

# International Organization for Migration

## “Referral of & Assistance for Victims of Human Trafficking in Europe”



Irina Todorova

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# Legal Framework: Partnership & Coordination

- UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (“Palermo Protocol”), supplementing the United Nations Convention against Transnational Organized Crime (“United Nations Convention”) – 2000;
- The Council of Europe Convention on Action against Trafficking in Human Beings – 2005;
- OSCE Action Plan to Combat THB – 2003;
- The UNHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking - 2002;
- The EU Action Plan on best practices, standards and procedures for combating and preventing trafficking in human beings – 2005;
- EU Directive on preventing and combating trafficking in human beings and protecting its victims – 2011;
- EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016;



# Principles and Objectives

- Recognition of THB as violation of human rights and a form of violence against women;
- Ensuring gender equality;
- Positive obligations:
  - To ensure an effective practical protection;
  - To investigate and prosecute the criminals;
- Facilitation of international cooperation in the domain of combating human trafficking



# Approach

- National/Transnational Anti-Trafficking Policies - “**Victim’s centered approach**”
- **4Ps approach:**
  - Prevention
  - **Protection**
  - Prosecution
  - **Partnership**



# Country's Anti-Trafficking response

- The “**4-P’s**” framework - the imperative for **partnership/coordination**:
- **National Co-ordination Mechanisms** (How do these mechanisms function? budgetary resources ? outcomes/achievements/challenges)
- **National Action Plans** (The scope and structure of these policy frameworks? the institutional mechanisms? Implementation practice & review? Outcomes/achievements/challenges)
- **National Rapporteurs or equivalent mechanisms.** (Description of mechanism/operation of mechanism outcomes/achievements/challenges)



# Protection and Direct Assistance: Rights of VoTs and Basic Principles

- To be treated **with dignity and respect for and protection of human rights**
- To receive services based on **full and informed consent**
- **Self-determination** and **participation** in identifying and setting service goals and plans;
- **Individualized** treatment and care
- Comprehensive **continuum of care** and **holistic** approach
- **Best interests of the child** – legal guardian/legal representative
- Non-discrimination
- Confidentiality and **right to privacy**
- Reasonable access to **personal records**



# Providing Assistance To Victims of Human Trafficking (International and Regional Standards)

- Legislative and other measures that might be necessary in order to provide assistance to victims for his/her physical, psychological and social rehabilitation not depending on her citizenship.
- Such assistance should include as minimum:
  - adequate living conditions, such as safe and secure shelter,
  - psychological and financial support,
  - access to immediate medical assistance
  - interpretation services,
  - consultations and information on her/his rights and available services;
  - legal assistance, including representation and respect to his/her rights and interests at the respective penal proceedings;
  - access to education for children.



<b><u>Different contexts</u></b>	<b><i>Countries of destination</i></b>	<b><i>Countries of origin</i></b>
<b>Prosecution</b>	<b><i>Law enforcement: exploitation</i></b>	<b><i>Law enforcement: recruitment</i></b>
<b>Protection</b>	<b><i>Short-term pre-departure assistance/ rehabilitation and reintegration</i></b>	<b><i>Long term rehabilitation and reintegration</i></b>
<b>Prevention</b>	<b><i>Demand side</i></b>	<b><i>Pro-active prevention – root causes</i></b>





