

# European Report



*IDENTIFICATION OF TRAFFICKED  
INTERNATIONAL PROTECTION BENEFICIARIES'  
SPECIAL NEEDS*



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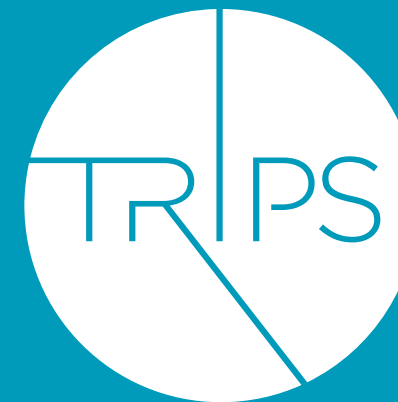
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**Partnership**

The project TRIPS – *identification of **TR**afficked **I**nternational **P**rotection beneficiaries' **S**pecial needs* is a two years project implemented by Forum réfugiés-Cosi, the project coordinator, and its European partners Churches' Commission for Migrants in Europe (CCME), Italian Council for Refugees (CIR), Immigrant Council of Ireland (ICI), Organization for Aid to Refugees (OPU). The French Office for the Protection of Refugees and Stateless persons (OFPRA), the French Office of Immigration and Integration (OFII), the Council of Europe (Secretariat of the Group of Experts on Action against Trafficking in Human Beings - GRETA), and Amicale du Nid are associated to this project as European experts.

# **A comparative report Czech Republic, France, Ireland and Italy**

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Last but not least, this report has attributed a central place to the invaluable information provided by the interviewed beneficiaries of international protection who were victims of trafficking, and who had experienced first-hand the asylum and integration process in the studied countries. With humility and appreciation, this report includes the voices of the vulnerable and often silent people who are the focus of the TRIPS project.

## The partnership: the Collective Knowledge and Cooperation of the TRIPS Project Partners

**Forum réfugiés-Cosi** is the project coordinator and is responsible for the project implementation in France. The organisation provides legal counselling, both at reception accommodation centers and detention centres, as well as accommodation, health and psychosocial support for asylum seekers and provides support for refugees to integrate into French society. Since 2002, Forum réfugiés-Cosi has developed integration programs for beneficiaries of international protection which provide a comprehensive and specialized support to facilitate access to social rights, housing, training and labour. Forum réfugiés-Cosi has been confronted with adapting services to special needs of vulnerable asylum seekers, in particular with regard to victims of trafficking in human beings (THB). The organisation has established strong relationships at local and national level, both with national and local authorities, OFPRA and NGOs, to accompany, refer and support victims of THB applying for asylum. Forum réfugiés-Cosi is a member of the European civil society platform against THB.

**The Italian Council for Refugees** is an independent, humanitarian, non-profit organization, founded in 1990 to coordinate actions in defence of refugees and asylum seekers' rights in Italy. CIR has 30 years' experience in providing legal and social support for asylum seekers and refugees. CIR has been implementing multi-stakeholder approach interventions to assist people who are victims or potential victims of trafficking, in particular among asylum seekers and beneficiaries of international protection. CIR works in several Italian Regions, including places where exploitation phenomenon is very well established. CIR has been also implementing EU projects on gender issues, including trafficking, and has therefore developed information tools to better address the needs of people involved. The organisation has been also developing specific projects for victims of extreme trauma, according to a multidisciplinary and empowerment approach.

**Churches' Commission for Migrants in Europe** is an ecumenical organisation that serves the churches in their commitment to promote the vision of an inclusive community through advocating for an adequate policy for migrants, refugees and minority groups at European and national levels. Since 2001, CCME has been involved in transnational projects and activities to better support and protect victims of THB. CCME is co-chair of the NGO platform on asylum and migration and member of the NGO group of anti-trafficking NGOs.

**The Immigrant Council of Ireland** is a charitable non-governmental organisation and an Independent Law Centre providing information, legal advice and representation to migrants and their families, while prioritising vulnerable groups, in particular, migrant women experiencing gender-based violence and unaccompanied children. The ICI provides legal services and leads integration and policy campaigns benefitting migrant victims of human trafficking, in particular victims trafficked for the purposes of sexual exploitation. The ICI is a gender-specific organisation with extensive expertise in direct legal representation of trafficked women and girls, including strategic litigation, and broader policy and law reform activities. The legal services include but are not limited to immigration and asylum matters, assistance

with identification as a victim of crime, family and identity matters, citizenship and access to state services.

**The Organization for Aid to Refugees** founded in 1991 is the oldest and largest refugee and immigrant aid organisation in the Czech Republic with focus on legal and social aid to disadvantaged groups in refugee and immigrant population. OPU has an excellent expertise in legal representation, social aid including integration of disadvantaged groups in the labour market. OPU also employs professionals working in the areas of education on asylum, migration, human rights and xenophobia issues. In addition, OPU has always benefitted from the help of dedicated volunteers organised in two programmes. OPU enjoys good access and cooperation with authorities in all Czech asylum detention and integration facilities and camps and has an extensive expertise in transnational projects focusing on vulnerable groups – mainly unaccompanied minors but also victims of sexual and gender-based violence, torture victims and females without male support. The main partner of OPU is UNHCR Office in Prague and OPU is member of the ECRE network from which OPU receives a lot of expertise and support.

## Executive Summary

TRIPS – *identification of TRafficked beneficiaries of International Protection Special needs* is a two-year project co-funded by the European Union under AMIF-2018-AG-INTE and implemented by Forum réfugiés-Cosi, the project coordinator, and its European partners Churches Commission for Migrants in Europe, Immigrant Council of Ireland, Italian Council for Refugees, and Organization for Aid to Refugees.

The French Office for the Protection of Refugees and Stateless Persons, the French Office of Immigration and Integration, the Council of Europe (Secretariat of the Group of Experts on Action against Trafficking in Human Beings - GRETA) Amicale du Nid have supported the project as European expert organizations. They participated in the European meetings of the project and provided advice and feedback on the elaboration of the European deliverables of the project, including the European report, the European summary report and the European toolbox for practitioners.

This transnational project aims at identifying and better addressing the specific needs of trafficked international protection beneficiaries in relation to the integration process, both at European Union (EU) and national levels. This project follows up a previously implemented transnational project coordinated by Forum réfugiés-Cosi, *TRACKS - identification of TRafficked Asylum seekers' Special needs* (2016-2017), and co-financed by the European Commission.

After getting an international protection status related or not to the trafficking situation, the victims enter into an integration process. The European Qualification Directive of December 2011 that came into force on 22 December 2013 grants specific rights to beneficiaries of international protection. It also specifies that when implementing the Directive, the Member States shall take into account the specific needs of vulnerable people including the victims of human trafficking after an individual evaluation of their situation. However, the integration of beneficiaries of international protection leads to interconnected challenges which call for a comprehensive approach including access to rights, to housing, to training, to the labour market, and psycho-social support. Despite the fact that the identification, the protection and the integration of victims of trafficking are at the core of the European agenda, the link with international protection has been less addressed.

The project examined how to ensure tailored support to trafficked international protection beneficiaries in their integration process taking into account their specific needs and their vulnerable situation, which do not stop after getting international protection. TRIPS aimed at giving visibility and raising awareness among relevant actors involved in the integration mechanisms and procedures at both European and national levels, as well as giving a voice to victims of trafficking in identifying their specific needs in relation to the integration procedures in the participating EU Member States. The objective was also to improve the capacities of practitioners to identify and respond to specific needs of victims related to integration through the exchange of practices and the development of innovative tools. Finally, the project contributed to more consistency and coherence throughout EU Member States in the way trafficked beneficiaries of international protection are accompanied and supported.

# Main Findings

## Legal framework

The analysis of the legal framework applicable reveals that the four States covered by the study, except [Ireland](#), have transposed the recast Common European Asylum System, including the recast Qualification Directive of December 2011. [Ireland](#) participated in the original Qualification Directive, as well as the original Asylum Procedure Directive and recently joined in 2018 the recast Reception Directive. Moreover, [Italy](#) has been through recent reforms and several kinds of residence permits linked to the asylum procedure and the reception conditions have been introduced. The four States have also transposed the EU legislative texts relating to human trafficking as the Anti-Trafficking Directive and the Victims' Rights Directive. Moreover, the EU action on fighting human trafficking, on enhancing integration and inclusion of third-country nationals, and EASO's work provide global guidelines to the EU Member States in their national policies. Furthermore, the UN Palermo Protocol, the Council of Europe Convention on Action against Trafficking in Human Beings, and the Convention and Protocol relating to the Status of Refugee provide a valuable and common legal background and framework to the States covered by this study, to address the triple nexus of human trafficking, international protection and integration.

## Trends and statistics

The collection of comprehensive and disaggregated data on human trafficking remains a challenge at EU and national level. The European Commission data report released in 2020 provides partial, but updated, statistics on victims registered in the EU in 2017-2018. Although data collection is improving in the four countries, each Member State collects data at national level in an inconsistent manner making any comparative approach impossible. None of the Member States covered by the study collect detailed data on the target group of the TRIPS project. In [Czech Republic](#), critical issues and challenges are reported on data collection of victims of human trafficking. Annual statistics on trafficking do not include asylum seekers or beneficiaries of international protection. In [Italy](#), although some statistics on victims benefitting from assistance and protection are available, no coordination is ensured among the different databases. In [France](#), only data on residence permits granted to victims who filed a complaint and on presumed victims supported by NGOs are available. In [Ireland](#), some relevant information with regards to international protection beneficiaries affected by human trafficking could be obtained from the International Protection Appeal Tribunal, which publishes their decisions in anonymized form, and some data is also produced by the National Referral Mechanism.

## Identification of victims of trafficking in the integration process

Looking at the implementation of Article 20(3) and (4) of the recast Qualification Directive, the study has demonstrated that in the four countries covered by the study, there is no proper assessment of victims of human trafficking's special needs, after being granted an international protection status. In [France](#) and [Czech Republic](#), there is no legal provision; in [Italy](#) there is no designated competent authority, and a lack of clear process of vulnerability screening is reported in [Ireland](#). The Evaluation report of the recast Qualification Directive underlines the general reuse of the vulnerability assessment made during the asylum procedure. The four countries have developed different action plans or strategies in order to address these gaps, including specific action for victims of human trafficking or vulnerable international protection beneficiaries.

Furthermore, all four countries covered by the study report important challenges relating to the information sharing on victims' special needs, including between asylum and integration authorities. In order to ensure continuum of care for trafficked international protection beneficiaries, the role of NGO and social workers is crucial to either alert authorities on victims' needs or refer cases to appropriate services.

## Coordination between the National Referral Mechanisms and the international protection system

Although [Czech Republic](#), [Ireland](#), and [Italy](#) have a National Referral Mechanism, (NRM) there is no consistency in the coordination with the international protection system. On the one hand, the [Czech](#) NRM only covers the victims who were exploited in the country<sup>1</sup>

1 Presumed victims of trafficking in human beings over the age of 18 can be included in the Programme for Support and Protection of Victims of Trafficking. Next to Czech citizens, a third-country nationals or a EU citizens who are presumed victims of THB in the territory of Czech republic or have been brought to Czech republic for this purpose can participate in the programme.

and the [Irish](#) NRM excludes asylum seekers from the NRM. On the other hand, the [Italian](#) NRM, although not fully implemented, includes asylum seekers and beneficiaries of international protection in the referral. France does not have a NRM. Moreover, the study highlights important differences between status and rights if the victim is protected with a specific residence permit for victim of human trafficking or is granted an international protection status which can impact the integration perspectives of the victims.

## Access to social rights and benefits

Despite the provisions in the recast Qualification Directive on access to social rights and housing, important obstacles and challenges are reported in the four Member States exposing trafficked international protection beneficiaries to risk of (re)trafficking. Different systems and services are proposed in each Member State. In order to access social rights and protection, the issuing of a residence permit and/or civil documentation are key steps, especially in [France](#) and [Italy](#). Important challenges and delays are reported in these two countries which can expose victims to destitution or risk of (re)trafficking. The four EU Member States provide the same social protection rights to international protection beneficiaries as for nationals, but there is no facilitation or special provisions for trafficked international protection beneficiaries. Challenges relating to complex administrative procedures, delays, inconsistent decisions by authorities and lack of training on human trafficking have been reported in these countries. As for other beneficiaries of international protection, family reunification entitlements and procedures have a great impact on the integration process. Additional difficulties can be observed for trafficked international protection beneficiaries such as the lack of trustworthy contacts in the country of origin, the vulnerability of the applicants and their family members, and the safety of the children as a source of fear and concern.

## Access to safe housing

In addition to the common challenges faced by vulnerable people across EU to access adequate and affordable housing, trafficked international protection beneficiaries face additional obstacles to benefit from durable and safe housing. In [Czech Republic](#), [France](#) and [Italy](#), common provisions are generally applied to trafficked international protection beneficiaries, but specialized housing solutions are only made available in small numbers. The three countries report general obstacles to access safe housing due to lack of places, long delays, safety, financial capacity, and language barriers. While [Italy](#) demonstrates to have the most adapted common framework to trafficked international protection beneficiaries and [France](#) intends to develop promising specialized places for trafficked women international protection beneficiaries, [Ireland](#) deplores a lack of provision to ensure access to appropriate and safe accommodation for international protection beneficiaries exposing them to discrimination practices and risk of destitution.

## Medical and psychological assistance

All Member States covered by the study provide access to healthcare and the public health insurance system under the same eligibility conditions and to the public health insurance system as nationals, with different specific measures to facilitate access. However, none of them include specific provisions for trafficked international protection beneficiaries. Common challenges relating to administrative procedures, language barriers, lack of specialized professionals and adapted services for victims of human trafficking are deplored in the four EU Member States.

## Empowerment of trafficked international protection beneficiaries

Different national mechanisms to support international protection beneficiaries in accessing employment and education are in place in the four EU Member States, but no specific provisions are planned for trafficked international protection beneficiaries. In [Czech Republic](#), [Italy](#) and [France](#), the international protection beneficiaries can refer to specific assistance provided by national and/or local authorities and institutions, including interviews with them to determine their needs and specific actions to facilitate access to the labour market. In [Ireland](#), beneficiaries can access the support provided to nationals. In addition, in the four EU Member States, specific programmes have been developed by NGOs to support access to employment. Moreover, while assistance in accessing employment provides an important opportunity to inform about workers' rights in order to prevent exploitation situations, [Czech Republic](#), [France](#) and [Italy](#) report information provision on labour law. Language barriers represent the main obstacle to training and employment opportunities which is addressed language courses in [Czech Republic](#), [Italy](#) and [France](#). In [Italy](#), the study highlights that better language skills also represent a way to prevent labour exploitation situations and an empowerment for former victims. Recognition of skills is provided in all Member States although



issues are reported on the procedures. The study underlines the importance of accessing a durable and paid job position to ensure basic needs and avoid (re)trafficking. At the same time, trafficked international protection beneficiaries may need time to recover before engaging in professional integration, but they also face pressure to accept any job to cover the costs related to their integration process and procedures. Furthermore, parenting issues have an important impact on the access to education and employment opportunities, especially for women, because support and assistance are rarely provided to facilitate access to childcare and kindergarten.

