

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 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

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.

(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 underreported.¹⁷ Detection and 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

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/qcr/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.

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.

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 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

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/lisdocs/3387-REST%20Report%20Residence%20Permits%20-%20International%20Protection%20and%20Victims%20of%20Human%20Trafficking%20-%20FEB%202021.pdf?fbclid=IwAR2YqjwIVDXeb0CtOMDdJQd9lOGBDw_pMZ0d7hS_NQF3-E3deluM0bDued4, 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.

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.

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 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

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.

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.

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 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

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.

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.

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.

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

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/reqdoc/rep/1/2014/EN/1-2014-635-EN-F1-1.Pdf>, last accessed on 9 May 2021.

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.

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 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

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.

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.

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

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

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, 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/Isidocs/3387-REST%20Report%20Residence%20Permits%20-%20International%20Protection%20and%20Victims%20of%20Human%20Trafficking%20-%20FEB%202021.pdf?fbclid=IwAR2YqjwVdXeb0CtOMDdJQd9lOGBDw_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/Isidocs/3387-REST%20Report%20Residence%20Permits%20-%20International%20Protection%20and%20Victims%20of%20Human%20Trafficking%20-%20FEB%202021.pdf?fbclid=IwAR2YqjwVdXeb0CtOMDdJQd9lOGBDw_pMZ0d7hS_NQF3-E3deluMObDued4, last accessed on 13 June 2021.

⁶⁸ Dublin III Regulation, Article 8(4).

⁶⁹ Dublin III Regulation, Article 17(1).

- 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 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 a view to avoiding secondary and

⁷⁰ Dublin III Regulation, Article 17(2).

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).

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).
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).

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.

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 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.

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.
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	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. In the EU context, protection that encompasses refugee status and subsidiary protection status.
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.
Protection of (<i>presumed/identified</i>) victims of trafficking in human beings	The action of national authorities aimed at protecting the fundamental rights of (<i>presumed</i>) 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

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.

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.

Detection of (a situation of) trafficking in human beings	The process of identifying a possible situation of trafficking in human beings.
	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
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?

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.

⁸⁹ Victims' Rights Directive, Article 2.

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

- 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.

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.

11 TIMETABLE

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

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

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:

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).

THB is an issue often discussed in the Parliamentary Committee of Human Rights, especially concerning the support and protection of the victims. Parliamentarians push for established procedures of full access of victims to their rights as soon as those persons are identified as presumed victims. The government is also working towards transferring the national coordination to the Ministry of Justice and Public Order (from the Ministry of Interior that currently acts as the National Coordinator), for reasons of enhanced coordination, having in mind that THB is an organized crime and violation of human rights.

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

In 2016, the Manual for the Handling of VoTs (National Referral Mechanism) was adopted and circulated to all the competent Services. This Manual describes step by step the procedure that each State Service should follow in order to refer a presumed victim and provide support and protection to the victim throughout the criminal procedure.

Furthermore, in 2019 following a proposal by the Parliament, the Anti-trafficking Law was amended and increased all penalties of the offences prescribed in the Law, including the criminalization of the use of services. What is more, the bill included a separate article which criminalizes specifically the request and/or receive and/or use of sexual services by victims of THB, removing the provision that someone could have reasonably assumed that a person is a VoT. Please see below the full explanation of this amendment.⁹²

A draft bill has also been prepared, aiming to assign the Ombudswoman and Commissioner for Human Rights as the National Rapporteur.

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.

2015

Potential victims : 220

Identified victims : 46

Forms of trafficking :

Labour: **27**

Sexual: **9**

Labour & sexual: **3**

Begging: **3**

Forced to commit a crime: **1**

Adoption : **1**

Sham marriage : **2**

Country of origin	Gender				Number of victims
	Male		Female		
	Minor	Adults	Minor	Adults	



INDIA		14		3	17
BULGARIA				3	3
ROMANI				2	2
CAMEROON				2	2
MOLDOVA				2	2
U.K.				1	1
IVORY COAST	1			1	2
VIETNAM				1	1
UKRAINE				1	1
GREECE			1	1	2
PHILIPPINES				2	2
BAGLADESH		8			8
SLOVAKIA	1		1		2
CZECH				1	1
	2	22	2	20	46

2016

Potential victims : 221

Identified victims : 45

Forms of trafficking :