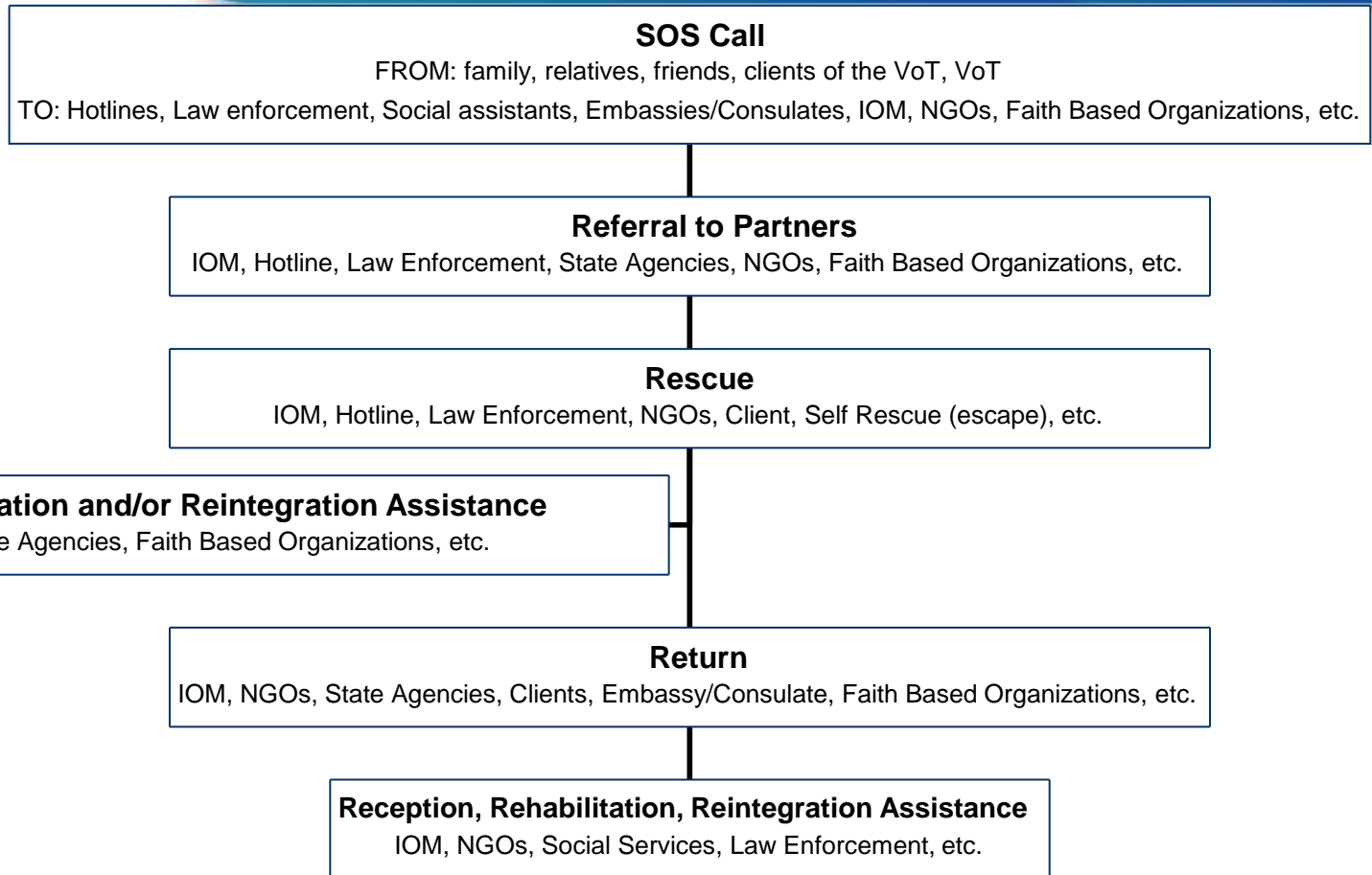


# Interests of VoTs by CoO & CoD

- To be rescued
- To be placed into a safe environment, receive protection and assistance
- To be recognized as mothers of the children born in the CoD
- To not be prohibited from re-entering the CoD after the return to the CoO
- To receive residence and work permits in the CoD
- To return to the Country of Origin (CoO)
- Not to cooperate with LE
- To keep the secret, to avoid stigmatization
- To finalize court-related procedures ASAP
- To avoid facing the recruiter, trafficker
- To be treated with dignity
- To receive compensation
- To recover ID documents
- To receive the payment from the exploiter
- To receive vocational training
- To be employed
- To maintain good family relations (if there any)



# Identification/Rescue, Return, Reintegration



➤ **Internal Trafficking - exchange of information between national partners**

➤ **International Trafficking - exchange of information between partners in country of origin and destination**



# Rehabilitation, Return, Reintegration

## Country of Destination

## Country of Transit

## Country of Origin

### Rehabilitation Assistance:

Temporary shelter, Medical, Psychological  
Social, Legal, Educational Programs,  
Specialized Services to Children

### Transit Assistance:

Shelter, Social, Transportation, Escorts

### Reception Assistance:

Reception, Overnight at Shelter,  
Transportation to final destination

### Return Assistance:

Travel Documents, Transportation, Departure  
Escorts (children, disabled persons, etc.)