Impact of the COVID-19 crisis

The pandemic has greatly impacted the integration process of many beneficiaries of international protection. In [Italy](#), an increase in the delay to issue residence permits and to access housing have been observed. The suspension of language courses and other integration activities have been reported in [Italy](#) and in [France](#). Moreover, in [France](#), there are concerns about a 6-month delay in the global integration process of the beneficiaries. The interruption of the integration dynamic created by the pandemic and the restriction measures may have exposed them to an increased risk of destitution and (re)trafficking. Furthermore, while several activities and services have been developed online, the study has also highlighted difficulties in accessing digital platforms due to a lack of devices or appropriate assistance.

Special needs related to the integration process identified by interviewed trafficked international protection beneficiaries.

A specific approach of the project was the conscious effort to evaluate existing practices not only from the perspective of organisations which are supporting trafficked victims benefitting from international protection, but also from these victims’ own perspective. The national partners therefore interviewed the international protection beneficiaries directly to ask for an evaluation of what they had experienced. While these interviews were less numerous than initially planned due to COVID-19 pandemic, they offer important insights.

The results of the interviews will be presented in more detail in the specific chapters, but main aspects can be highlighted as follows:

- Early identification and appropriate environment
- Assistance and support during asylum procedure
- Adapted asylum procedures to victims’ special needs
- Adequate and dignified reception conditions
- International protection status alone is not enough
- Prompt issuance of documents and social rights
- Continuum of social assistance and information provision
- Trained officers in charge of social benefits and adapted procedures
- Access to family reunification
- Reducing delays in finding durable housing solutions
- Ensuring safety for victims
- Financial support to access housing
- Speedy identification of mental health needs
- Environment of trust
- Getting information about and offered effective medical care
- Gender-specific medical care
- Accessing childcare
- Overcoming the language barriers
- Getting empowered and achieving economic independence
- Safe working environment
- Accessing vocational training courses

Methodology

This report is based on information collected by five organizations in Europe: Forum réfugiés-Cosi, Churches Commission for Migrants in Europe, Immigrant Council of Ireland, Italian Council for Refugees, and Organization for Aid to Refugees. This information was collected from February 2020 to June 2021.

The report addresses the legislative and policy frameworks as well as the existing practices in four Member States: [Czech Republic](#), [France](#), [Ireland](#), and [Italy](#). Two case studies address experiences in Austria and United Kingdom.

Information has been gathered and compared based on a common mapping questionnaire. The information collected was structured on the basis of Member States’ obligations under the Recast Qualification Directive<sup>2</sup> with regard to the identification and consideration of the special needs of victims of trafficking in human beings, as vulnerable applicants, and in relation with the application of the rights contained in this Directive and the integration process as a whole. Considering that [Ireland](#) is not bound by this Directive, further legal obligations derived from other relevant EU Directives<sup>3</sup> as well as the UN Palermo Protocol<sup>4</sup>, the European Convention on Human Rights<sup>5</sup>, and the Council of Europe Convention on Action against Trafficking in Human Beings<sup>6</sup> have been taken into account in the overall analysis.

The mapping questionnaire has been filled in by all partners (except CCME) using the findings from the following activities:

- Desk research conducted by national experts in Czech Republic, France, Ireland, Italy;
- Focus group meetings involving relevant stakeholders at the national level organized in Czech Republic, France, Ireland, Italy;
- Bilateral meetings, key informant interviews and discussions with relevant stakeholders at national level held in Czech Republic, France, Ireland, Italy;
- Interviews with trafficked people who have been granted international protection status and with caseworkers working directly with trafficked beneficiaries of international protection conducted in Czech Republic, France, Ireland, Italy.

The CCME conducted three case studies on Austrian and UK experiences and an interview with UNHCR.

The TRIPS project reused and adapted the dedicated methodology for conducting interviews developed by the TRACKS project by the project coordinator, Forum réfugiés-Cosi, with the support of the British Red Cross and its partners, the POPPY project and AIRE Centre. The purpose of this document is primarily to ensure that the interviewers protect and maintain the principle of ‘do no harm’ with the participants of this study, especially those who have been trafficked and have been granted international protection. This includes maintaining strict guidelines on confidentiality, respect and ensuring the wellbeing of the participant. The second aim of this methodology document is to provide consistency across the data collected by all the participating partners thus guaranteeing the data’s relevance and usability for reporting purposes. In total, 11 interviews with trafficked people who have been granted international protection status have been conducted, including victims of sexual exploitation and of labour exploitation. Some difficulties were encountered during the research in identifying and recruiting such vulnerable people for interview. This may be due to their vulnerability, to the narrow profile defined for potential interview partners, and to difficulties in finding victims of trafficking for other purposes than sexual exploitation or from Nigeria. Moreover, due to the sanitary crisis as well as volatile personal circumstances and sickness among interviewees, in-person interviews were difficult to organize. If online interviews were organized, low-tech skills among interviewees have to be managed by the partners.

Moreover, the COVID-19 pandemic and the lockdown measures impacted the timely implementation of the activities implementation and delayed the research activities in 2020. The partnership adapted its work plan to ensure that research and analysis activities could be properly conducted by each partner. Most of the national discussions and focus group meeting

2 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)  
3 Directive 2011/36/EU and Directive 2012/29/EU  
4 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, of 15 December 2000.  
5 European Convention on Human Rights, as amended by Protocols n°11 and 14 supplemented by Protocols n°1, 4, 6, 7, 12 and 13, Rome, 4 November 1950.  
6 Council of Europe Convention on Action against Trafficking in Human Beings, Treaty n°197, Opened in May 2005 and entered into force in February 2008.

were organized online which may have impacted the quality of the exchanges. Moreover, the emergency situation related to the pandemic required high attention from institutions and organizations which undermined first contacts initiated by the coordinator and the co-beneficiaries. Despite these exceptional circumstances, the partnership managed to conduct significant research work with a wide range of civil society actors, European and national authorities.

Finally, the partnership also faced challenges to collect detailed and disaggregated data on the target group. The lack of knowledge, experiences or services targeting trafficked beneficiaries of international protection had to be overcome by the partners to ensure a qualitative research.

## Glossary<sup>7</sup>

**Asylum seeker:** In the EU context, a person who has made an application for protection under the Geneva Convention in respect of which a final decision has not yet been taken. It generally refers to all who apply for protection on an individual basis, irrespective of whether they lodge their application on arrival at an airport or land border, or from inside the country and irrespective of whether they entered the territory legally or illegally.<sup>8</sup>

**Beneficiary of international protection:** A person who has been granted a refugee status or subsidiary protection status.

**Detection of a victim of trafficking in human beings:** The process of identifying a possible situation of human trafficking (to be distinguished from formal identification as a victim of trafficking).

**Exploitation in the context of trafficking in human beings:** According to Article 2 and recital 11 of Directive 2011/36/EU (Anti-Trafficking Directive), it is the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs [...] as well as, for instance, other behaviour such as illegal adoption or forced marriage in so far as they fulfil the constitutive elements of trafficking in human beings.<sup>9</sup>

**Identification of victims of trafficking in human beings:** A process, in which the authorised authority in a given EU Member State (most commonly the law enforcement) identifies signs of trafficking and having reasonable grounds to believe that a person could be a victim of trafficking, issues a statement to that effect, which leads to assistance and treatment of this person as a victim of such crime. In Article 20, the Directive specifies when implementing the Chapter VII, the Member States shall take into account the specific situation of vulnerable people including the victims of human trafficking after an individual evaluation of their situation.

**Informal identification:** Identification process, which has been carried by an entity or a person other than the authorised authority in an EU Member State with the assistance of an organization.

**Integration process:** For the purpose of this study, it has been agreed that the focus is on the following period: from the acquisition of the international protection status to the moment where the beneficiaries are eligible for citizenship in the hosting country. Nevertheless, partners acknowledge that the integration process is very long and can take several years.

**International protection:** According to Article 2(a) of Directive 2011/95/EC (Recast Qualification Directive), it means the granting of refugee status and subsidiary protection status.

**National Rapporteurs or Equivalent Mechanisms:** Statutory or independent entities or nominated individuals responsible for inter alia monitoring the implementation of anti-trafficking laws, policies, and practices at a national level, and play a key role in data collection on trafficking in human beings.

**National Referral Mechanism:** A formalised set of rules and procedures for identifying and referring to assistance victims of trafficking in human beings involving a range of public authorities and civil society organisations.

**Presumed victim of trafficking in human beings:** A person who has not been formally identified by the authorised authorities (e.g. police) as a victim of trafficking or has declined to go

7 The glossary is based on the European Migration Network definitions and the expertise of national partners and European experts of the TRIPS project.  
8 In the EU context, asylum application may result in different protection status including refugee status, subsidiary protection, or humanitarian protection according the national framework.  
9 Definition of the EU Directive 2011/36/EU, Article 2(3) and Recital 11.

through the formal identification process, but there are reasonable grounds (indicators) to believe that he/she may be trafficked.

**Refugee status:** According to Article 2(e) of Directive 2011/95/EU (Recast Qualification Directive), it means the recognition as a refugee by a Member State of a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country.

**Self-identification:** The recognition by victims themselves that they have been subject to the crime of trafficking in human beings and have reported their suspicions to the specialist organisations or authorities.

**Self-reporting:** When a victim of trafficking in human beings reports the exploitation/abuse they have experienced/they experience without being aware that it constitutes a form of trafficking in human beings.

**Special needs of victims of trafficking:** According to Article 11(7) of the Directive 2011/36/EU (Anti-Trafficking Directive), the special needs of victims can derive from a victim's pregnancy, health, a mental or psychological disorder they have, or the seriousness of the psychological, physical or sexual violence they have suffered. Member States are required to attend to the special needs of such victims.

**Specific rights granted to beneficiaries of international protection:** People who have been granted a form of international protection in an EU Member State can benefit from a range of rights and benefits linked to this status. EU standards are laid down in Chapter VII of the recast Qualification Directive: protection from *refoulement*, information, maintaining family unity, residence permits, travel documents, access to employment and education, access to procedures for recognition of qualifications, social welfare, healthcare, support provided for unaccompanied minors, access to accommodation, freedom of movement within the Member State, access to integration facilities and repatriation.

**Subsidiary protection status:** According to Article 2(g) of Directive 2011/95/EU (Recast Qualification Directive), it means the recognition as a person eligible for subsidiary protection by a Member State of a third-country national who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin to his or her country of former habitual residence, would face a real risk of suffering serious harm and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country.

**Trafficking in human beings:** According to Article 2 and recital 11 of Directive 2011/36/EU (Anti-Trafficking Directive), the recruitment, transportation, transfer, harbouring or reception of people, including the exchange or transfer of control over those people, 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 the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs [...] as well as, for instance, other behaviour such as illegal adoption or forced marriage in so far as they fulfil the constitutive elements of trafficking in human beings.”<sup>10</sup> The consent of the person to exploitation is irrelevant where the means are present, while the means are irrelevant in cases of children.

**Victim of trafficking in human beings:** Person formally identified by the authorized competent authority (the police in most cases) in an EU Member State as a victim of trafficking in human beings based on a ‘reasonable grounds’ standards, as required by Article 10 of the Council of Europe Convention on Action against Trafficking in Human Beings.

**Vulnerable persons:** According to Article 21 of Directive 2013/33/EU (Recast Reception Conditions Directive), vulnerable persons in the asylum process are minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, 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.

10 This definition is to a large extent inspired by the definition of the 'Palermo Protocol' to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children adopted by the General Assembly of the United Nations, the first international instrument to define trafficking in 2000.



Abbreviations

ASL	Azienda Sanitaria Locale - Local Health Board
BIP	Beneficiaries of International Protection
CEAS	Common European Asylum System
CTDC	Counter Trafficking Data Collaborative
DEO	Department of Equal Opportunities of the Council of Minister
EASO	European Asylum Support Office
EU	European Union
GRETA	Council of Europe Group of Experts on Action against Trafficking in Human Beings
ICAT	Inter-Agency Coordination Group against Trafficking in Persons
INPS	National Institute of Social Security (Italy)
IOM	International organisation on Migration
L.Decree	Law Decree
Lgs.Decree	Legislative Decree
NGO	Non-governmental organization
NRM	National Referral Mechanism
OAMP	Asylum and Migration Department of the Ministry of the Interior of Czech Republic
OFII	French Office of Immigration and Integration
OFPRA	French Office of Protection of Refugee and Stateless Persons
SIP	State Integration Programme
SAI	Reception and Integration System - former SIPROIMI/SPRAR
SUZ	Refugee Facility Administration of the Ministry of the Interior of Czech Republic
THB	Trafficking in human beings
UASC	Unaccompanied asylum-seeking minor
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime

1

Introduction





1.1  
Legal Framework of the  
Research

1.1.1. EU law and policies

The common European asylum system (CEAS) provides a framework to the EU Member States policies and practices to address the asylum claim and the integration international protection beneficiaries. It is composed of several Directives and Regulations which define the obligations of States and the provisions to implement for asylum seekers and refugees. Special needs and vulnerability have also been addressed in this system, including the victims of human trafficking. The latter have been defined as a category of asylum applicants with special needs in the Recast Reception Conditions Directive of July 2013 and the Recast Procedures Directive of June 2013. Member States are required to identify and assess the special needs of the applicant and to take them into account in the provisions of reception conditions. Regarding the asylum procedure, special procedural guarantees have to be put in place for applicants with special needs including conditions for the personal interview and length of the procedure. The Recast Qualification Directive stipulates in the chapter 7 relating the contents of the international protection that “*when implementing this chapter, Member States shall take into account the specific situation of vulnerable persons*” citing among other “*victims of human trafficking*”. In Article 20(4) it specifies that this provision “*shall apply only to persons found to have special needs after an individual evaluation of their situation*”. These specific obligations will be addressed all along the report with a more detailed overview of the practical implementation of these provisions in the different countries covered by the project. Another important tool of the CEAS to mention is the Dublin Regulation which also foresees specific rules for victims of trafficking but only with regards to minors. There are no specific provisions for adult victims of THB.