Labour: **4**

Sexual: **16**

Begging: **1**

Forced to commit a crime: **2**

Sham marriage : **22**

Country of origin	Gender				Number of victims
	Male		Female		
	Minor	Adults	Minor	Adults	
BULGARIA	-	-	-	8	8
ROMANIA	-	2	-	14	16

CZECH	-	-	-	2	2
SYRIA	-	-	-	1	1
VIETNAM	-	1	-	1	2
CAMEROON	-	-	-	4	4
CYPRriot	-	-	-	1	1
LATVIA	-	-	1	3	4
CONGO	-	-	-	1	1
GEORGIA	-	-	-	1	1
UKRAINE	-	-	-	3	3
INDIA	-	1	-	-	1
EGYPT	-	1	-	-	1
	-	5	1	39	45

2017

Potential victims : 103

Identified victims : 23

Forms of trafficking :

Labour: **5**

Sexual: **15**

Labour & sexual: **1**

Sham marriage : **2**

Country of origin	Gender				Number of victims
	Male		Female		
	Minor	Adults	Minor	Adults	
BULGARIA	-	-	-	2	2
ROMANIA	-	2	-	4	6
ERITREA	-	-	-	1	1
CAMEROON	-	-	-	6	6
RUSIA	-	-	-	1	1

IVORY COAST	-	1	-	-	1
MOLDAVIA	-	-	-	1	1
CYPRUS	-	-	-	1	1
INDIA	-	2	-	-	2
UKRANIA	-	-	-	2	2
	-	5	-	18	23

2018

Potential victims : 155

Identified victims : 42

Forms of trafficking :

Labour: **4**

Sexual: **18**

Labour & sexual: **12**

Forced to commit a crime: **1**

Sham marriage : **7**

Country of origin	Gender				Number of victims
	Male		Female		
	Minor	Adults	Minor	Adults	
ROMANIA	-	-	-	4	4
UZBEKISTAN	-	-	-	1	1
MOLDOVA	-	-	-	1	1
PAKISTAN	-	1	-	-	1
RUSIA	-	-	-	3	3
INDIA	-	1	-	2	3
BULGARIA	-	-	-	1	1
EGYPT	-	1	-	-	1
VIETNAM	-	-	-	2	2

CYPRUS	-	-	-	4	4
UKRAINE	-	-	-	9	9
BANGLADESH	-	1	-	-	1
CAMEROON	-	-	-	5	5
CHINA	-	-	-	2	2
NIGERIA	-	-	-	1	1
GAMBIA	-	1	-	-	1
ETHIOPIA	-	-	-	1	1
LATVIA	-	-	-	1	1
	-	5	-	37	42

2019

Potential victims : 188

Identified victims : 36

Forms of trafficking :

Labour: **3**

Sexual: **12**

Labour & sexual: **11**

Begging: **3**

Forced to commit a crime: **2**

Adoption : **1**

Sham marriage : **6**

Country of origin	Gender				Number of victims
	Male		Female		
	Minor	Adults	Minor	adults	
CYPRUS	---	---	1	3	4
VIETNAM	---	---	---	2	2
BULGARIA	---	---	---	4	4
CAMEROON	---	---	---	5	5

NIGERIA	---	---	---	2	2
CHINA	---	---	---	1	1
INDIA	---	1	---	2	3
CHEZH	---	---	---	2	2
SRI LANKA	---	---	---	1	1
ROMANIA	---	---	---	6	6
UKRAINE	---	---	---	1	1
GREECE	---	---	1	1	2
NEPAL	---	---	---	3	3
	---	1	2	33	36

2020

Potential victims : 171

Identified victims : 25

Forms of trafficking :

Labour: **12**

Sexual: **8**

Labour & sexual: **3**

Begging: **1**

Sham marriage : **1**

Country of origin	Gender				Number of victims
	Male		Female		
	Minor	Adults	Minor	Adults	
INDIA	-	1	-	-	1
NEPAL	-	2	-	-	2
ROMANIA	-	-	-	3	3
PHILIPPINES	-	-	-	1	1
EGYPT	-	10	-	-	10

CAMEROON	-	1	-	2	3
CYPRUS	-	-	-	1	1
BULGARIA	-	-	-	4	4
	-	14	-	11	25

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:

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.