### Rehabilitation Assistance:

Temporary Shelter, Medical, Psychological  
Social, Legal, Recreational and Educational Activities,  
Specialized Services to Children

### Reintegration (when feasible)

Vocational training, Job mediation  
Temporary/Permanent residence  
Monitoring

### Reintegration Assistance:

Re/insertion into School, Vocational training,  
Job mediation, Family and Housing support,  
Business training and support, Monitoring





# Assistance & Protection Of Victims – Main Stages That Require International & National Cooperation

- Identification and establishing the status of VoTs;
- Documentation and providing residence permits to VoTs;
- Preparations for and repatriation of the VoTs to the country of origin;
- Risk assessment ;
- Providing legal assistance to VoTs, including representation both before the repatriation - in the country of destination, and after it – in the country of origin;
- Compensations to VoTs;
- Informing the VoT continuously about the status and results of the penal procedures where she/he was involved.



# Practical ways to facilitate cooperation

## National Level

### *Informal communication*

- MoUs on cooperation between the key service providers - state agencies, IOs, NGOs
- Regulations (e.g. Repatriation Regulation)

## Transnational Level

### *Informal communication*

- Ratification of Conventions, Protocols
- Bilateral agreements between the relevant state agencies, IOs, NGOs in the country of origin and destination (e.g. identification, assistance, transit, repatriation, legal assistance, etc)
- Focal points



# CHALLENGES: Changing Trends

- CT Practitioners are not keeping up with changing trends
- Low level of Identification (including self-identification)
- New forms of exploitation
- New victims of trafficking (VoT) profile
- New routes



# CHALLENGES: Protection

- Identification and status determination
- Reflection period and temporary residence permit
- Conditional access to assistance
- Rehabilitation linked to criminal proceedings (what happens after ?)
- Return as the preferred option by most states
- Lack of understanding of the root causes by CoD
- Difficulties of reintegration in the same environment which may have caused trafficking
- Inadequate pre-departure risk and family assessment



# CHALLENGES: Cooperation

Lack of Understanding and Cooperation between Countries of Destination and Countries of Origin related to Protection and Assistance:

- Cooperation limited only to law enforcement and investigation domains
- Legal assistance, including representation in CoD and in Country of Origin
- Access to Compensation
- Information about the status and results of penal procedures in cases of cooperation with police





## BEST PRACTICES: Implementation of NRM

- OSCE Plan of actions regarding combating THB, approved at the Maastricht Meeting of the Council of Ministers, 2003;
- OSCE/ODIHR practical handbook – NRMs. Joining Efforts to Protect the Rights of Trafficked Persons, 2004;
- European Union Plan regarding Best Practices, Standards and Procedures for Combating and Prevention of THB, p. 2 (c), 2006;
- 2012 – 2016 EU Anti-Trafficking strategy – June 2012.



# NRM – mechanism to protect human rights

**NRM** - cooperative frameworks through which states actors fulfill their obligations to protect and promote the human rights of trafficked persons, coordinating their efforts in strategic partnership with civil society.

Main aspects of NRM : Partnership & Coordination that provide for:

- a) Access of VoTs to assistance and protection - by: improvement of identification system, development of local network of assistance
- b) Improving the prosecution of traffickers – by: harmonization of the interests of the VoTs and the interest of prosecution
- c) Strengthening prevention of THB – by: social assistance for potential victims



# Prevention of THB through assistance to Potential Victims

## Target group:

### **Country of Origin:**

- VoT's family members, specifically children;
- Vulnerable persons with a profile similar to victims prior to trafficking - victims of domestic violence, abuse, neglect and abandonment;
- Children and elderly left behind;

### **Country of Destination:**

- Migrants with mental and physical disabilities;
- Unaccompanied/Accompanied Migrant children;
- Stranded migrants;

**Services provided** : Case by case - individually tailored assistance program, including family level



# NRM Best Practices

1. Integration of the NRM into the national system of protection and social assistance;
2. Referral of cases within NRM (partnership between Local Public Administration (LPA) and Civil Society);
3. Prevention of THB through social assistance to potential victims and/or at risk groups;
4. Development of transnational cooperation - inclusion of protection institutions.