In 2016, following the peak of arrivals in 2014 and 2015 in the EU and the increasing pressure on European asylum systems, the European Commission presented the European Agenda on Migration and a major reform of the CEAS including a Qualification Regulation, a recast of the Reception Conditions Directive, a Procedures Regulation, a recast of the Dublin Regulation, as well as a new regulation to create the European Union

Asylum Agency and a new Regulation on Resettlement and Humanitarian Admission. Following long and complex negotiations between the European co-legislators (European Parliament and Council of European Union), no final agreement was reached on these propositions. In regard to vulnerability, these propositions included several provisions on special needs and vulnerability (for more details, see focus page 24). In order to unlock the political blockage on the asylum and migration policy, the new European Commission, elected in 2019, has presented a new EU Pact on asylum and migration which include several new legislative propositions while building on the 2016 propositions and partial political agreements.

In regard to asylum guidelines and practices, the European Asylum Support Office (EASO) has a key role to provide support in the implementation of the CEAS and aims at enhancing practical cooperation on asylum matters and helping Member States to fulfil their European and international obligations to give protection to people in need. EASO works in cooperation with other EU institutions, bodies and agencies to provide expertise on the nexus international protection and trafficking. Expert meetings on trafficking and its impact on the asylum procedure and special reception needs are organized by this European agency. Specific training programmes have been developed by EASO to ensure that asylum officials have a raised awareness in identifying, detecting and referring trafficking victims. A vulnerability expert’ network grouping representatives of civil society organizations and national authorities also address this topic in their annual activities through thematic meetings, elaboration of tools and practices.<sup>11</sup>

Another increasingly important aspect of the work of EASO is the work on country of origin information. It is widely known that the recognition rates of asylum seekers across the EU still widely differ between Member States<sup>12</sup>. One way to try and reduce this “asylum lottery” is to encourage national asylum authorities to use the same or similar information on countries of origin. EASO for this purpose makes national country of origin reports from EU Member States available and in the case of some important countries of origin for asylum seekers in Europe compiles its own reports. Pooling information on the situation regarding trafficking in countries of origin, including the question “what happens if trafficked people return”, could be extremely useful. The materials available on the Country of Origin portal of EASO<sup>13</sup>, however, suggest that a stronger focus on this aspect might be needed.

11 See more details on EASO website: <https://easo.europa.eu/asylum-support-training/vulnerable-groups>  
12 See the most striking example of recognition rates of Afghan nationals diverging between 98 % in Italy to 24% in Bulgaria, cf. ECRE: No reasons for returns to Afghanistan Brussels 2019, p.1.  
13 Available on the EASO website: <https://coi.easo.europa.eu/>

The provisions for victims of THB enshrined in the CEAS have to be addressed in conjunction with other European legislative texts and obligations. The Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims of 2011 requires EU Member States to provide sufficient assistance and support measures to victims of trafficking including “*the provision of appropriate and safe accommodation and material assistance, as well as necessary medical treatment including psychological assistance, counselling and information, and translation and interpretation services where appropriate*”. Information provision should include the possibility of granting international protection and the content of the protection granted. The Directive also underlines the need to pay particular attention to unaccompanied children victims of THB. Moreover, the Victims’ Rights Directive of 2012 establishes minimum standards on the rights, support and protection of victims of crime, including human trafficking, and ensures that they are recognized and treated with respect. Proper and adequate protection, support and access to justice should be ensured for the victims. The Directive includes provisions on the rights of victims but also their family members, strengthens victims’ procedural rights in criminal proceedings, and foresees appropriate training on

victims’ needs for officials who are likely to be in contact with them.

The EU Anti-Trafficking Directive has also established the EU Anti-Trafficking Coordinator position which is responsible for improving the coordination and coherence among EU institutions, EU agencies, Member States and international actors, and for developing existing and new EU policies to address THB. In 2012, the first EU Strategy towards the eradication of trafficking in human beings for the period 2012-2016 was published and was monitored by the EU Anti-Trafficking Coordinator. The Strategy intended to provide a consistent approach of the EU policy relating to THB including the publication of guidelines, manuals, studies and reports. Built upon existing policy and legislation, it proposed further actions in its December 2017 Communication stepping up to EU action and its three progress reports to move forward on prevention by disrupting the business model, improving victims’ access to rights, and ensuring that EU internal and external actions are consistent. In April 2021, the European Commission presented a new Strategy on Combatting Trafficking in Human Beings focusing on preventing the crime, bringing traffickers to justice and protecting and empowering victims.<sup>14</sup>

**Focus:**  
**New Strategy on Combatting Trafficking in Human Beings (2021-2025)**

Building on the legal and policy framework already in place to fight human trafficking, this new strategy aims at reinforcing action and support to Member States in tackling this crime and its consequences on human rights. The Commission plans to continue to support Member States in the implementation of the Anti-Trafficking Directive and may propose revisions if relevant and necessary. Among actions to reduce demand that foster trafficking, the Commission intends to develop an awareness campaign in partnership with authorities and civil society organization, and reinforce its actions to tackle labour exploitation especially in high-risk environments and sectors. In order to fight impunity, the Commission encourages systematic training of law enforcement and judicial practitioners on detecting and addressing trafficking in human beings. In order to improve protection and empowerment of victims, the Strategy intends to improve early identification and referral to adequate support through gender and child-oriented training of all frontline workers (law enforcement officer, social workers, border guards, and healthcare staff). Regarding the national referral mechanism (NRM), the Commission intends to elaborate a European referral cooperation mechanism with the support of relevant EU agencies. Moreover, the Strategy will reinforce the cooperation between national, regional and local authorities in close cooperation with the European Economic and Social Committee and the Committee of Regions. In regard to the victims’ needs, the Strategy intends to improve access to appropriate and safe accommodation including safe shelters for women and child victims of trafficking. Reintegration into society will also be supported through social, economic and educational measures.

14 European Commission, EU Strategy on Combatting Trafficking in Human Beings 2021- 2025, COM(2021) 171 final, 14 April 2021.

Integration policies are not an EU competency and remain under the responsibilities of Member States in charge to develop their own policies and practices in this field including regarding international protection beneficiaries. However, the EU can develop a common and harmonized framework through specific provisions in the EU legal framework, European funds and specific action plan. In this regard, the Common Basic Principles for Immigration Integration Policy in the EU<sup>15</sup> provide a consistent framework to Member States to elaborate integration policies based on common grounds and perspectives. The Council of EU set 11 principles underlining the dynamic aspects of integration and the two-way process of mutual accommodation by immigrants and residents which implies respect for the basic values of

the EU. In July 2011, the Commission published a European Agenda for the integration of third-country nationals<sup>16</sup> which aimed at addressing the high rate of unemployment of women migrants at risk of social exclusion and the lack of migrant inclusion. In June 2016, the Commission published the EU Action plan on the integration of third-country nationals<sup>17</sup> in order to support Member States to reinforce the development of integration policies. Five priorities are identified in this plan: pre-departure and arrival measure, education, access to labour and professional training, access to basic services, active participation and social inclusion. The plan includes assessment tools and online training programmes for languages, a pilot project on migrant entrepreneurship, and the exchange of good practices.



**Focus:**  
**The new EU Action Plan on Integration and Inclusion: an opportunity to better address the trafficked beneficiaries of international protection's needs?**

Adopting a needs-based approach, the new EU action plan on Integration and Inclusion<sup>18</sup> published by the European Commission on November 2020 invites States to take into account different forms of vulnerabilities in their integration policies. Underlining the constant challenges faced by migrants in terms of employment, education, access to basic services and social inclusion of migrants, it proposes several measures that aim at providing interesting support for among others victims of human trafficking, including beneficiaries of international protection.

It proposes to reinforce its action to address specific vulnerabilities encountered by certain groups of migrants during their integration, especially women, for example by promoting their access to prenatal and postnatal care and childcare services which are very relevant for trafficked beneficiaries of international protection. Besides, the plan calls on States to provide training to health personnel on how to manage the specific needs of certain groups of migrants such as victims of trafficking or gender-based violence, and unaccompanied minors. It also underlines the importance of access to mental healthcare for migrants and EU citizens with a migrant background, as they are more prone to trauma during their migratory route. The Commission thus commits to supporting health promotion and prevention programmes, specifically targeting migrants, and provides Member States with multiple sources of funding to “take into account” the situation of migrants and their children in their national resilience plans – a limited response to the disproportionate impact of the COVID-19 pandemic on migrants and refugees.

Moreover, several measures related to housing access can provide support to Member States to promote “non-segregated adequate and affordable housing” including access for beneficiaries of international protection. EU funds will allow them to promote access to adequate and affordable housing, including social housing, without discrimination. The Commission advocates autonomous housing models for asylum seekers, particularly families, building on the successful initiatives implemented. It should be noted, however, that access to legal aid for victims of discrimination or exploitation on the labour and housing markets is not addressed in the plan.

15 Council of European Union, Justice and Home Affairs, 14615/04 (Presse 321), 19 November 2004.  
16 European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions European Agenda for the Integration of Third-Country Nationals, COM(2011) 455 final, 20 July 2011.  
17 European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Region, Action Plan on the integration of third-country nationals, COM(2016) 377 final, 7 June 2016.  
18 European Commission, Action plan on Integration and Inclusion 2021-2027, COM(2020) 758 final, 24 November 2020.

Specific needs of victims of trafficking should also be taken into account by developing and scaling up specialized shelters which can ensure adequate support and safety in their recovery and integration process.

With regard to access to education and employment, the Action Plan emphasizes the improvement of the recognition of skills and qualifications acquired in third countries and their comparability with European qualifications. The Commission wants to further develop the EU Skills Profile Tool for Third-Country Nationals and promote its use among public authorities. It also wishes to provide support for migrants' entrepreneurship under InvestEU and the implementation of inclusive mentoring schemes. Continuity of language learning, through the development of intermediate and advanced courses, is also essential for the integration of migrants. The Action plan acknowledges that “*migrant women are at particularly high risks of being over-qualified for their job, which may lead to depreciation of their skills*”. However, very few specific actions are proposed for this target group, and it does not take into account the impact of human trafficking. Specific training and support for trafficked women are required to ensure long-term empowerment and recovery, and access to competitive work positions. Furthermore, the Action Plan misses the opportunity to address the risks related to human trafficking for labour exploitation. Although employment is at the core of the propositions, it fails addressing employment quality as labour rights and risks of exploitation and re-trafficking.

The European Commission's call for multi-stakeholder partnership (including civil society organisations, educational institutions, employers and socio-economic partners, social economy organisations, churches, religious and other philosophical communities, youth and students' organisations, diaspora organisations and migrants themselves) could, if put into practice, open up a number of promising opportunities. In the area of integration of trafficked people, an opening and widening of national referral frameworks could be an interesting result. In addition, the Commission's intention of an “early start” of integration and inclusion could change parameters in the integration of trafficked people.

**1.1.2. International legal framework**

The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (referred to as the “Palermo protocol”) supplementing the United Nations Convention against Transnational Organized Crime was adopted by the General Assembly of the United Nations and has celebrated its 20 years in December 2020. It has been ratified by the four countries and by the EU. In its Article 3, the Protocol provides an international definition of the trafficking in human beings which aims to harmonize the domestic laws in order to reinforce international cooperation in this field. The Protocol includes several obligations and provisions to assist and protect victims of trafficking<sup>19</sup>. While implementing these obligations, States are required to take into account the special needs of victims<sup>20</sup>. Victims have to be provided with appropriate housing, medical, psycho-social and material assistance, labour, training and education opportunities, and the possibility to stay legally on the territory. The Protocol also includes prevention and cooperation

measures relating to the exchanges of information and training for law enforcement, immigration and other relevant officials, and an obligation that State Parties protect victims from re-victimization.<sup>21</sup> In its repressive provisions, the Protocol requires that States criminalize human trafficking in its domestic law.<sup>22</sup> Moreover, it includes specific provisions for minors in its definition.<sup>23</sup>

The Council of Europe Convention on Action against Trafficking in Human Beings was adopted on 3 May 2005 and entered into force on 1 February 2008. While building on existing international instruments, the Convention goes beyond the minimum standards agreed upon in them and strengthens the protection afforded to victims. The Convention has a comprehensive scope of application, encompassing all forms of trafficking (whether national or transnational, linked or not linked to organised crime). The main added value of the Convention is its human rights perspective and focus on victim protection. Its Preamble defines trafficking in human beings as a violation of human rights and an offence to the dignity and integrity of the human being. Another important

19 Article 6 and 7  
20 Article 6.4  
21 Article 10 et 11  
22 Article 5  
23 Article 3.c



added value of the Convention is the monitoring system set up to supervise the implementation of the obligations contained in it, which consists of two pillars: the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Committee of the Parties. The Convention is not restricted to Council of Europe member States; non-members states and the European Union also have the possibility of becoming Party to the Convention. The four countries involved in this study have ratified the Convention. The only Council of Europe member State which has not yet signed and ratified the Convention is the Russian Federation. Important provisions and rights relevant to the TRIPS project are enshrined in this Convention: the right to be identified as a victim<sup>24</sup>, the right to be assisted in the physical, psychological and social recovery<sup>25</sup>, the right to a recovery and reflection period of at least 30 days when there are reasonable grounds to believe that the person concerned is a victim<sup>26</sup>, and the right to a residence permit, without prejudice to the right to seek and enjoy asylum<sup>27</sup>. In a Guidance Note published in June 2020, GRETA analyses the application of the principles of international protection in the context of human trafficking.”<sup>28</sup> Further, in its 10th General report, published on 9 April 2021, GRETA summarised its findings on the identification of trafficked people amongst asylum seekers and access to international protection by victims of trafficking.<sup>29</sup>

The 1951 Convention and 1967 Protocol relating to the Status of Refugees and the UNHCR guidance relating to the application of international protection to victims of trafficking provide key provisions relevant to the TRIPS project. Despite the Convention and the Protocol forming the global basis of the right to international protection, they do not include specific categories of applicants with special needs. Guidance has been produced over the years relating to the application of international protection to victims of trafficking<sup>30</sup>. These guidelines provide interpretative legal guidance for governments, legal practitioners, decision-makers and the judiciary as well as for UNHCR staff. The UNHCR underlines that “*there is no doubt that rape and other forms of gender-related violence, such as [...] trafficking are acts which inflict severe pain and suffering – both mental and physical – and which have been used as*

*forms of persecution, whether perpetrated by State or private actors.*”<sup>31</sup> Moreover, the risk of reprisals and/or possible re-trafficking should be taken into account when being returned to the territory from which they have fled or from which they have been trafficked, as well as ostracism, discrimination or punishment by the family, and/or the local community or by the authorities upon return. In this regard, according to the UNHCR guidelines, victims or potential victims of trafficking may qualify as refugees where it can be demonstrated that they fear being persecuted for reasons of their membership of a particular social group.