Measures in place to detect (presumed) third-country national victims of trafficking in human beings	Details
Self-reporting	<p>Persons who believe they are victims of trafficking can refer themselves to the Social Welfare Services or to the Labour Relations Department, or to an NGO, or directly to the Police, and upon this, the National Referral Mechanism is immediately put in place.</p> <p>The referral of victims of trafficking in human beings is defined by article 44 of the Prevention and Combating of Trafficking and Exploitation of Human Beings and Protection of Victims Law, L. 60(I)/2014.</p> <p>Specifically, Law 60(I)/2014, article 44, states that in case a governmental service or an NGO deems or has reasonable suspicions that a person might be a victim of trafficking, then this service refers the person in question to the Social Welfare Services. The latter provide the potential victim with information regarding his/her rights, the services that can offer him/her assistance, the procedure that will be followed for him/her to be identified as victim etc, in a language that this person can understand. This person is then referred to the Office of Combating Trafficking in Human Beings of the Police.</p> <p>As of March 2021, a four-digit hotline number (1497) was established, amongst other reasons, for facilitating self-reporting by potential victims.</p>
Awareness raising campaigns	<p>Although some awareness-raising campaigns targeting potential victims of trafficking were conducted, no tangible results were recorded, nor has any impact assessment being carried out to measure the results of these campaigns</p>
Collection of indicators	<p>Frontline officers, including the Police, Social workers, immigration and asylum officers, labour officers and labour inspectors are trained on a regular basis on the indicators of</p>

	possible human trafficking and exploitation. Through this procedure, several presumed victims were referred for official identification as VoTs.
Intelligence gathering by investigative services (e.g. police, labour inspectorate)	The Police analyses intelligence received or gathered for the commission of possible offences related to THB. Towards this, as an initiative of the Office of Combating Trafficking in Human Beings of the Cyprus Police, as of March 2021 a four-digit hotline number (1497) has been set up at the Police Headquarters, allowing both the public and potential victims of THB, regardless nationality, to make reports, submit complaints and provide information concerning issues related to human trafficking.
Proactive screening in asylum procedures	A vulnerability interview is done as soon as the persons apply for asylum and it's a first screening to identify any vulnerability including Trafficking victims or potential trafficking victims.
Proactive screening in migration procedures	Private employment companies, who are the main mediators for the employment of foreign personnel by employers in Cyprus, are monitored regularly, towards preventing or detecting their possible involvement in a trafficking chain. Moreover, through the proactive screening of the mass migration influxes of the recent years, several cases of THB were identified.
Other	

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

As an initiative of the Office of Combating Trafficking in Human Beings of the Cyprus Police, as of March 2021 a four-digit hotline number (1497) has been set up at the Police Headquarters, allowing both the public and potential victims of THB, regardless nationality, to make reports, submit complaints and provide information concerning issues related to human trafficking. The four-digit hotline number (1497) was established, amongst other reasons, for facilitating self-reporting by presumed victims.

Furthermore, several NGOs work in the field, to which persons can report exploitation

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
within asylum procedures	Vulnerability screening is applied during the interviews. Should indicators of THB arise, the person immediately enters the National Referral Mechanism.

within other migration procedures (e.g. seasonal workers, domestic workers, au pairs, students)	Private employment companies, who are the main mediators for the employment of foreign personnel by employers in Cyprus, are monitored regularly, towards preventing or detecting their possible involvement in a trafficking chain.
who are voluntary returnees	Vulnerability screening is applied and further counselling, if needed.
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)?	Vulnerability screening is applied
who are in an irregular situation	Vulnerability screening is applied and further counselling, if needed, after their apprehension

d. What procedural safeguards exist for each category presented above?

If the Asylum Service finds that an applicant is in need of special procedural guarantees, they are provided with adequate support, including sufficient time, so that the applicant can benefit from the rights and comply with the obligations provided for in the Refugee Law throughout the asylum procedures and to make it possible to highlight the elements needed to substantiate the asylum application.

Regarding returnees and/or detainees, immediately after indicators of THB arise and the potential VoT is referred to the National Referral Mechanism, all procedures are suspended/stopped.

e. What organisations / authorities are trained / competent to detect (presumed) third-country national victims of trafficking)?⁹³

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	Y	Y	<p>By Law, the Office of Combating Trafficking in Human Beings of the Cyprus Police is the sole State Authority that officially identifies Vots.</p> <p>The members of the Office of Combating Trafficking in Human Beings of the Cyprus Police, are systematically trained on issues relating to handling vulnerable (potential) victims and</p>

⁹³ 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.