NGO Centre for  
Prevention of  
Trafficking in  
Women



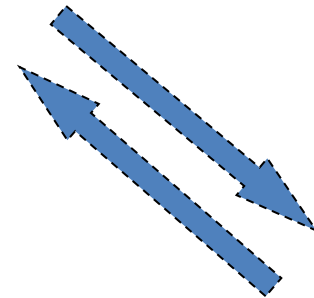
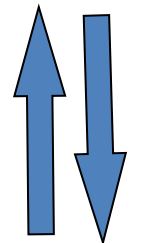
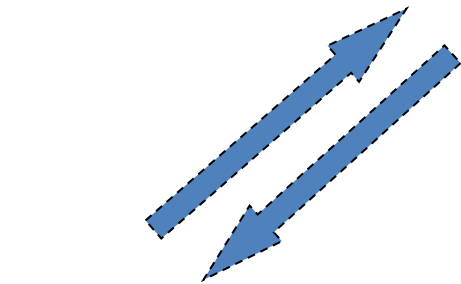
General Prosecutor's  
Office

### Chisinau Assistance and Protection Centre



Temporary Residence  
Social Support  
Legal Support

Psychological Counseling  
Medical Assistance  
Recreational Activities



Ministry of Social  
Protection, Family  
and Children



# NRM: Efficiency

1. Political support to NRM at all levels- transnational, national, local;
2. NRM Coordinator defined by Law – Ministries dealing with social affairs, prevention of violence etc.;
3. Financial support from the state – multidisciplinary approach;
4. Monitoring of the implementation by national coordinator – ownership & accountability;
5. Development of informal relations between NRM participants at all levels of coordination;
6. Development of the normative basis for solving the problems of guarantee of human/victim's rights ( identification, witnesses protection, compensations for caused damage, medical assurance etc.);
7. Consolidation of the professional capacities and individual stimulation.



# General recommendations

- To strive for full execution of commitments and obligations;
- Development and implementation of NRM/TRM – the best victim centered coordinated assistance framework;
- Better identification due to broader view on THB;
- Adapting assistance programs according to the VoTs needs;
- Risk assessment and family assessment - Informed decision;
- Return should be an option and one of protection measures but not the only option (esp. when criminal proceedings are over and/or VoT doesn't want to cooperate with Police);
- Interstate cooperation should continuously be developed in accordance with the new trends and challenges that arise and expanded to Social Protection Authorities;

*Parties have to be ready to transfer mutually all the information upon request necessary for establishing the victim's status, as well as protection and assistance measures (family identification, social questionnaire, risk-assessment and possible consequences upon return to the country of origin)*



# Participation of Victims

## IOM Moldova Prevention and Protection Programme

The International Organization for Migration (IOM), Mission to Moldova has been providing direct assistance and protection to victims and potential victims of trafficking in human beings for the past 10 years. Thanks to a strong partnership with the Government counterparts, NGOs, international organizations and beneficiaries IOM Moldova managed within its Prevention and Protection Programme to develop the National Referral System (NRS) under the leadership of the Ministry of Labour, Social Protection and Family of the Republic of Moldova. The NRS is a partnership framework established to provide help and assistance to people at risk (victims of domestic violence, children left behind as a consequence of migration, stranded migrants, unaccompanied minors, etc) and/or those who became victims of trafficking by ensuring safe return of victims and vulnerable migrants (men and women, boys and girls), as well as providing short- to long-term rehabilitation and reintegration support. Using a pro-active prevention approach in counter-trafficking, IOM ensures the identification and assistance of socially vulnerable groups, as well as promotion of safe migration and awareness raising activities on risks and dangers of the changing face of trafficking, including negative consequences of migration on children and elderly left behind.

During the period 2000 - 2011 about 8000 women, men, girls and boys in need received assistance within the IOM Moldova Prevention and Protection Programme.



Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

Swiss Agency for Development  
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This product is the second edition of the testimonies of IOM Prevention & Protection Programme beneficiaries, produced in 2006 and available at IOM Mission to Moldova upon request.

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36/1 Ciurlea str,  
Chisinau, MD - 2001,  
Republic of Moldova  
Tel: + 373 22 23 29 40/41  
Fax: + 373 22 23 28 62  
E-mail: iomchisinau\_pp@iom.int



NEW FACES OLD PAIN



INTERNATIONAL ORGANIZATION FOR MIGRATION

New Faces  
Old Pain

Testimonies of victims and potential victims of trafficking, assisted by the IOM Moldova Prevention and Protection Team within the National Referral System

Chisinau 2011





# Thank you for your attention !

Irina TODOROVA  
Regional Counter-Trafficking Specialist

IOM - International Organization for Migration

E-Mail: [itodorova@iom.int](mailto:itodorova@iom.int)