1.1.3. Transposition of the EU legislation in the Member States covered by the study

The Recast Procedures and Reception Conditions Directives from July 2013 have been transposed by [France](#), [Italy](#) and [Czech Republic](#). In [France](#), the Law n.215-925 of 29 July 2015, the Instruction on asylum reform of 26 August 2015, and the Decree n°2015-1166 of 21 September 2015 have transposed both Directives. According to that law, victims of trafficking are explicitly listed as applicants with special needs, the special needs assessment procedure is described and procedural guarantees are included for these categories of vulnerable applicants. [Italy](#) has respectively transposed both Directives through the Lgs. Decree 25/2008 (Procedure Decree) and the Lgs. Decree 142/2015 (Reception Decree). The Italian legislation has gradually transposed more and more provisions of the Recast Procedures Directive. However, the recent Law.132/18 has worsened the regulatory standards, especially with the provision of border and accelerated procedures. In particular, there is a clear contrast with the Procedure Directive, as it introduces a hypothesis of border procedure not foreseen at European level. In regards to reception norms, the Italian transposition of the Directive has generally been more favourable, both taking into account the articulated and wider range of types of reception centres, and providing, with other national law, a specific reception system for beneficiaries of international protection (the former called SIPROIMI, now SAI). Following

the amendments introduced by Law 132/18, limits to the use of certain levels of reception have been introduced for asylum seekers victim of THB. Luckily with the new reform introduced by the Law Decree 130/20, as converted into Law 173/20, former provisions to access accommodation system have been restored. In [Czech Republic](#), both legislative documents have been transposed with the Act on Asylum, no°325/1999 Coll., and the Act on Stay of Foreigners no. 326/1999 Coll. with a reform from 2015, Act. No. 314/2015 Coll. Of 11 November 2015. The Asylum Act n° 325/1999 lists the victims of THB among vulnerable persons. Section 10.4 of Asylum Act provides that vulnerable persons should be identified by the Ministry of the Interior in support of the application for international protection. The Ministry shall also determine whether the applicant needs assistance in exercising his/her rights and in performing his/her obligations. Several provisions of the Procedure Directive have not been transposed in the legal framework and have direct legal effect (e.g. Article 46 of Procedure Directive).

In regard to the Qualification Directive, it has been transposed in [France](#), in [Italy](#) and in [Czech Republic](#). In [France](#), the Law n.215-925 of 29 July 2015 on the reform of asylum law which has also transposed this Directive. In [Czech Republic](#), it has been transposed also by the Act on Asylum and the Act on Stay of Foreigners. In [Italy](#), the Lgs. Decree 251/07 (Qualification Decree) has transposed it into the national law. It has introduced more favourable regulatory standards than EU law on examination of facts and circumstances, persons offering protection, acts of persecution, information provision, residence permit and travel documents access to employment, as well as to education and public health under the same conditions as Italian citizens.

[Ireland](#) exercises its right to participate in the original Asylum Procedures Directive (2005/85/EC), the Dublin III Regulation, and the original Qualification Directive (2004/83/EC). Initially, [Ireland](#) did not opt into the (recast) Asylum Procedures Directive, the (recast) Qualification Directive, or either the original Reception Conditions Directive (2003/9/EC) or the (recast) Reception Conditions Directive. [Ireland](#) does not, therefore, participate fully in the European Asylum Acquis. Nevertheless, the State opted into the (recast) Reception Conditions Regulations in 2018. The decision was taken following consideration of and in response to a Supreme Court judgment, which declared the existing absolute prohibition on asylum seekers’ access to the Irish labour market to be unconstitutional. These deci-

sions shaped the response to potential BIP affected by human trafficking, impacting on the identification of their special needs and integration potential, and ensure the State’s participation in the more evolved and synchronized measures at EU level enshrined in the recast Reception Condition Directive. Bearing in mind the time period focused on in the TRIPS project, namely since 2015, the two Directives could not fully benefit international protection beneficiaries, given that one Directive was adopted and implemented with a significant delay, while the other was not opted into, to this day. Opting out of the recast Qualification Directive represents particular loss in terms of identifying and responding to the special needs of BIP, limiting some aspects of family reunification and developing potential for timely integration. These issues will be further investigated in the study.

Regarding trafficking in human beings, [Ireland](#) began its robust participation in the relevant EU measures in the last ten years, following the introduction in 2008 of national legislation to address the crime of trafficking in human beings. Thereafter, the State opted into the EU Trafficking Directive and the Victim’s Right Directive and joined the EU Member States in developing and applying advanced measures for identification, protection and assistance of victims of trafficking in human beings. There are a range of notable benefits delivered through this framework that positively impact victims, in particular those linked to the victims’ special needs, to responding from a gender-specific angle and to keeping the best interest of the child paramount in responding to minor victims. It is worth noting that the Irish Supreme Court judgment in 2017 regarding asylum seekers’ labour market access, mentioned earlier, was of some importance to victims of trafficking claiming asylum who were a focus of the TRACKS project, the predecessor of the current TRIPS project, as it enabled labour market access for them eventually with some limitations.<sup>32</sup>

In [Italy](#), the Lgs. Decree n°24/2014 implements the Anti-Trafficking Directive. The approach adopted by the EU legislator has been formally taken up by the Italian Government with the introduction of new rules and modified others already in force in the system (the Criminal Code, the Code of Criminal Procedure, the Trafficking Act, the Consolidated Act on Immigration) without aspiring to the creation of a consistent system which could have achieved the objective pursued by the European Directive. Moreover, [Italy](#) has transposed the Victims’ Rights Directive through the Victims’ Rights Lgs. Decree 2012/2015. The Italian Lgs. De-

24 Article 10.  
25 Article 12.  
26 Article 13.  
27 Article 14.  
28 GRETA, Guidance Note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection, GRETA (2020)06, June 2020.  
29 GRETA, 10th General report on GRETA’s activities, covering the period from 1 January to 31 December 2020.  
30 Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the status of refugees, Geneva, February 2019; Guidelines on International Protection n°7: The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked, HCR/GIP/06/07, 7 April 2006.  
31 Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the status of refugees, Geneva, February 2019.

32 Access to employment is limited to after 6 months in the asylum process and if an applicant has not yet received their first instance refusal of their asylum claim.

cree introduced only procedural changes, in open defeat of the Directive that imposes on States a “comprehensive” care in favour of victims, capable of linking individual needs and collective security, the concern for social consequences of the crime and the essential procedural guarantees towards the accused. Instead of a systematic and comprehensive legislation on the protection of victims, the legislator has preferred a “spot” intervention based on formalistic solutions on a matter that essentially requires material measures on the organizational level of assistance and protection of persons.

In [Czech Republic](#), the Anti-Trafficking Directive has been transposed by Act n°141/2014 Coll. of 19 June 2014 that has amended the Act n°141/1961 Coll. The explanatory memorandum of this act underlines that the “vast majority of requirements arising from the above Directive are already contained in the Czech legal system” but “the Czech legal system is not yet fully in line with the Directives, as the regulation contained in the Criminal Code and the Act on Criminal Liability of Legal Entities and Proceedings Against Them does not provide sufficient protection of citizens against trafficking and protection of children from sexual assault at the level required by the EU.” The text also stresses that the Criminal Code lacks a clear criminalization of conduct consisting in accepting a victim of trafficking for exploitation which contravenes the Protocol of Palermo.

In [France](#), the Law n°2013-711 of 5 August 2013 laying down various adaptation provisions in the field of justice pursuant to European Union law and France's international commitments and the Law n°2016-444 of 13 April 2016 to strengthen the fight against the prostitution system and to support prostitutes have transposed the Anti-Trafficking

Directive. The Victims' rights Directive have been also transposed by reforming existing Articles and publishing new decrees.

1.2  
Scope of the Research

1.2.1 Target group

The target group has been kept broad to include the multifaceted aspect of human trafficking in relation with the international protection framework. The international protection beneficiaries at the centre of this project must have been identified, formally or informally, as victims of trafficking, before or during their asylum claim, or after their qualification as beneficiaries of international protection and prior to acquiring citizenship in the participating countries. Resettled refugees are included, subject to the same considerations. Their qualification as BIP may or may not be based on the trafficking experience. The study also addresses the specific case of humanitarian status if they are granted on international protection grounds. Indeed, States studied in this research use this alternative status to provide a protection to asylum seekers. It may also provide a more adapted protection according to the profile of the trafficked asylum seeker. While considering that Member States can provide specific legal status and provisions for victims of trafficking after a formal identification by the competent authorities, the TRIPS project does not include this target. Nevertheless, the study also considers these alternative provisions in order to better understand their connection with the international protection framework.

**Focus:**  
How international protection status can apply to victims of human trafficking?

Applicants for international protection who are victims of trafficking may claim asylum on different grounds which can match with the 1951 Geneva Convention or the subsidiary protection criteria. They may be at risk of persecution if they return to their country of origin due to their exploitation regardless of the location of the trafficking. The social group criteria may consequently apply in this case. These grounds are not applied systematically and it may depend on the specific groups of victims based on their country of origin or the form of exploitation. If there is a risk of unhuman or degrading treatment upon return, subsidiary protection may be granted. Victims of trafficking can apply for asylum on any other grounds laid down in the Geneva Convention and Protocols when relevant, regardless of their trafficking situation. Nevertheless, the access to international protection for victims of trafficking based on the exploitation grounds is inconsistent across the EU. Moreover, the research also demonstrated important challenges and obstacles to protect victims of human trafficking for labour exploitation. In addition to provisions in EU Member States which offer a specific trafficking-related or interna-

tional protection status in the context of the implementation of international or EU legal instruments, most Member States offer a third category of status which may be applicable to victims of trafficking and people seeking international protection. This category may be summarised as “humanitarian” status – with the exact status varying very considerably between the different Member States of the EU.

While it may be more of a non-status simply delaying an impending removal and carry few rights (e.g. the German “Duldung”) other humanitarian grounds provision at least temporarily give rights similar to those connected with international protection (e.g. the Portuguese temporary residence for humanitarian reasons<sup>33</sup>). Whereas the motivations for granting such status are rather similar and include the *non-refoulement* principle or health grounds, the practice of granting the status also varies considerably. In some countries this humanitarian status and the procedure of granting it are laid down in detail in laws, in others it is part of a very general legal provision leaving considerable space for discretionary decisions by the authorities. Beneficiaries of such status were included in this study where the legal provisions and/or standard practice give rise to integration measures/support.

The study intends to present all forms of human trafficking despite the fact that data collected indicates the prevalence of trafficking for sexual exploitation and some countries of origin (e.g. Nigeria, Ivory Coast). Although the BIP is involved in the integration, the study may include cases of trafficked BIP who are still under the control of the network or managed to extract from it. In this way, the research aims at identifying and preventing the risk of re-exploitation during the integration process, but also how the assistance provided in the integration can support the BIP to move away from the exploiter. Two scenarios need to be considered while supporting beneficiaries of international protection: the risk of re-trafficking in the case of former victim of exploitation, and the risk of being trafficked due to destitution and lack of support during the integration process. Their needs are not only based on their status as victims of trafficking, but also include their gender, age, nationality, and type of exploitation. The identification of human trafficking victims is key to providing an appropriate protection but also to have more accurate and comprehensive understanding of the scale of the phenomenon. The international protection beneficiaries may have been identified, formally or informally, before or during their asylum procedure or after they are granted international protection status. However, it is important to underline that the formal identification of a victim of trafficking in human beings must be done by the authorized competent authority in Member States (the police in most cases) based on a ‘reasonable grounds’ standards, as required by Article 10 of the Council of Europe Convention on Action against Trafficking in Human Beings. A presumed or potential victim refers to a person who has met the criteria of EU regulations and international Conventions but has not been for-

mally identified by the relevant authorities as a trafficking victim but instead by other organizations. The project underlines the importance of taking into account the different procedures of identification but also the difficulties and the gaps in those systems. Human trafficking remains a difficult criminal activity to assess, it is then inappropriate to exclude any of these categories from the scope of the research in order to correctly recognize the multifaceted circumstances of human trafficking.

Moreover, the partnership also acknowledges the trends observed by authorities and civil society organizations of several trafficking networks, such as Nigerian, to misuse the asylum procedure and force victims under their control to apply for international protection in order to obtain a certificate of asylum request, or in the long term, a protection status. These practices have been also underlined in the European Commission progress reports.

The TRIPS project focuses on victims of trafficking during their integration, from the moment they are granted an international status and they engage in the integration process in the protection country, including the first months to the mid-/long-term duration. Efforts have been made by the partners to collect data at the different stages through researches and discussions with practitioners and through interviews with trafficked international protection beneficiaries. The research does not extend to the asylum procedure as this was mainly in the TRACKS project, but it may address how the continuity of the support provided during the asylum is ensured after getting the international protection status. Indeed, specific provisions have been developed in the CEAS to identify and asses the vulnerability and related specific needs of asylum seekers.

33 Office of the United Nations’ High Commissioner for Human Rights : Admission and stay based on Human rights and Humanitarian Grounds: a mapping of national practices, Geneva 2018, p.20



However, the TRIPS project aims at looking how this information is taken into account in the integration process and how a sustained support is guaranteed in practice. While the

TRIPS project focuses on victims of human trafficking, this approach can also be applied to other vulnerable groups included in the CEAS.

## Focus:

The concept of vulnerability and special needs in the CEAS

The concept of vulnerability and special needs related to international protection has been developed in the EU legal framework and more specifically in the CEAS. While the 1951 Refugee Convention does not look into this, the Executive Committee of the UNHCR has published multiple sets of guidelines regarding specific groups of persons within the asylum seeking and refugee population. At EU level, the European Court of Human Rights underlined in the *M.S.S v. Belgium and Greece* judgement<sup>34</sup> in 2011 that asylum seekers are “a particularly unprivileged and vulnerable population group in need of special protection” and highlighted the “existence of a broad consensus at the international and European levels concerning this need for special protection, as evidenced by the Geneva Convention, the remit and activities of UNHCR and the standards set out in the European Reception Directive”.

The recast CEAS instruments in 2013 acknowledged the need to adapt to increasing challenges related to higher numbers of torture survivors, unaccompanied minors, and high-risk routes exposing migrants to exploitation. The recast Directives include procedural guarantees for vulnerable applicants and adapted reception conditions. However, according to an AIDA report<sup>35</sup>, “*the different pieces of legislation do not adopt a consistent and principled understanding of the vulnerability of individuals undergoing the asylum process*”. The Recast Procedure and Reception Directives have not the same scope of the vulnerability and special needs leading to ambiguity and incoherence in the implementation at national level. No major changes were made to the Recast Qualification Directive in this regards, only adding “victims of human trafficking” and “persons with mental disorders” to the list presented in Article 20(3).