			<p>(potential) victims of trafficking, including recognizing the presence of trauma and traumatic experiences.</p> <p>Furthermore, combating trafficking in human beings is incorporated in all recruitment and sergeant courses, as well as in the Crime Investigation Department's courses and in specialized trainings offered to members of the Immigration Department of the Police and of the members of Community Policing. Additionally, seminars take place with the participation of front-line officers on various issues regarding combating trafficking in human beings including the detection of indications for the identification of victims of human trafficking.</p>
Border guards	Y	N	<p>Combating trafficking in human beings is incorporated in all recruitment and sergeant courses, as well as in specialized trainings offered to members of the Immigration Department of the Police (which includes the border guards) and of the members of Community Policing. Additionally, seminars take place with the participation of front-line officers on various issues regarding combating trafficking in human beings including the detection of indications for the identification of victims of human trafficking.</p>

Labour inspectors	Y	N	As they are considered front-line officers, training on detection and identification of indicators is offered to them.
Migration services	Y	N	As they are considered front-line officers, training on detection and identification of indicators is offered to them.
Asylum case officers	Y	Y	<p>The asylum officers and case workers that are dealing with the part of the Vulnerable asylum seekers are trained to detect or see if there are any indicators of a victim of trafficking during a vulnerability assessment or a first contact or even during the interview concerning the claim.</p> <p>There are available training modules (EASO) for the case workers mostly working with Vulnerable groups and of course for the vulnerability officers at the first reception centre to be able to identify or detect any indications that might come up during the interview.</p>
General practitioners	N	N	
Other health workers	N	N	
Employers	N	N	
Trade unions	N	N	
Civil society organisations	Y	N	Several seminars were offered by the State to NGOs working in the field, on detection and identification of indicators.

Others: Social Welfare Officers	Y	N	As they are considered front-line officers, training on detection and identification of indicators is offered to them on a regular basis.
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f. Please describe how national referral mechanisms (or alternative mechanisms in absence of one) have evolved in the detection of (presumed) third-country national victims of trafficking in human beings?⁹⁴

By Law, any Service or NGO working in the field has reasonable grounds to believe that a person might be a VoT, then they should make the referral to the Social Welfare Services, which act as the first-responding authority for possible victims. These persons are then referred to the Anti-Trafficking Police Office for interviews and formal identification.

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 to the following questions:

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

Organisation / authorities	Competent to identify (presumed) third-country national victims of trafficking? Y/N	Details
Police	Y	According to Article 45(2) of the Preventing and Combating of Trafficking and Exploitation of Human Beings and Protection of Victims Law, Law 60(I)/2014, the Office of Combating Trafficking in Human Beings of the Cyprus Police is the competent authority for the identification of victims of trafficking in human beings. Please note that there isn't any exception based on nationality, gender, religious, background etc as regards to identification of victims.
Border guards	N	Only the Office of Combating Trafficking in Human Beings of the Cyprus Police is the competent authority for the identification of (presumed) victims of trafficking in human beings.
Labour inspectors	N	Only the Office of Combating Trafficking in Human Beings of the Cyprus Police is the competent authority for the

⁹⁴ Ibid.

		identification of (presumed) victims of trafficking in human beings.
Migration services	N	Only the Office of Combating Trafficking in Human Beings of the Cyprus Police is the competent authority for the identification of (presumed) victims of trafficking in human beings.
Asylum case officers	N	Only the Office of Combating Trafficking in Human Beings of the Cyprus Police is the competent authority for the identification of (presumed) victims of trafficking in human beings.
Civil society organisations	N	Only the Office of Combating Trafficking in Human Beings of the Cyprus Police is the competent authority for the identification of (presumed) victims of trafficking in human beings
Others		

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.

The Police has established internal regulations for the procedure of identification of (presumed) VoTs

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	
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

A presumed victim, identified as such by the Anti-trafficking Police Office, may receive a residence permit for reflection for one month (or 2 months if it is a child), renewable should the Anti-trafficking Police Office deems this necessary.

A residence permit as an identified VoT is granted to all identified VoTs, for as long as the criminal investigations and court procedure last.

Protection status, in the sense of protecting their rights, is granted immediately.

e) Please describe how national referral mechanisms (or alternative mechanisms in absence of one) have evolved in the identification of (presumed) third-country national victims of trafficking in human beings?⁹⁵

The Preventing and Combating of Trafficking and Exploitation of Human Beings and Protection of Victims Law, Law 60(I)/2014 provides for the establishment of a National Referral Mechanism for the handling of THB cases and referral of victims. The National Referral Mechanism provides for the appropriate guidance and standard operating procedures for the handling of (presumed) victims of THB, including identifying and referring victims to services, so the (potential) victims have access to their rights.

