>

Q14c. What are the specific challenges with regard to traffickers / criminal organisations involved in trafficking in human beings using asylum procedures for means other than intended? (*for example, to temporarily house victims in a reception centre before moving them to the intended country*).

Please include one challenge per row and indicate the stage for which it applies in the tick boxes below. If needed, please add additional rows to the table below.

Challenge (*Please list in order of importance or chronological order as instructed under the first question*)

Please describe the challenge.

There is currently no record of specific cases of criminal organisations that use the asylum procedures for means other than those laid down.

Also answer the following questions:

a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?

b) Why is it considered a challenge?

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

Q15. What are the consequences of COVID-19 pandemic on the detection, identification, and protection of (presumed) victims?

Among the most significant consequences is the delay in conducting interviews with the (potential) victims of trafficking in order to detect the indicators, also exacerbated by social distancing.

The Covid-19 pandemic has had major repercussions that have led to a delay in the collection of data due to the reduction in the interviews in order to avoid the risks of contagion. Therefore, the results of a survey carried out in 2020 (a drastic fall was noted in the number of victims detected as part of the asylum procedure in 2020 compared to the previous year) were not entirely consistent with the true picture of how much the phenomenon has spread in the field of international protection. Indeed, the analysis carried out showed a reduction in the early identification of presumed victims of trafficking among applicants for international protection, which is correlated with the temporary suspension of the hearings at the Territorial Colleges.

The procedures can be more difficult at the time of landing because migrants only remain available to the police forces at the landing sites for a few hours before being sent into quarantine and, after this period, redistributed across national territory.

The 2020 health emergency caused particular problems in conducting the protection procedures of victims, should they have been detected, identified and included in pathways of dedicated assistance.

Q16. What new patterns and / or trends in trafficking in human beings have emerged because of the COVID-19 pandemic?

No new trends in the trafficking of human beings have emerged due to the pandemic.

Q17. How has your Member State adapted its policies and procedures due to the challenges of the COVID-19 pandemic?

In the pandemic period, the implementation of projects already underway was guaranteed in order to avoid interruptions in providing assistance for victims; to this end, more than 20 million euros were allocated and provision was made for the inclusion, in the accounting stage, of all the project expense items concerning interventions dictated by the emergency (sanitisation, changes to the facilities) as well as support to ensure primary needs through the allocation of pocket money since many victims no longer have any type of livelihood, having quit precarious jobs that had provided resources for essential needs.

Q18. Regarding the challenges identified above, does your Member State have concrete plans or proposals in place for improvements to deal with them?

Q19. In light of possible new trends and developments, is your Member State anticipating any new challenges in the near future? Yes No

If so, please explain.

Q20. What good practices in relation to i) detection, ii) identification and iii) protection of (presumed) third-country national victims of trafficking in human beings exist in your Member State?

Please include one good practice per row and indicate the stage for which it applies in the tick boxes below. If needed, please add additional rows to the table below.

Good practice (Please list in order of importance or chronological order as instructed under the first question)	Stage
<p><i>Please describe the good practice.</i></p> <p>See what has already been included in the two tables of section 1, Q3a and Q3c:</p> <p>Expertise in the health sector has enabled the early identification of potential female victims of trafficking for sexual purposes, by using indicators, including those concerning health, monitored within the clinical activity. Currently these indicators are being verified in order to extend their applicability to all Italian health contexts.</p>	<input type="checkbox"/> Detection <input type="checkbox"/> Identification <input type="checkbox"/> Protection

The National Health Service provides services dedicated to guidance and counselling through which it is possible to support presumed victims of trafficking so that they can become aware of their situation and free themselves through self-identification. Therefore, all non-emergency health contexts can contribute to the emergence from trafficking. Evidence of this activity has been contributed by INMP and other international bodies.

Also answer the following questions:

a) Who considers this a good practice (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?

b) Why is it considered a good practice?

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

Please describe the good practice.

With regard to unaccompanied foreign minors, various safeguarding measures have been implemented to protect the most vulnerable among them from the time of their arrival. As has been highlighted previously, between January 2017 and December 2019, through the Aditus project, the International Organisation for Migrations (IOM) has provided specialised services at the landing sites to identify potential trafficking victims, as well as training on the issue for personnel at the reception centres. In this way, the UNHCR has provided information and support in the sector of international protection and the participation of minors, including the framework of the activities aimed at assessing the best interest of minors. Moreover, between October 2016 and December 2018, two projects of Save the Children and the Italian Council for Refugees (ICR) have worked to identify vulnerable minors at landing sites and land borders.

Until December 2019, two projects managed by the non-profit Terre des Hommes Italia and the Acuarinto association have also aided the identification and support of traumatised children and minors with mental health problems at the landing sites. Terres des Hommes signed a convention with the Department for Civil Liberties and Immigration on 8 June 2021, by which it undertook to provide psychological and psychosocial support at no cost, until 31.12.2022, to unaccompanied foreign minors and families with children, both at the landing sites and in the reception centres. Finally, on 23 December 2020, Save the Children signed the renewal of the convention stipulated on 5 December 2019, by which the aforementioned organisation undertook to provide, until 31.12.2021, at no cost, "*adequate assistance, protection, information and legal guidance*" to unaccompanied foreign minors who arrive in Italy and those who are part of a nuclear family.

Article 17 of the Law no. 47/2017 lays down that special protection must be guaranteed for unaccompanied foreign minors who are trafficking victims, arranging a specific assistance programme that ensures adequate conditions of reception and psycho-social, health and legal assistance, providing long-term solutions, even after they become adults. Moreover, a multidisciplinary procedure of age assessment is in force that is respectful of the assumed age and gender identity of the self-declared

- Detection
- Identification
- Protection

unaccompanied foreign minor, as laid down by the Prime Ministerial Decree no. 234/2016.

In the centres of first reception funded with the resources of FAMI (the Asylum, Migration and Integration Fund), specific teams of professional figures are at work, specifically recruited, such as social workers, language mediators, educators and legal operators who accompany the minor along their entire pathway, including with the aim of ensuring the prompt detection of potential trafficking victims in order to activate the protection procedures laid down by the legislation.

Over and above the connections that every reception project has established with the anti-trafficking network, the projects are included in an updating programme on issues concerning minors, which includes a focus by the personnel of IOM on trafficking in the training promoted by this Department and supported by EASO. The issue of trafficking of unaccompanied foreign minors was one of the subjects dealt with by 9 online workshops organised in 2020 regarding SIPROMI integrated reception projects (the name was changed to SAI by Decree Law 130/2020 enacted by the Law 173/20) and the local authorities involved in the area of unaccompanied foreign minors. At the end of this process of training and the exchange of practices, a manual was drawn up on the procedures of taking care of and the reception of unaccompanied foreign minors, which contains an in-depth examination of the phenomenon of trafficking and its management.

In the context of FAMI's so-called Emergency Measures, the project "ALFA-Accogliere Le Fragilità" was also funded, led by the Turin Prefecture, the general objectives of which are to ensure the immediate and adequate protection of vulnerable persons and, in particular, the potential victims of trafficking, running from Spring 2019 to Spring 2021, which will be extended if necessary. Among the actions laid down is the activation of a reception system dedicated to vulnerable persons, in particular potential women victims of trafficking and exploitation through the provision of reception facilities in the provinces of Piedmont aimed at the monitoring and protection of a number of specific potential victims of trafficking and exploitation who require international protection.

Also answer the following questions:

- a)** Who considers this a good practice (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?
- b)** Why is it considered a good practice?
- c)** What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

Central Directorate for Immigration and Asylum Services - Civil Liberty and Immigration Department - Interior Ministry