In the recast proposed in 2016, the Commission suggested to establish a clear definition of an applicant with reception needs and to replace the term “vulnerability” by “special reception needs” in the Recast Reception Directive. Moreover, the European Parliament recommended for a wider scope on the categories with specific reception needs.

### 1.2.2 Integration process

The partnership strongly acknowledges the dynamic, long and multidimensional process of integration which embraces different challenges: the opening of rights, access to durable housing, insertion in the labour market, language learning, recognition of skills, and psycho-social support... It involves equally the beneficiaries of international protection and the receiving society and it should lead towards independence and self-sufficiency for BIP and the development of welcoming and equitable societies. The Common Basic Principles for Immigration Integration Policy in the European Union, elaborated in 2004, also underlined this “*dynamic, two-process of mutual accommodation by all immigrants and residents of Members States*”<sup>36</sup>.

The study addresses the first months of the integration after getting a protection status as well as the mid-/long-term process of social inclusion. As part of the asylum procedure, the integration process should also be considered from the first day where the asylum seeker has entered in the protection system. If this study does not address specifically these first steps, the consortium acknowledges that the (lack of) assistance provided during the asylum procedure has an important impact on the mid-/long-term process of integration after getting a protection status. Nevertheless, the TRIPS project looks at the transition between the asylum system and the integration process and if the Member States provide a continued support for victims of trafficking after getting a protection.

Common challenges to the integration are naturally highlighted in this study which are relevant to all third-country nationals arriving in a new receiving society. However the study underlines that despite their protection status, victims of trafficking have to address exacerbated challenges and demonstrate specific needs related to their past or current abuse situation. Due to the experience of exploitation, personal safety and security, stress and psychological trauma should be taken into account during the process of recovery. While recognizing the special needs of the trafficked BIP and that the willingness to move forward is not enough, the person should not be defined by his/her past of exploitation. The integration should then enable the trafficked BIP to empower him or herself.

### 1.2.3 Trends and statistics on trafficking in human beings

The collection of data on human trafficking is an important challenge. International and European organizations have published reports on statistics and trends in order to better capture the scale of the phenomenon. At EU level, the European Commission published two reports in 2018 and 2020. According to the 2018 European Commission data study on trafficking in human beings in the EU, 20,532 persons were registered as victims of human trafficking in the EU 28 in the period 2015 and 2016. 56% were non-EU citizens and the top five third countries of citizenship were Nigeria (2,094), Albania (1,397), Vietnam (1,099), China (739) and Eritrea (287). 74% of the registered victims were Nigerian and relating to sexual exploitation, and nearly half of them were registered in [Italy](#). It is also important to underline that there is an overwhelming representation of women and young girls (68%). In 2020, the European Commission has published updated statistics on human trafficking in the EU. 26,268 were registered in the 28 EU Member States for 2017 and 2018, which is a higher number compared to the previous reporting period. 46% were victims of sexual exploitation and 22% for labour exploitation. 59% of the victims registered were third-country nationals. Women and young girls remain the first impacted by human trafficking (58%), and 32% of the victims are minors. The main Member States with the largest registered victims were United-Kingdom (12,123), [France](#) (2,846), [Italy](#) (1,988), Netherlands (1,624), and Germany (1,380). The main victims' third countries of origin were Nigeria (3,112), Albania (1,814), Vietnam

(1,525), China (1,064), and Sudan (603). It is worth noting the important share of EU-citizens victims of human trafficking in the EU highlighted in these two reports, representing 41% of all victims of trafficking in 2017 and 2018 in the EU 28, and 27% were registered in their country of citizenship. In 2017-2018, the top five EU countries of citizenship of registered victims were Romania, United Kingdom, Hungary, France and Poland. However, these will not qualify for international protection in the EU as EU asylum *acquis* refers to third-country nationals and considers inner EU application as manifestly unfounded (see “Aznar protocol”).

The United Nations Office on Drugs and Crime (UNODC) underlines *that “although there have been tangible improvements in the availability of data and information on trafficking in persons, relevant gaps in knowledge affect large parts of the world”*<sup>37</sup>. On one hand, according to the UNODC, around 50,000 detected victims in 2018 around the world.<sup>38</sup> On the other hand, the Counter Trafficking Data Collaborative (CTDC) counts 108,613 individual cases of 175 nationalities in 164 countries of exploitation.<sup>39</sup> This first global data hub on human trafficking launched in 2017 aims at publishing harmonized data from counter-trafficking organization around the world. The difficulties in collecting data are even more significant when there is a need to cross different databases between THB and international protection as such data is often not available, consistent, or disaggregated enough to determine the actual scale of the issue.

Migrants, asylum seekers and refugees face increased risks to be exploited in the country of origin, during the journey and/or in the country of destination. In the working documents of the European Commission, links between trafficking and international protection continue to be reported by Member States either an increase of victims identified in the asylum systems or in organized criminal networks abusing asylum systems, which was also documented by Europol. While no detailed and comprehensive data enable the study to provide an accurate assessment of the issue, recent trends and analysis in these EU reports highlight an increased exposure of asylum seekers and BIP to human trafficking. Civil society organizations stress on the need to adopt a gender-sensitive approach to assisting and supporting victims of sexual exploitation. The EASO also underlines the constant challenges related to the lack of identification of victims, ineffective referral mechanisms, and the lack of dedicated places.

34 ECtHR, *M.S.S. v. Belgium and Greece* [GC], Application No 30696/09, Judgment of 21 January 2011.

35 AIDA. The concept of vulnerability in European asylum procedures. 2017.

36 Council of European Union, Common Basic Principles for Immigrant Integration Policy in the EU, 19/11/2004

37 UNODC, Global Reporting on Trafficking in persons, 2018.

38 UNODC, Global Reporting on Trafficking in persons, 2020.

39 See the CTDC website: <https://www.ctdatacollaborative.org/>. The Counter Trafficking Data Collaborative (CTDC) is the first global data hub on human trafficking, with data contributed by organizations from around the world.



At the global level, the Inter-Agency Coordination Group against Trafficking in Persons (ICAT) also underlines that “*refugees and asylum seekers are particularly vulnerable to abuse and exploitation at different stages of their flights, including at their destination*”.<sup>40</sup> This issue is also highlighted by the UNODC in its report on trafficking in an armed conflict context.<sup>41</sup> People living in conflict-affected areas may be exploited by trafficking networks, but it is also closely linked to higher levels of vulnerability experiences by people living on the margins of conflict such as refugees. In its report on migrant vulnerability to human trafficking and exploitation<sup>42</sup>, the International Organization on Migration (IOM) reminds that while travelling along the Central and Eastern Mediterranean route they are exposed to different abuses and risks of exploitation according to the characteristics of their journeys and their profiles. According to this study, 48% of migrants who take the Central Mediterranean route are predicted to be vulnerable to exploitation or human trafficking, compared to 31% for the Eastern route.

Following the increased arrivals in the EU and new reception organization of migrants and

	2014	2015	2016	2017	2018	2019
First time asylum applicants*	562,680	1,256,575	1,206,045	620,255	564,110	631,265
Positive decisions on asylum application (first instance and final decisions)**	193,580	332,050	715,250	532,865	335,365	322,960

\* Eurostat, Asylum and first time asylum applicants by citizenship, age and sex - annual aggregated data (rounded) [migr\_asyappctza]  
\*\* Eurostat, First instance decisions on applications by citizenship, age and sex - annual aggregated data (rounded) [migr\_asydcfststa] ; Final decisions in appeal or review on applications by citizenship, age and sex - annual data (rounded) [migr\_asydcfina]. These data include decision granting refugee status, subsidiary protection and humanitarian status.

In its 10<sup>th</sup> General Report, GRETA underlines that “*despite a persistent lack of meaningful and accurate qualitative and quantitative data on the number of trafficked persons identified amongst asylum seekers and on how often asylum is granted where the persecution feared is linked to human trafficking [...], an increasing number of State Parties report having identified trafficked persons amongst asylum seekers*”.<sup>46</sup> The limited access to consistent and accurate data can also be observed in the four countries. None of them provide detailed data on victims of trafficking beneficiaries of international pro-

asylum seekers, human trafficking has become a growing concern in the European asylum system, especially in the context of the hotspot approach as underlined in the European Parliamentary Research Service<sup>43</sup>. The early identification of victims is one of the main challenges faced in the first reception facilities set up in Greece and [Italy](#). However, the report points out the high difficulty to detect victims especially during rescue missions at sea and during the disembarkation stage. Moreover, practical issues arise at the first identification centre that prevent a proper detection of victims including limited space for a tailored approach, incomplete information provided to migrants, lack of clear referral procedures and extreme workload to specialized medical services. The living conditions also increase the risks of exploitation as underlined by the UNHCR in Greece<sup>44</sup>. In November 2018, the UN Agency expressed high concern over the protection of the most vulnerable and reported sexual and gender-based violence against women. GRETA also alerted on the situation of victims in [Italy](#) in 2016 and in Greece in 2017<sup>45</sup>.

tection. Therefore, despite attempts to harmonize the data collection, national statistics presented below cannot be compared.

In [Czech Republic](#), the annual statistics on trafficking are published by the Crime Prevention Department of the Ministry of the Interior.<sup>47</sup> In 2019, only 23 victims of THB were identified according to the police statistics, even if it is an increase in the numbers compared to two previous years; 13 victims in 2018, 14 victims since 2017. 38 victims were identified in 2016 and 50 in 2015. On the 23 identified victims, most of them are natio-

nals. The other victims come from Philippines, Slovakia, Ukraine, Romania, Vietnam, Pakistan and Ghana. Relating to trafficked BIP, there is no official data published on this target group. However, this information could be found out internally as when the Refugee Facility Administration (SUZ) identifies a victim, this information can be transferred to the Asylum and Migration department (OAMP), but not on a systematic basis. Moreover, the current information system for asylum seekers includes a box to tick in case of vulnerability without specifying which kind. Nevertheless, international organizations, such as GRETA<sup>48</sup>, UNHCR, and civil society organization point out the key issue of data collection regarding THB in this country, including during the asylum procedure. There is a common acknowledgement from national authorities that the data collection methodology is not adapted to adequately identifying victims of THB and do not respect the European standards. In its 2020 report, GRETA notes that the above figures of identified victims of THB probably do not reflect the real scale of the phenomenon due to the identification and data collection gaps. In response, the new national strategy should lead to better data collection. Moreover, a new information system will be created in the Ministry of the Interior independently on this strategy and will be able to include more detailed information on vulnerability.

In [Italy](#), different databases provide information on THB without giving a consistent overview of its scale at the national level. Analysis can be made on the basis of migratory flow and the main nationalities reaching the Italian coasts such as Nigeria, Eritrea, Bangladesh, Ivory Coast, and Tunisia. Moreover, it is worth noting that labour exploitation is particularly important in [Italy](#) especially among agricultural workers with 24.2% rate of non-regular work, which could represent 164,000 persons.<sup>49</sup> The official data only shows partially the progressive growth of foreign workers in the sector, as workers without residence permits and contractual safeguards. The Department of Equal Opportunities of the Council of Ministries provides some statistics on victims of THB who benefit annually from the assistance, protection and social integration programmes.<sup>50</sup> According to these statistics, there were 1,172 victims supported in 2016, 1,050 in 2017, and 569 in 2018 (until 16 October 2018). The main majority are women (between 85% and

95% depending on the year). The main countries of origin are Nigeria, Romania, Morocco, Bangladesh, Pakistan, Albania, and Bulgaria. The majority were subjected to sexual exploitation (78%) in 2017 and 90% in 2018, followed by labour exploitation (13% in 2017 and 7% in 2018), forced begging and forced criminality. Relating to international protection, there is no official data on trafficked asylum seekers or BIP. However, thanks to the national referral mechanism (NRM) on THB, the National Anti-Trafficking Network<sup>51</sup> provides interesting data related to international protection. It reports 1,060 people in 2017 and 837 people in 2018 with respect to 30,000 telephone contacts registered for each year. Out of all the contacts, 92% are women, 7% men and 1 transsexual. Out of the 1,060 and 837 persons respectively in 2017 and 2018, 348 (32%) and 219 (26%) persons were granted international protection (32%). In addition, in 2017, 207 persons came from the international system, while in 2018 the number was only 192.<sup>52</sup>

In [France](#), there is also no official common data on the target group of the study. Due to the confidentiality principle of the asylum claims, the national authorities in charge of asylum do not provide statistics on the grounds of protection. Two main databases are available to assess the scale of the THB at a national level. The only official public data is the one related to the residence permits granted on the grounds of the Article L316-1, that is to say identified victims of trafficking who filed a legal complaint against their trafficker or who testified against their trafficker in a criminal procedure.<sup>53</sup> In 2017, 50% of these residence permits delivered (141) were granted to Nigerian nationals. However, these figures only provide a very limited overview and understanding of the phenomenon as few victims are identified and referred to the criminal justice procedure; potential victims of trafficking rarely self-identify and very few victims report their abuse for fear of reprisals. In addition, there is no data on identified victims who obtained an international protection rather than a common protection given on the grounds of Article L.316-1. The second data available at national level is non-official statistics on victim identified and supported by NGOs. Since 2015, the Inter-ministerial Mission for the Protection of Women victim of violence and the fight against human trafficking (MIPROF) and the National Observatory of Delinquency and Penal Responses (ONDRP) have coordinated a

40 ICAT, Trafficking in persons and refugee status, Issue 03/09/2017.  
41 UNODC, Trafficking in persons in the context of armed conflict, 2018.  
42 IOM, Migrant Vulnerability to Human Trafficking and Exploitation: Evidence from the Central and Eastern Mediterranean Migration Routes, 2017  
43 European Parliamentary Research Service, Detecting and protecting victims of trafficking in hotspots Ex-post evaluation, July 2019.  
44 UNHCR, UNHCR urges Greece to accelerate emergency measures to address conditions on Samos and Lesbos, 6 November 2018.  
45 GRETA, Report on Italy under Rule 7 of the Rules of Procedure for evaluating implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, GRETA(2016)29, 30 January 2017  
46 GRETA, 10th General Report on GRETA's activities, covering the period from 1 January to 31 December 2020, April 2021.  
47 Ministry of Interior, 2019 Status report on trafficking in human beings in the Czech Republic

48 GRETA, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Czech Republic, 11 February 2020,  
49 Ministry of Labour and Social Policy, Piano triennale di contrasto allo sfruttamento lavorativo in agricoltura e al caporalato 2020 - 202  
50 GRETA, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Italy, 2018  
51 <https://www.osservatoriointerventitratta.it/>  
52 G. Della Valle, National Anti-Trafficking Helpline, Convegno: La tratta degli esseri umani: politiche di contrasto del fenomeno e di tutela delle vittime, Torino 25 e 26 febbraio 2019  
53 Ministry of Interior and ONDRP - Grand angle n°52, October 2019

report on human trafficking in [France](#) based on the civil society organizations' data.<sup>54</sup> In 2018, 53 associations participated in the national study and 2,918 victims were reported. 74% were victims of sexual exploitation, 9% were victims of labour exploitation, 8% were victims of domestic exploitation, 5% were forced to commit offenses, and 3% were forced to beg. Moreover, 82% of the victims were women and 12% were minors. For 86% of victims, the housing is organized by the trafficker or by the network, and only 21% of victims have filed a complaint to the authorities. Similar to the official data, Nigeria is the main country of origin and represents 48% of the victims. Among all the identified victims, only 28% of them have a residence permit, including 11% on the grounds of an international protection (321 persons). In 2019, 37 associations participated in the national study and 2,573 victims were reported. 75% were victims of sexual exploitation, 9% were victims of labour exploitation, 10% were victims of domestic exploitation, 4% were forced to commit offenses and 1% were forced to beg. Moreover, 82% of the victims were women and 8% were minors. For 84% of victims, the housing is organized by the trafficker or by the network, and only 22% of victims have filed a complaint to the authorities. Nigeria still remains the first country of origin and represents 26% of the victims. Among all the identified victims, only 26% of them have a residence permit, including 9% on the grounds of international protection (232 persons).