Also, as mentioned previously, the Cyprus Police is the competent authority for the identification of victims of trafficking in human beings. For this purpose, the Cyprus Police has issued an 'Identification of Victims of Human Trafficking Manual' to assist police officers to screen and identify victims of trafficking based on international indicators of victimization and human trafficking.

The 'Identification of Victims of Human Trafficking Manual' is based on the recommendations of several international organizations such as the ILO (International Labor Office), ICMPD (International Centre for Migration Policy Development and WHO (World Health Organization) regarding the victim identification process, and the indicators. The manual covers all necessary areas needed when dealing with a (possible) victim of trafficking. It includes the characteristics of victims, the psychological impact and reactions of victims of trafficking, indicators on identifying the traffickers, and the indicators of victimization. The final chapter of the manual deals with the structure of the interview and all the necessary steps needed for the police officers to conduct an interview with a (possible) victim of trafficking.

⁹⁵ 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.

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	x		Fist screening and immediate referral to Social Welfare Services	x	X
Appropriate and safe accommodation	x		Social welfare services will refer a person to the shelter	x	X
Necessary medical treatment	x		General blood test and examination will be done at the first reception centre. More specialized doctor assistance will be given by the Social Welfare Services	x	X
Counselling and information			As soon as a person is presumed to be a potential victim of trafficking, the social welfare will give all the information and counselling needed. The asylum service will inform a person about the fact that his/her case has indicators that may lead to	x	x

			trafficking and that we will refer the case to the Trafficking department of the Police through welfare so as to be examined more		
Legal assistance				x	
Translation and interpretation	x		The asylum Service can and will provide the translator during the procedure if needed	x	x
Psychological assistance	x		The Asylum Service will provide psychological support if needed through OKYPY or Cyprus Refugee Council.	x	x
Subsistence (material assistance)				x	x
Social and economic integration				x	
Protection against re-victimisation			In case where the application for Asylum is examined and there is fear of re-victimization should this person is repatriated, then protection will be given according to the Refugee Law 2000-2020.	x	
Other:					

Special provisions for the protection of child victims.	x			x	
Access to educational and occupational programmes				x	
Access to labour market				x	
To satisfy the special needs arising from pregnancy, state of health, disability, mental or psychological disorder or serious forms of psychological, physical or sexual violence.	x			x	

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.

As soon as, indicators of THB arise and the potential VoT is referred to the National Referral Mechanism, all returns procedures are suspended/stopped. (Presumed) victims of trafficking are not returned to their countries during the criminal investigations and court cases. When the case is closed, a risk assessment is carried out by the police, and if it is considered dangerous for them to be repatriated, the Minister of Interior grants them a residence permit on humanitarian grounds. Non-refoulement is always applied to all returnees, including on victims of trafficking.

Q7. How does your Member State implement Article 60 and 61 of the 'Istanbul Convention'?⁹⁶

Non-refoulement is always applied to all returnees, including on victims of gender-based violence

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 Anti-trafficking Police Office is the competent authority to decide whether a person is a presumed victim and the proceed to formal identification. To this end, it is the competent authority by law to request to the Ministry of Interior to suspend any return decision and grant a residence permit for reflection purposes. Furthermore and according to the law, any officer of any involved Department/Service, who has reasonable reasons to believe that a person is a VoT, shall immediately inform the Ministry of Interior/the competent authority, in order to suspend any return procedure.

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.

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?

1 month, renewable if deemed necessary by the Anti-trafficking Police Office

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?

⁹⁶ 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.

Yes, presumed victims use the reflection period in order to decide whether to cooperate with the authorities. For the identified victims, if they decide not to cooperate, they are not granted a residence permit.

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

Presumed victims are granted a residence permit for reflection purposes for 1-month duration (renewable). Identified victims are granted a yearly residence permit, while the criminal procedure and the court case last, provided that they cooperate with the Police.

g) What are the conditions for getting these permit(s) granted? Do conditions differ between presumed and identified (i.e. not yet identified) third-country national victims of trafficking in human beings?

Presumed victims are granted a residence permit for reflection purposes for 1-month duration (renewable), in order to escape from the influence of the traffickers and decide whether to cooperate with the police. Identified victims are granted a yearly residence permit, while the criminal procedure and the court case last, provided that they cooperate with the Police and that they have not re-established connection with the traffickers.