In [Ireland](#), the International Protection Office at the Department of Justice only provides the monthly number of applications for international protection by nationality.<sup>55</sup> No statistics are provided on the number or successful claims, and respectively the reasons for the protection granted. Similarly, there is a lack of disaggregated statistics by gender. Some relevant information with regards to international protection beneficiaries affected by human trafficking could be obtained from the International Protection Appeal Tribunal, which publishes their decisions in anonymized form, alongside data pertaining to the gender and the nationality of the applicant as well as the outcome of the appeal's hearing. After acquiring permission to assess the Tribunal's archive, it was possible to screen a period of time for cases involving human trafficking. This was done through 'search attributes' settings, specifying simultaneously issues of interest such as 'Trafficking in persons' and, search strings such as 'trafficking', 'forced labour', 'slavery' and 'prostitution'. The search indicated that there were relevant cases in 2015, 2018,

2019 while no such cases were archived for 2016 and 2017. To complement the picture, 2014 was included. Not all of these cases led to international protection. It is noted that the information may not be exhaustive or complete because the 'search' options in the archive are restricted. In addition, the State's official website on trafficking in human beings<sup>56</sup> publishes annual reports with statistics. However, they do not contain any information about victims who are successful applicants for international protection. The data mainly presents how many people have been referred to the National Referral Mechanism, including some data on how many of them seek international protection. Information about the outcome of such claims is not available. Therefore, no meaningful conclusions could be extracted for the situation with international protection beneficiaries affected by human trafficking from the official sources. In 2019, 34 persons were referred to the NRM for sexual exploitation, 3 for labour exploitation, 2 for both, and 3 for forced criminality. 17 came from Nigeria. Trafficking for the purposes of labour exploitation mostly concerns individual businesses, where a number of victims are identified at once, e.g. 16 in 2018 in the fishing business, while in some years a very small number of victims are discovered due to a lack of a prominent exploitative business, e.g. in 2019 – 3 suspected victims. On the other hand, trafficking for the purposes of sexual exploitation represents a steady stream of identified victims, mostly women. Women are primarily trafficked for the purposes of sexual exploitation, while men are primarily trafficked for labour exploitation. In 2020, 38 victims of trafficking were referred through the NRM, 33 of whom were women and of which 26 cases were for the purpose of sexual exploitation.<sup>57</sup> In the past, information was provided on how many of the suspected victims had pending applications for international protection. For example, the departmental data showed that in 2015, 12 out of the 78 victims had pending applications for asylum, and respectively, 16 out of 95 victims in 2016 and 17 out of 47 victims in 2017. Unfortunately, there is no information concerning victims of trafficking who might have successfully obtained international protection.

The [Austrian case study](#) highlights also a lack of detailed data on victims of trafficking. Despite the limited statistical evidences, the national NGO LEFÖ, recognized victim protection facility in Austrian operating on behalf of the Ministry of the Interior and the Federal Chancellery, points out the increasing number of asylum seekers assisted for

trafficking situations. In 2019, 28% of the victims supports were asylum seekers (95 persons) and 6% were recognised as benefi-

ciaries of international protection or complementary protection (19).

**Focus:**  
The lack of detailed data on THB and international protection

As underlined by GRETA, data collection on various aspects of human trafficking is an important “*tool to inform, adjust and assess Anti-Trafficking policies, as well as to carry out risk assessment*”<sup>58</sup>. In its third progress report, the European Commission pointed out the “*substantial differences in the way that Member States record and collect data*” call for “*further efforts across the EU [...] to ensure quality and compatibility of data on trafficking in human beings*”<sup>59</sup>.

The data collection involved a wide range of challenges which is first directly linked to the identification capacities in place at national level. In addition to obstacles related to the hidden and criminal nature of trafficking and high sensitivity of its nature, the collection of data on cross-cutting issues related to trafficking and international protection is particularly challenging. In the 2018 data report, the European Commission included several tables on victims seeking international protection status. Although, several Member States were not able to provide data, it demonstrated a need to have a better analysis of the links between THB and the asylum procedure which could illustrate the observations made by institutions and civil society organizations on the growing numbers of victims of trafficking in the migration flows and asylum systems. However, in the last data report published in October 2020, the European Commission removed these tables dedicated to victims seeking international protection status. Nevertheless, the lack of consistent mechanisms to detect victims, to facilitate self-reporting by victims themselves, and to coordinate the data collection at national and European levels falsifies the real scale of trafficking in the international protection systems.

In addition, it should also be underlined that, there is an over-representation of the sexual exploitation which remains the form of trafficking the most identified and reported by institutions, NGOs and victims themselves. This project has faced important challenges to access accurate data, but also to identify victims to be interviewed, on other forms of trafficking such as labour exploitation, forced criminality or begging. Furthermore, the difficulties to collect data may be misused and may cause misinterpretation of the trends of this criminal phenomenon.

54 ONDRP, MIPROF, Human trafficking in France - Victims' profiles supported by associations.

55 <http://www.ipo.gov.ie/en/ipo/pages/statistics>

56 Blue-blind-fold website, official statistics: [www.blueblindfold.gov.ie](http://www.blueblindfold.gov.ie)

57 US Department of State, 2021 Trafficking in Persons Report: Ireland.

58 GRETA, 9th General report on GRETA's activities, covering the period from 1 January to 31 December 2019.

58 GRETA, 9th General report on GRETA's activities, covering the period from 1 January to 31 December 2019.

59 European Commission, Third report on the progress made in the fight against trafficking in human beings (2020) as  
required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and  
protecting its victims, Commission staff working document, SWD(2020) 226 final, COM(2020) 661 final, 20 October 2020.



## Challenges in identifying trafficked international protection beneficiaries and their special needs

2

### 2.1 Identification of Victims' Special Needs: from the Asylum Procedure to the International Protection Status

#### 2.1.1 Identification and evaluation of international protection beneficiaries' special needs

As mentioned in the European law and policies section, the CEAS foresees the identification and evaluation of special needs in its legislative texts. While it provides strong and detailed provisions to assess and address the asylum seekers' needs during the asylum procedure, fewer measures and obligations are planned to ensure continuum of care after the international protection status is granted. Furthermore, the implementation of these provisions remain inadequately ensured in the Member States studied despite the obligation to ensure the identification and evaluation of the special needs of asylum applicants which can determine the accommodation and services to provide. In [Czech Republic](#), according to section 81.2 Act on Asylum for purposes of accommodation of asylum-seekers, the operator of an asylum facility shall establish whether an applicant for international protection is a vulnerable person and identify special needs of this person and take them into account for the duration of accommodation of such applicant for international protection in the asylum facility. In practice, though, only needs of solo women and single mothers with underaged children are taken into account and they are provided with separate accommodation in refugee facility. Moreover, the identification of vulnerable persons in the asylum process is identified as an important issue by the national office of UNHCR, the GRETA, OSCE Special Representative and Coordinator for Combatting Trafficking in Human Beings<sup>60</sup>. In [France](#), the vulnerability evaluation is carried out by the French Office in charge of Immigration and Integration (OFII) at the beginning of the asylum procedure. It is only based on objective criteria using a questionnaire (isolation, pregnancy, visible disability) and hardly considers subjective vulnerability as human trafficking. However, social workers can refer cases of particularly vulnerable asylum seekers (especially vic-

tims of THB) to the OFII so that they can benefit from more favourable reception conditions, including a place in an asylum seeker accommodation centre (knowing that less than one out of every two asylum seekers is accommodated). In [Italy](#), if authorities do not proceed to a vulnerability screening at borders, usually reception centres do so and can refer special needs of asylum seekers to the Prefecture and determining authorities. Therefore in practice, the only vulnerability assessment is the one carried out by the first reception centres, determining authority or SAI; on the other side, if persons do not benefit from these accommodation measures, at the institutional level there is no body entitled to do it in a second phase. Even though there are obligations to give due regards to the vulnerable situation of 'qualified persons' (equivalent of international protection beneficiaries), the legal framework of [Ireland](#) does not contain similar provisions relating to vulnerability or special needs during the international protection process itself. In practice, assessments are not carried out in any systematic manner and it is not clear where responsibility for such assessments lie. The [Austrian case study](#) also points out the lack of specific mechanisms for the early identification of asylum seekers with special needs. The Federal Office of Foreign Affairs and Asylum should lead an initial examination after the asylum registration where first elements of THB could arise. Despite several improvements in terms of referral, many presumed victims are not detected due to lack of training on THB indicators or willing to perceive trafficking situation. However, according to the country-visit of OHCHR, *"the identification of people in vulnerable situations throughout the asylum and return procedures, including pre-removal detention, tends to be random and unsystematic, for instance, only when vulnerabilities are clearly visible, or dependent on disclosure by the individual themselves"*.

Despite safeguards in the EU asylum acquis to identify and address the special needs of asylum seekers, the implementation remains inconsistent and partial which reduces the chances of identifying and protecting victims of human trafficking adequately. The role of civil society organizations can be crucial to identify vulnerability and special needs and refer the case to national authorities in charge of the reception conditions and the asylum procedure. However, these *ad-hoc* provisions are inconsistent at a national level and cannot adequately reach asylum seekers who are not accommodated or assisted by social workers.<sup>61</sup>

<sup>60</sup> OSCE, Report by OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings, Madina Jarbussynova, in her report from 2016 following her visit to the Czech Republic, 26-27 November 2016 and January 2016.

<sup>61</sup> For more information on the identification of trafficked asylum seekers' special needs, please refer to the TRACKS reports and deliverables.



If the identification and assessment are not carried out during the asylum procedure, there are even less chances that it is done properly after getting the international protection. Indeed, in [Italy](#), [Czech Republic](#), [France](#) and [Ireland](#), there is no comprehensive assessment system for the beneficiaries of international protection despite the transposition of the recast Qualification Directive in those countries. The legal frameworks and the practices in place do not provide any obligation to carry out identification and an evaluation of the international protection beneficiaries' vulnerability and special needs. In [France](#), after the acquisition of an international protection, a personal interview is conducted with an OFII's integration officer, which aims at assessing the individual situation of the BIP and related needs, in particular regarding the French language and employment. The evaluation of the social and family situation does not include special needs related to the list presented in the Article 20(3). In [Czech Republic](#), there is no legal provision to undertake the vulnerability assessment after the asylum procedure. In practice, the social worker (from a NGO or SUZ) should undertake the evaluation while implementing the State Integration Programme however not all of them are trained to identify victims of THB. Training is organized by the NGO La Strada every two years, but doesn't reach all employees. In [Italy](#), no competent authority is entitled to do this assessment towards international protection beneficiaries despite the transposition of Article 20(3) and (4) in Article 19 of the Qualification Decree. In practice, the NGOs often liaise with public administration bodies on the collection of information related to vulnerability and special needs. Although the role of NGO is not declined by law, their role is key and taken into consideration by authorities. A different legal approach can be observed in [Ireland](#) where for persons granted international protection, there is an obliga-

tion on the Minister for Justice to have a due regard to the specific situation of vulnerable persons such as victims of trafficking among others.

However, as mentioned before, no provision exists regarding a mandatory process of evaluation and screening for vulnerability and special needs.

The research tends to demonstrate that Article 20(4) on the individual evaluation of BIP's situation is applied by considering the screening carried out during the asylum procedure without a new and formal evaluation after getting the protection status. Considering the important gaps identified on the asylum seekers' special needs identification process, there are high risks that victims of trafficking are not correctly identified during the asylum procedure. The lack of corrective procedures after the international protection is granted is another lost opportunity to screen and provide tailored support for victims of trafficking. These observations were also more globally underlined in other European Member States in the Evaluation report on the application of the recast Qualification Directive<sup>62</sup>: *"the vast majority of Member States relied on the vulnerability assessment made during the asylum procedure and did not assess the special needs of vulnerable person again once the status of international protection has been granted"*. The recast Qualification Directive does not specifically require carrying out another assessment once the protection status has been granted. Nevertheless, the report underlines that in order to ensure the obligation enshrined in Article 20(3), *"it is crucial that Member States have a mechanism in place that guarantees that the outcome of the first assessment under the Reception Conditions Directive is communicated to the competent authorities in charge of applying the rights set out in the recast Qualification Directive"*.

## Focus: Lessons learned from TRACKS

As mentioned in the scope of the research, the TRIPS project focuses on the integration process and related special needs of trafficked international protection beneficiaries. It intends to address how the continuum of care is ensured after the international protection status is granted, but the research does not extend to the asylum procedure as this was mainly done in the TRACKS project.

The project TRACKS – *Identification of Trafficked Asylum seekers' Special needs*, is a two-year project co-funded by the European Commission under the HOME/2014/AMIF/AG/ASYL funding programme and implemented by Forum réfugiés-Cosi, the project coordinator, and its European partners British Red Cross (BRC), Churches Commission for Migrants in Europe (CCME), Spanish Commission for Refugees (CEAR), Immigrant Council of Ireland (ICI), Italian Red Cross (ItRC) and Action for Equality, Support, Antiracism (KISA), in association with the Swiss Refugee Council (OSAR) – that is also implementing the project in Switzerland. UNHCR Europe

office, the French Office for the Protection of Refugees and Stateless persons (OFPRA), Amicale du Nid Rhône, UK Institute for Migration Research and the Human Trafficking Foundation were associated partners to this project. This transnational project aimed at analysing the asylum-THB nexus through the prism of special needs of trafficked asylum seekers and to strengthen capacities of national asylum authorities and civil society organizations to tackle cross-cutting issues (i.e. identification, protection, housing, rehabilitation, psychosocial support as well as security).