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

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

According to article 3(4) of the Witness Protection Law, L. 95(I)/2001, victims of trafficking are considered as witnesses who are entitled to protection measures according to the Protection of Witnesses Law. The L. 95(I)/2001 authorizes the establishment and the operation, under the control and the supervision of the Attorney General, of a Scheme for the Protection of Witnesses. Under the Scheme a series of protective measures may be taken, so as to encourage and safeguard the testimony of vital witnesses who would have otherwise been at risk. Specifically, the means it provides for the protection of witnesses are of two types: i) procedural, i.e. that concerns the judicial process of the protection of the witnesses and they are declared by the Court, and ii) not procedural, i.e. that concerns the measures taken by the Police. Regarding procedural measures the Court can declare a person as a witness that requires help ex officio or under application filled at any stage of the process. There isn't a difference between presumed and identified third-country national victims of THB as regards to access to the abovementioned protection measures.

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:

a) 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?

If there are any such cases we will proceed with the Dublin procedure but will inform the other member state having in mind that there is no criminal prosecution pending.

b) What is the national policy and practice regarding Dublin transfers of (presumed) third country national victims of trafficking in human beings? If there is a case with criminal prosecution pending on a case of

potential trafficking then the Dublin won't proceed, the transfer may be postponed until the case is finished.

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

If there are any indications or suspicion raised during the Dublin interview, then the officer in charge will refer to the officer responsible for the vulnerable group of applicants for the actual Referral. However, these cases are not so often because of the Vulnerability assessment done in an early stage.

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? **If there is a case of criminal persecution in court open.**

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

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?⁹⁷

Information and intelligence are exchanged with EU MS via Europol on THB issues, including the detection, identification and protection of (presumed) third-country national victims of such crimes. Intelligence and information sharing are facilitated by Europol as the law enforcement agency of the European Union Member State Law Enforcement Agencies. Intelligence sharing can be facilitated via Europol Liaison Bureaus, channel for the rapid and secure exchange of information between different agencies (SIENA – secure email system) and also access to Europol's unique pan-European criminal databases. Furthermore, the Cyprus Police is in close cooperation with the EU embassies located in Cyprus for the detection, identification and protection of (presumed) victims of THB regardless nationality of the (presumed) 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?

Interpol channels are used to make risk assessed enquiries with overseas law enforcement in order to obtain police intelligence – 'police-to-police' enquiries. Such enquiries include information and intelligence related to the detection, identification and protection of (presumed) third-country national victims of THB. As well, the Cyprus Police is in close cooperation with the third country embassies located in Cyprus for the detection, identification and protection of (presumed) victims of THB regardless nationality of the (presumed) victims. Moreover, within the participation of the Office of Combating Trafficking in Human Beings of the Cyprus Police in subproject "Chinese THB" of EMPACT project a confidential handbook was developed, together with the Chinese authorities, including issues regarding detection, identification and protection of (presumed) victims.

⁹⁷ 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.

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?

The victims of trafficking are, usually, returned voluntarily, as part of the national AVRR project, receiving reintegration support. All contacts with the third country are made by the AVRR implementing partner, i.e. IOM Cyprus

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.

As Cyprus is considered, mainly, to be a destination country of victims of THB, the Office of Combating Trafficking in Human Beings of the Cyprus Police is considering to develop cooperation with source countries of victims, both third countries and other Member states regarding various issued regarding THB, including detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings.

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

Q14a. What are the key challenges faced in the i) detection, ii) identification and iii) protection of (presumed) third-country national victims of trafficking in human beings?

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 style="text-align: center;">1. Right to information – strengthen the provision of information to (presumed) third-country victims of THB regarding their rights, the services available and how to access them, as well as the implications of being identified as a victim of THB.</p> <p>Also answer the following questions:</p> <p style="padding-left: 40px;">a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders)?</p> <p style="padding-left: 40px;">Social Welfare Services and Police.</p> <p style="padding-left: 40px;">b) Why is it considered a challenge?</p> <p>To properly explain to (presumed) victims their rights at the first point of contact and also at later stages.</p> <p style="padding-left: 40px;">c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</p> <p>GRETA’s Evaluation Report on THB 2020.</p>	<input checked="" type="checkbox"/> Detection <input type="checkbox"/> Identification <input type="checkbox"/> Protection
<p>2. Legal assistance and free legal aid – strengthen the effort to facilitate and guarantee access to justice for victims of THB by ensuring that they receive specialized legal assistance and free legal aid at an early stage of the criminal proceedings, and throughout the latter.</p> <p>Also answer the following questions:</p>	<input checked="" type="checkbox"/> Detection <input checked="" type="checkbox"/> Identification <input checked="" type="checkbox"/> Protection