As the TRIPS focuses on the integration process after granting the international protection status, the main lessons learned from TRACKS are interesting inputs to have an overall analysis of the THB and international protection nexus. The collection of harmonized and comparable data on victims of trafficking in the asylum process is a constant challenge while it is crucial in order to better assess and monitor the scale of the phenomenon and enhance the tailored support provided to these victims.

In most of the countries studied in the TRACKS project the assessment of whether the applicant is an applicant with special procedural or reception conditions' needs, foreseen by the recast Procedures and Reception Conditions Directives, is rarely, or only partially conducted, which hinders the detection of victims of trafficking in the asylum process. In practice, none of the countries studied provide for effective mechanisms to identify asylum seekers with special needs. It therefore seriously harms the possibility for victims of trafficking to benefit from appropriate and timely support in their asylum process, both with regard to procedures and reception conditions.

Most countries studied do not, or insufficiently, provide procedural safeguards for victims of trafficking. The three procedural safeguards most commonly foreseen by national legal framework studied and applying in theory to all vulnerable applicants are: 1) the possibility for the competent authority conducting the personal interview to prioritize the examination of the claim and thus the date of the interview because of the personal circumstances of the applicant; 2) the possibility for the applicant to ask for the asylum officer conducting the interview to be of the same sex and 3) the possibility for the applicant to be accompanied by a third party (or third parties) during the personal interview. However, in practice these safeguards might not systematically apply to victims of trafficking. In all countries studied, identification and reporting of victims of trafficking under the Dublin Regulation essentially rely on legal and social support organizations and/or self-reporting of victims themselves without precluding the Dublin procedure to be carried out. Indeed, in practice, being identified as a victim of trafficking does not have, or only rarely has, an impact on the Dublin procedure.

None of the countries studied have a legal framework making it compulsory to adapt reception conditions for victims of trafficking within the asylum system despite the fact that in several countries reception conditions granted to vulnerable asylum applicants, who have special needs, must be adapted to meet the requirements of the recast Reception Conditions Directive. The limited access to specific accommodations for victims of trafficking to which they are also eligible when they seek asylum is mainly due to a lack of sufficient capacities and resources. As part of the Dublin Procedure, only the UK has proactive mechanisms to detect victims of trafficking within the Dublin procedure. In addition, in most countries studied, the individual interview foreseen by the Dublin Regulation is not conducted in an appropriate environment for detection or self-identification of victims of trafficking. In all countries studied, identification and reporting of victims of trafficking under the Dublin Regulation essentially rely on legal and social support organizations and/or self-reporting of victims themselves without precluding the Dublin procedure to be carried out. Indeed, in practice, being identified as a victim of trafficking does not have, or only rarely has, an impact on the Dublin procedure. In [France](#), [Ireland](#), [Italy](#), [Spain](#) and [Switzerland](#), victims of trafficking are regularly processed under the Dublin Regulation. Cases of trafficked asylum seeking minors transferred to another Member State have been reported in [Ireland](#). In practice, the countries studied do not generally apply the discretionary clause foreseen in Article 17 to victims of trafficking.

The main trafficked asylum seekers' needs identified in the project related to the asylum procedure and the reception conditions are the need for building mutual trust, information provision and legal support, a specific and flexible approach as regards to time-scale, a more victim-centred approach within the Dublin system, specific guarantees during the interview (friendly environment, support from a lawyer and/or a psychologist, the possibility to express preferences for a same-sex interviewer and interpreter in certain cases), no multiple interviews, a safe space taking

62 European Commission, Evaluation of the application of the recast Qualification Directive (2011/95/EU), January 2019.

into consideration security, privacy, gender, presence of a child and mother-care, a tailored mental-health support, and being empowered including favouring financial sustainability, autonomy in their daily life as well as prospects for the future (education; employment)...

### 2.1.2 Information sharing among relevant actors to address special needs

While the identification of special needs is not consistently ensured during the asylum procedure and the integration process, the information collected during the assessment phase are precious to provide adapted support to the victims of trafficking. As underlined in the evaluation report of the recast Qualification Directive, in absence of evaluation after the protection is granted, the information sharing is important to ensure that competent authorities take into account the vulnerability in the integration process. Nevertheless, this backup solution is not ensured at a national level by the authorities. For all countries involved in this study, national authorities are in charge of the identification of the special need, may it be administrative office in charge of immigration, Ministry of Justice or Health, or determining authorities in charge on asylum. Regardless if the authority in charge of the reception and the evaluation of asylum seeker is the same for the international protection beneficiaries' integration or it is addressed by different administrations, the information sharing remain an important challenge in the absence of clear, consistent and common system.

In [Czech Republic](#), the Asylum and Migration Department (OAMP) and Refugee Facility Administration (SUZ), both attached to the Ministry of the Interior, carry out identification and evaluation of special needs. There is no official obligation to inform the other party about the information collected. Both structures may exchange information upon request of the other on an *ad-hoc* basis during the asylum procedure. Once the protection status is granted, the trafficked BIP can be either supported as part of the State Integration Programme (SIP) by the same NGO which provided assistance during the asylum procedure to elaborate the individual integration plan, or by a SUZ's social worker, who will take over the integration process as the general provider. In the latter case, the social worker has never been in contact with the trafficked international protection beneficiaries and no information on the previous assessment done by authorities is provided. Only a file from a social worker that has been working with the client in the accommodation centre for asylum seekers is available and may include some information on the vulnerability of the client. Moreover, as pre-

viously outlined, the lack of training of social workers either from SUZ or NGOs do not ensure an appropriate identification of victim of trafficking.

In [France](#), the same authority is in charge of the evaluation of vulnerability during the asylum procedure and the BIP's integration, namely the OFII, but the information sharing is not ensured all along the process. During the asylum procedure, only the OFII's asylum officer, OFII's asylum departments and OFPRA's protection officer may be informed of a situation of trafficking. However, after acquisition of an international protection, the information collected on the special needs are not transferred to the OFII's integration officer or to the integration service providers, neither by the OFII's asylum officer nor by the OFPRA's protection officer in charge of the asylum request for confidentiality reasons, leaving the decision to share the information to the victim's choice (sometimes through supporting organizations). Data collected on the vulnerability and potential identification of trafficking situation during the asylum procedure may get lost when passing to the integration phase if the trafficked BIP does not share it with the OFII's integration officer or OFII's service providers. The same problem arises regarding information sharing between social workers. Social workers in asylum seekers' accommodation centres or in asylum seekers supporting organisations may be aware of a human trafficking situation. However, when the victim obtains international protection, he or she may change his or her place of residence and/or move to a different shelter and thus have new social workers, who may not necessarily be aware of his or her situation as a victim of trafficking. Informal exchanges can be observed on the field when the trafficked international protection beneficiary is supported by a new social worker who knows the previous social worker (either because they are working for the same NGO, or because the NGOs are working together) but it is not systematic.

In [Italy](#), if information sharing is not properly ensured by institutional actors, NGOs support them and ease the liaison between the Anti-trafficking network, the Prefecture, the SAI system and the determining authorities in charge of the asylum procedure. Another factor to take into account is the confidentiality of the data and the challenges to ensure an adequate data sharing while respecting the private life of the trafficked international protection beneficiary.



### Focus: The confidentiality rules and challenges of sharing data

The data collection and sharing involve the need to protect the private life and to apply rules of confidentiality. The national legal frameworks and the new European Union's General Data Protection Regulation<sup>63</sup> provide detailed rules on the collection and sharing of private information, including over asylum seekers and beneficiaries of international protection. During the asylum procedure and the integration process, a wide range of personal data on the victims is collected by national authorities and civil society organizations. There is a strict obligation in all studied countries not to disclose any private information relating to the asylum claim, except in the case of a criminal investigation and they are shared to that purpose to the police or other competent authorities.

Acknowledging the crucial need to protect the private life of trafficked international protection beneficiaries, the TRIPS project also underlines the challenges to ensure an early identification of the victims and to provide an adequate support in the long-term without losing the victim's precious testimony that could impact the integration process. Leaving the choice to the victim to provide this information entails more efforts for the international protection beneficiaries to report themselves to new social workers or national institutions' officers who require an appropriate environment, a trustworthy relationship, a qualified and trained officer or social worker and interpreters. Practitioners underline the balance needed between an adequate referral and support based on victim's needs and the BIP's will to be identified as a victim of trafficking by integration actors.

However, in some situations it is best – or at least it is the victim's preference, not to share this information as it may also help to not be considered as a victim anymore, or protect them from unwanted considerations and/or stigmatisation.

### 2.1.3 A sustained support when becoming an international protection beneficiary?

The specific provisions defined in the EU asylum law for vulnerable asylum seekers and international protection beneficiaries foresee to ensure a sustained support all along the protection system. Nevertheless, the results of the study described above on the implementation of Article 20(3) and (4) tend to demonstrate the lack of appropriate national safeguards to ensure the identification and the response to trafficked BIP's special needs. The evaluation report on the Recast Qualification Directive underlines that asylum seekers benefit from more elaborate and comprehensive mechanisms than BIP.<sup>64</sup> *“Asylum seekers were provided with more targeted support whereas beneficiaries of international protection receive the same “general” support mechanisms available to all national or legally residing third-country nationals to access certain rights.”* According to the report, this was partly due to the different institutions in charge of asylum seekers and BIP, as already outlined above.

These protection gaps are lost opportunities to identify and protect victims of trafficking all along their asylum and integration process and to prevent risk of re-trafficking in cases where the BIP has managed to extract from the exploitation network or to be exposed to risk of trafficking in the case of destitution and lack of assistance during the integration process. A sustained support is key to ensuring that the trafficked BIP gets involved in a recovery process that leads to empowerment in the long term.

In order to close these protection gaps, Member States have also developed national strategies that take into account vulnerability and human trafficking issues to a different extent. For example in [Italy](#), the Qualification Decree establishes the adoption of a National Plan of Integration in order to identify required measures to realize the effective integration of BIP in particular regarding the access to social and health assistance, language training, education, work and housing. Drafted in 2017 by a national round-table, it recommends specific interventions in favour of victims of THB with reference to healthcare, AMIF topic priorities, strengthening the network of anti-trafficking as-

63 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

64 European Commission, Evaluation of the application of the recast Qualification Directive (2011/95/EU), January 2019.



sociations, the coordination of mechanisms framed by the EU Anti-Trafficking Directive. However, although significantly valuable, the plan has remained a “declaration of intents”. An updating process was launched in February 2020 by the Ministry of the Interior delayed by the sanitary crisis due to COVID-19. In July 2021, the Ministry of Interior organised a new coordination meeting in order to plan the next steps of the National Plan of Integration. A representative of the civil society has been present during the consultation.

In the same manner, in [France](#), the development of a comprehensive integration policy was supported by the elaboration of the National Strategy for the Reception and Integration of the Refugee presented in June, 2018 by an inter-ministerial committee for integration. The strategy proposes different specific actions to facilitate access to housing, medical care, language courses and labour opportunities. Several actions target specifically vulnerable international protection beneficiaries and sometimes victims of trafficking (e.g. dedicated places in accommodation centres). Moreover, a national plan to better address the vulnerabilities of asylum seekers and refugees was published in March 2021 by the Ministry of the Interior. Two objectives are underlined: on the one hand, to better identify vulnerabilities, especially those that are subjective, such as human trafficking, in particular by strengthening the possibilities of reporting and cooperation between institutional and associative actors. On the other hand, to better protect vulnerable asylum seekers and beneficiaries of international protection, in particular by developing dedicated places in accommodation centres and by better integrating health-related issues.

In [Czech Republic](#), the Ministry of the Interior publishes every year a “*Conception on integration of foreigners: In mutual respect*” that it introduces to the Government. The conception however concerns mainly third-country nationals that are not BIP. The results are also presented in the “*Annual report on migration and integration in the Czech Republic*” which contains 2 pages on

the integration of international protection beneficiaries. However, it includes only general information about State Integration Programme (SIP) and statistical information about how many people participated in the SIP. In 2019, there were 109 BIP (out of 147 new BIP in 2019).

In [Ireland](#), the government published the Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process. The report made many recommendations, including with respect to victims of human trafficking. Following on from the vulnerability assessment, specific support plans should be drawn up to meet identified needs. The report notes that, at present, there is no data on the needs of the more vulnerable applicants, and this is necessary to ensure that appropriate services are made available.

The United Kingdom case study on the Ada-vu project based in Birmingham underlined the dearth in after-care support, both regionally and nationally, with little to no support being offered to victims of trafficking after they left the NRM. Several projects have been developed (Phoenix in London, Snowdrop in Sheffield) but it is patchy and they are all NGO led. There is no Government after-care provision.

The national plans or strategies may provide more comprehensive and consistent national responses to the trafficked BIP's special needs and a more sustained support in the absence of detailed provisions in the legal framework. Adequate liaison between the asylum and integration process can provide appropriate safeguards to identify the victims, propose tailored support, ensure long-term and adapted assistance, and favour the success of empowerment of the victim. As it will be specified in the next part of the report, there is a lack of specific support for trafficked international protection beneficiaries as they become part of the common-law system. Good practices can be observed in some countries but they remain local or on a pilot phase, which could represent an interesting way forward to monitor.

## Focus: Challenges of the integration and the secondary movements of international protection beneficiaries

In evaluating the integration of trafficked persons who have been granted international protection, it is important to have a broader look at the integration process of beneficiaries of international protection in general. Differences between provisions should be considered when looking at people seeking international protection and those benefitting from international protection. Regarding persons seeking international protection, the three central elements of the CEAS namely the Reception Directive, Qualification Directive and Asylum Procedures Directive

establish a fairly precise framework valid across the EU – even though implementation into national law and the reality in different Member States varies considerably. On the contrary, Articles 26-29 of the Qualification Directive laying down the content of international protection in areas such as education, employment and social benefits, are fairly general in the sense that they mainly establish that beneficiaries of international protection should be treated equally with nationals of the country they were recognised in. While such standards may be sufficient in countries with well-developed, well-funded and accessible social security systems, they are highly problematic in countries which only cater for the survival of those who can't rely on informal social and family networks when encountering difficulties. Particular difficulties related to insufficient language proficiency, difficult and long procedures of recognising qualifications obtained abroad, delays in family reunification or discrimination in employment or housing very often create additional impediments for a swift and successful integration of beneficiaries of international protection in general.