<p>a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?</p> <p>Social Welfare Services and NGOs</p> <p>b) Why is it considered a challenge?</p> <p>To ensure access to justice for victims of THB.</p> <p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</p> <p>GRETA's Evaluation Report on THB 2020.</p>	
<p>3. Protection of victims and witnesses – ensure that victims and witnesses of human trafficking are provided with effective protection, including by ensuring that specialized NGOs receive adequate funding for the purpose.</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>Police, Social Welfare Services and NGOs</p> <p>b) Why is it considered a challenge?</p> <p>To ensure the safety and security of victims of THB and their family members.</p> <p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</p> <p>GRETA's Evaluation Report on THB 2020.</p>	<p><input type="checkbox"/> Detection</p> <p><input type="checkbox"/> Identification</p> <p><input checked="" type="checkbox"/> Protection</p>
<p>4. Identification of victims of trafficking – take further measures to ensure that identification of victims of THB is effectively implemented.</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><input checked="" type="checkbox"/> Detection</p> <p><input checked="" type="checkbox"/> Identification</p> <p><input type="checkbox"/> Protection</p>

<p>Police, Social Welfare Services and Asylum Service</p> <p>b) Why is it considered a challenge?</p> <p>To fulfil the role assigned to these services according to the National Referral Mechanism and refer the potential victims to the Office of Trafficking in Human Beings for the identification process.</p> <p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</p> <p>GRETA's Evaluation Report on THB 2020.</p>	
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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?

Early detection and identification is a difficult task because of mixed migration flows – migration, asylum and anti-trafficking . The particular vulnerability to trafficking and exploitation of children travelling as part of large migration flows, both accompanied and unaccompanied was detected.

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><i>All officers need to be trained in order to recognize and identify any potential victims of trafficking. As soon as this is done in the process , the better.</i></p> <ul style="list-style-type: none"> identifying victims efficiently and at an early stage is the first step towards making sure they are treated as ‘rights holders’, have access to their rights and can exercise them effectively, which includes receiving appropriate assistance and protection” (European Commission, 2017b: 5) <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.)? For the competent authorities , policy makers.</p> <p>b) Why is it considered a challenge? It is the first step for a victim to be detected and its not an easy task because usually victims are afraid, they don’t trust people easily after what they have been through, they are not opening up. So its important for the front line officers to be trained , to know the signs , to know how to handle such cases. Frontline responders also needed to be able to identify and refer potential trafficked people among migrants and refugees in transit and new arrivals.</p> <p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)? Based on input from experts, European Commission, 2017b: 5, TRAM – Trafficking Along Migration Routes.</p>	<input checked="" type="checkbox"/> Detection <input type="checkbox"/> Identification <input type="checkbox"/> Protection

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.

- **Effective programmes for the long-term protection and rehabilitation of trafficked people among asylum applicants and migrants are needed. This is particularly problematic for specific vulnerable groups, such as separated and unaccompanied children.**
- **Establishing a multidisciplinary and transnational approach for early identification, referral, service provision, protection and rehabilitation in the context of the current migration and asylum processes in transit and destination countries along the migration route**
- **Enhancing the knowledge of migration, asylum and anti-trafficking stakeholders in the targeted countries**
- **Strengthening the capacity of the relevant stakeholders and improving the exchange of experiences and good practices for early identification, referral, service provision and integration of trafficked people among migrants and refugees, by fostering innovative methods and activities.**
- **Enabling the integration of trafficked people in destination countries by developing local-level model strategic plans for the integration of victims of trafficking among vulnerable populations in selected destination countries (Germany, Finland and Sweden), as well as designing an integration road map targeting policy-makers.**

Also answer the following questions:

- a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders)? **For policy-makers, competent authorities, third-country nationals, other stakeholders**
- b) Why is it considered a challenge? **Because it is a very difficult target**
- c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)? **TRAM – Trafficking Along Migration Routes**

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

The COVID-19 pandemic has had huge negative economic consequences worldwide and Cyprus is not an exception. The spread of corona virus has affected, continuously and will continue to affect the economy and the health and the daily life of people. Therefore, this situation has an impact on society on its own. It is expected that the consequences of this crises will influence the financial situation of population groups, thus people will be found in a vulnerable position. This vulnerable position is expected to be exploited in the near futuer in various ways. It must be noted that, during the lockdown, as restriction of movements of citizens were imposed and suspect establishments / businesses of exploitation were closed, limited information was referred to the Police, regarding the detection and identification of (potential) victims.

As regards vulnerability screening in the asylum procedures, due to Covid-19 and the need for 14 days quarantine in reception centers there was an extra difficulty to detect, identify and protect the potential victims.

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

Due to the COVID-19 pandemic and the restrictions imposed an increase of the use of the internet has been noticed. Specifically, the use of technology methods, i.e. online applications and social media, are now used more than ever for the communication between traffickers – victims and traffickers – clients due to restriction on personal contacts.

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

During the outbreak of the pandemic COVID-19, the Cyprus Government proceeded with several measures regarding the movement restrictions, lockdown of businesses, etc. As a result, the majority of the population was not able to work normally and move, as they used to before the pandemic. In the framework of awareness of human trafficking of all forms, during the pandemic, the Police proceeded with awareness campaigns through social networking platforms regarding sexual exploitation through the internet.

The Asylum Service managed through other means of communication to early detect and identify victims.

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

The Government is examining ways of re-enforcing the coordination mechanism and evaluation of its efforts against THB. Towards this, a new model of coordination is now being examined by a technical group, which will be presented to the competent Ministers for decision.

The Cyprus Police intends to continue its efforts in combating trafficking in human beings and particularly locating and identifying victims of THB. The Office of Combating of Trafficking in Human Beings of the Cyprus Police continuously provides trainings and lectures in order to educate, sensitize, and inform members of the Cyprus, relevant stakeholders from governmental and non-governmental institutes and the general public as well which cover various aspects of THB, emphasizing on access of the rights to (presumed) victims of THB, protection of victims and witnesses, and referral of potential victims for identification.

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.

Cyprus is anticipating that the use of internet and social media, and especially the darknet, will be increasing in the future in cases of THB. Traffickers will take full advantage of the internet that provides them anonymity, allows encrypted conversations, control over victims by electronic means, the automatic removal/alteration of conversations etc. Although there are no

formal strategies on the issue of detecting online cases of THB, among other investigation tools, Cyprus Police mainly uses the Internet and social media proactively in the detection of possible human trafficking cases, in the collection and investigation of information on THB issues, as well as in the identification of possible traffickers and victims.

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 <i>(Please list in order of importance or chronological order as instructed under the first question)</i>	Stage
<p><i>Please describe the good practice.</i></p> <p>1. As a good practice is considered the referral of third-country nationals to the Office of Combating Trafficking in Human Beings for identification. These victims are often interviewed by NGOs working in the field (such as Cyprus Refugee Council), Asylum Service, and members from various departments, which upon their interview with the presumed victim, indicators of trafficking are detected. In such a case, the Social Welfare Services are notified in order to inform the potential victim of his/her rights according to the anti-trafficking law. L. 60(I)/2014, and then the presumed victim is referred to the Office of Combating Trafficking in Human Beings for the identification process.</p> <p>Also answer the following questions:</p> <p>a) Who considers this a good practice (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders)? NGOs, Cyprus Refugee Council, Asylum Service, Social Welfare Services and Police</p> <p>b) Why is it considered a good practice? The provisions of the anti-trafficking law and the National Referral Mechanism are implemented for the referral of potential victims for identification. Practice of stakeholders</p> <p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</p> <p>Evaluation reports and practice of stakeholders</p>	<p><input checked="" type="checkbox"/> Detection</p> <p><input checked="" type="checkbox"/> Identification</p> <p><input type="checkbox"/> Protection</p>

2. Besides, the Office of Combating Trafficking in Human Beings of the Cyprus Police is in constant contact with NGOs and the Social Welfare Services regarding the wellbeing of the (presumed) victims. In case any issue arises related to the safety and security of the (presumed) victim then the Office of Combating Trafficking in Human Beings is immediately notified by the involved NGO and/or the Social Welfare Services in order to implement any necessary protective measures for victim and the members of his/her family if required.

- Detection
- Identification
- Protection

Also answer the following questions:

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