These are factors contributing to a phenomenon, which is often underestimated – the secondary movement of recognised beneficiaries of international protection<sup>65</sup>. Perceived chances for integration, information – correct or not – about social security provisions in other EU member states or existing links into a pre-existing refugee community elsewhere motivate beneficiaries of international protection to leave the country in which they have protection status – often unaware that positive asylum decisions are not (yet) mutually recognised throughout the EU and that their move to another EU Member State is likely to leave them in legal limbo<sup>66</sup>. As it is evident that formal integration assistance is only given by EU Member States to those recognised by their own asylum authority or courts, this creates another obstacle to integration.

## 2.2 Intersection between Human Trafficking and International Protection

### 2.2.1 Coordination between the National Referral Mechanism and international protection system

All Member States involved in this study have a National Referral Mechanism (NRM) in place except [France](#). In [Czech Republic](#), the NRM was established in 2003 and is coordinated by the Ministry of the Interior and administrated by the Crime Prevention Department. The support and protection of victims of trafficking in human beings programme provide medical, social and legal assistance, as well as accommodation and ensure safe return to their country of origin. However, this Victim Protection Programme only addresses adult victims both Czech or foreigners. If the person is a foreigner, he or she should be a victim of exploitation only in Czech Republic, which can even more restrain the access to the pro-

gramme considering the profile of trafficked asylum seeker and the risk of exploitations along the migratory routes, and the extremely limited national capacities to identify a victim. Any person regardless of their status in the country can participate in the programme. In the last five years, only one asylum-seeker integrated the Victim Protection Programme.

In [Italy](#), the NRM was established following the National Action Plan against trafficking and serious exploitation of human beings (dated on 2018 and now expired)<sup>67</sup>. This national system of cooperation between national authorities, social workers, interpreters, and other persons who may be in contact with victims of trafficking intends to coordinate the efforts to identify and protect the person. This procedure may be activated for any applicant for international protection, beneficiary of international protection and foreign national irrespective of their residence permit. In practice, this mechanism works quite well during/before the determining authority in charge of the asylum request, since it has been standardised over the last years. However, despite the NRM offering valid guidelines for the actors involved in the identification and taking charge of victims, it barely applies to people already recognised as beneficiaries of international protection.

65 RESOMA, Ask the expert policy brief, Secondary movements within the EU, May 2019, p.4.

66 ECRE, Discussion paper, Mutual recognition of positive asylum decisions and the transfer of international protection status within the EU, Brussels 2014.

67 <http://www.pariopportunita.gov.it/materiale/piano-dazione-contro-la-tratta-e-il-grave-sfruttament>



Basically, the system loses tracks of beneficiaries of international protection during their inclusion pathway. Despite many stakeholders declaring that the NRM does not work in practice, the Annex<sup>68</sup> related to the NRM suggests an operative procedure to assist victims of THB. Regarding the asylum seekers, the referral is carried out by the determining authority according to the guidelines published by the Minister of the Interior and the UNHCR<sup>69</sup>. When the determining authority has suspected a case of trafficking, it suspends the interview and contacts the anti-trafficking association in charge of the formal identification of the victim. Although this mechanism is organized and implemented at a national level by all the determining authorities, it may entail very long waiting times for beneficiaries. It means that the suspension during which the anti-trafficking bodies do the evaluation sometimes takes too long and victims may be frustrated during such a waiting time. Eventually, \_ has to spend more efforts for a serious and concrete national anti-trafficking plan capable of creating a structured system of connection between the bodies involved, both in the law enforcement and social sectors.

In [Ireland](#), a NRM for the identification and referral of victims of trafficking has developed separately from the international protection system. The specialized police Human Trafficking Investigation and Coordination Unit is in charge of receiving the referral and to issuing a decision based on reasonable grounds. If it is positive, the victim can benefit from the support programme which includes a 60-day recovery and reflection period, healthcare plan, accommodation, legal information, and a 6-month renewable temporary residence permission, but only in situations where no other immigration permission exists. Having been issued with an asylum card allowing them to reside and claim asylum in the State, individuals who have applied for international protection are effectively excluded from the process of identification of victims of trafficking and from accessing the benefits envisaged for victims of such crimes. The State position is that applicants for international protection do not need to be formally identified. Similar to Irish citizens and European Economic Area citizens, victims of trafficking seeking

international protection in [Ireland](#) are not granted a Recovery and Reflection Period or temporary residence permission. The access to the NRM is gained through notification of the police, which in turn unblocks initial access to emergency services to victims of trafficking. Further support through the NRM is exclusively dependent on the cooperation of the victim of trafficking with the criminal investigation.

In [France](#), there is no formal national referral mechanism in place. Both National Action Plans against trafficking in human beings (2015-2016 and 2019-2021) considers the Ac.Sé national system as the tool for protection of victims of trafficking at a national level. However, this mechanism only applies to adult women and victims of sexual exploitation, and only a few places are offered. In a notice from April 28, 2020, the French Consultative Commission on Human Rights recommended the creation of a genuine national referral mechanism to detect, identify, refer and support victims of trafficking, presumed or proven, in order to make the victims' rights effective. In its second National Action Plan against trafficking in human beings, the French authorities have committed to creating a National Reference Mechanism, in the form of a circular including a list of victim identification indicators. This circular will also restate the existing mechanisms in the fight against trafficking as well as the roles and responsibilities of each in the implementation of public action. It will be distributed to the legal and administrative authorities. Nevertheless, there is a possibility to be recognized as a victim of trafficking through a procedure defined in the Penal Code. The national police forces are the only competent authorities to formally identify a victim who can benefit from a renewable one-year residence permit if he/she files a complaint against the exploiter. The victim can also be granted a provisional residence permit including the right to work if the he/she can prove they are supported by a special organization, are no longer under the influence of the exploitation network, and involved in a care and integration programme. The authorities also have to inform the victim about the possibility to request an international protection status.



**Focus:**  
International protection and human trafficking: the limits of silo approach

Addressing the triple nexus of human trafficking, international protection and integration endeavours to adopt a cross-cutting approach instead of the “silo”

68 <http://www.pariopportunita.gov.it/wp-content/uploads/2017/12/allegato-1-mechanismo-nazionale-referral.pdf>  
69 UNHCR, Commissione Nazionale, L'identificazione delle vittime di tratta tra i richiedenti protezione internazionale e procedure di referral, Linee Guida per le Commissioni Territoriali per il riconoscimento della protezione internazionale, 2017, <https://www.unhcr.it/wp-content/uploads/2017/09/Vittime-di-tratta-Linee-guida-compresso.pdf>

approach. Indeed, different institutions and civil society actors address these topics separately.

At the institutional level, each authority is in charge of international protection, human trafficking or integration. In the civil society organization, there are also NGOs specialized in support to victims of trafficking, which can target specific forms of trafficking (sexual, labour exploitation, forced criminality...) or groups (e.g. minors, women), but also frontline asylum and refugee actors and integration institutions which can also be divided according to the field of assistance (e.g. labour, social assistance, language training, housing...) This diversity of actors provides a wide range of services including specific expertise and knowledge, but induces an important challenge of coordination and cooperation among actors. The European Commission also underlines the differences in policies and rules applicable to third-country nationals' victims of trafficking which can affect their rights, including when they apply for asylum. *“Victims of human trafficking may be transferred to the country where they were exploited when they first arrived, therefore becoming more accessible to the traffickers, and more exposed to the risk of being re-trafficked.”*<sup>70</sup>

**2.2.2 Different status and rights for victims of trafficking and international protection beneficiaries**

It is important to note that in most countries being recognized as a beneficiary of international protection and obtaining protection status does not automatically mean receiving a residence permit. While the exact procedures differ, it is usually necessary to start a separate administrative procedure for a residence permit, based on the recognition of victim status (possibly other or associated permits, such as a work permit). Both systems provide a different status and associated rights and services which can impact the integration perspective and the recovery process of the victims.

For example, for trafficked asylum seekers in [Ireland](#), only the outcome of the international protection application determines their progress to independent living and integration, and not the victim identification process or any other assessment of the special needs they may have. Victims of trafficking seeking international protection do not have the same rights to reside and to work as victims who do not apply for international protection, even if they are cooperating with a criminal human trafficking investigation. While awaiting an international protection decision, victims of trafficking reside in mix-gender accommodation centres for general asylum populations. Despite the introduction of a ‘single application procedure’, the international protection application process remains lengthy, and it often takes at least 12 months for the initial interview to be conducted and a number of years for a final recommendation or decision to be issued. The integration process for such vic-

tims is therefore significantly delayed. On the positive side, all presumed victims of trafficking regardless of their eligibility for identification are afforded an individual care plan assessment by the Health Service Executive and are provided with a medical card and psychological care, as much as possible. It is also positive that victims of trafficking applying for international protection are offered free legal advice prior to the first instance interview and representation at appeal in the course of their application. However, the legal service who deal with their position as victims of trafficking is limited to the provision of legal information. In recent years, the Department of Justice has expressed commitment to amend the identification process and to provide gender-specific safe accommodation to victims of trafficking.

Other differences can be noted in [France](#). Firstly where compared to trafficked BIP, victims of trafficking granted a temporary residence permit may benefit from specific measures regarding financial assistance in case he/she cannot benefit from social allowances. They can be granted a financial assistance for social and professional integration. Secondly, refugees and beneficiaries of subsidiary protection do not have to wait to apply for the Active Solidarity Income (social allowance) which they can benefit from as soon as they receive a positive decision on their international protection request whereas other foreign holders of residence permits, as formally identified victims of trafficking, have to wait for five years before applying for this social allowance. Thirdly, trafficked asylum seekers have not necessarily benefitted from appropriate support during the procedure despite the legal obligations to address the specific needs and procedural guarantees related to their vulnerable

70 European Commission, Third report on the progress made in the fight against trafficking in human beings (2020) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, COM(2020) 661 final, 20 October 2020.

situation, in particular, asylum seekers that were not accommodated during the asylum procedure. Half the asylum seekers eligible for reception provisions are not accommodated at a national level which can considerably impact the victims of trafficking, especially when they are not correctly identified during the assessment procedure. On the contrary, victims formally identified and engaged in integration programmes and supported by specialized actors can access specific services which favour their recovery.

The [Austrian case study](#) also underlines that victims qualified as a refugee are provided a long-term scheme and a durable solution for their protection including effective access to their socio-economic rights. However, the asylum application is a very long process which can leave the person in a vulnerable and uncertain situation with restrictive access to integration services. What's more, an asylum applicant cannot apply at the same time for a THB residence permit which could allow them access to the labour market.



## Focus: The case of unaccompanied minors

As a vulnerable group, unaccompanied minors can benefit from specific procedural guarantees and legal systems. Member States provide different provisions for unaccompanied minors in which access to international protection is not necessarily prioritized, including for victims of human trafficking.

In [Italy](#), the legal framework states that unaccompanied foreign minors victims of THB should be adequately informed about their rights including their access to international protection procedures. It also establishes the need of a multidisciplinary procedure for age assessment carried out by specialized staff and respecting the ethnic and cultural origin of minors. Pending the age assessment procedure, minors should be considered under 18 years old. The law introduced specific rules regarding minors who are victim to human trafficking: competent authorities must pay particular attention to prevent minors falling victim to human trafficking, or in the case where a minor has been already detected as a victim of THB, competent authorities have to give him/her adequate information and assistance.

According to an Italian research, the COVID-19 emergency in [Italy](#), as well as in the rest of Europe, increased the virtual exploitation among very young children and has made the victims even more isolated and difficult to reach.

In order to intercept the demand for prostitution linked to trafficking in human beings and to promote sexual services among potential clients, the internet hub has multiplied the virtual places where victims are “catalogued” as pure merchandise, according to personal characteristics or available services. In many cases, traffickers have managed to rapidly change the forms of sexual exploitation<sup>71</sup>.

In [Czech Republic](#), unaccompanied minors victims of THB are placed into a facility for foreign children in Prague based on a preliminary measure of the court. The minor is entitled to stay in the territory without a visa and can benefit from a residence permit. The right of permanent residence starts on the day the decision to place the child under alternative/institutional care takes legal effect and ends at the age of 18. Instead of seeking asylum, they are encouraged to apply for a humanitarian permanent residency when they turn 18 within 60 days after reaching majority. The only obstacle for the permanent residence permit to be granted is the existence of administrative deportation or threat to public order (criminal record). In practice, it is almost automatically granted. Consequently, there are almost no cases of unaccompanied minors beneficiaries of international protection. Having been placed into this facility is a good starting point for their integration thanks to adapted services provisions.

In [France](#), the evaluation of minority is conducted by an association mandated by local authorities. The evaluation is based on a social evaluation (including interviews in which the minor describes his situation and, if needed, an evaluation of civil status documents) and, in some cases, on a medical evaluation. Once they are recognized as minors, they are taken care of by the French child protection services. Unaccompanied foreign minors are therefore assimilated to national minors. This gives them

71 Save the Children, Trafficking and child exploitation: an estimated 1 in 4 victims worldwide is a child, among reported cases 1 in 20 is under 8 years old. Covid-19 pushed indoor and online sexual exploitation. Child pornography boom in Europe, 29 July 2020.

access to the social welfare, health and education systems. They are taken care of by the child welfare services which depend on the departmental council and they are housed in child protection facilities. According to researchers, the child protection officers' lack of knowledge and training on asylum procedure therefore leads to a low number of asylum requests from unaccompanied minors. However, statistics show an increase over the last 7 years according to the French office in charge of asylum (OFPRA). In 2019, 755 unaccompanied minors applied for asylum. 72% were boys. The protection rate was 67% in 2019, and 81% including protection obtained at the National Asylum Court after the appeal procedure.

In [Ireland](#), trafficked children without parental care are accommodated with foster families and afforded the highest level of care available in the State. However, some concerns have been expressed regarding failure to identify children. There is a lack of specific identification procedure for children and this is a subject of repeated recommendations to the State on behalf of international monitories. In [Ireland](#), stakeholders participating in the focus group, made a number of observations: social workers and other essential childcare practitioners are not sufficiently trained to identify child victims; the notion that children cannot be trafficked by someone known to them is a prevalent misconception and may lead to failure to meet the special needs of minor international protection beneficiaries; the age assessment appears problematic on occasion, in that it represents an *ad hoc* procedure, without a clear responsibility and a clear process, which leaves some young international protection beneficiaries traumatised, while the best interest of the child seems not to be paramount in some instances.

### 2.2.3 Similarity of obstacles facing victims of trafficking and beneficiaries of international protection

Although the victims are entitled to a different status and rights, they come across similar obstacles in their integration and recovery processes. According to studies and research on the integration challenges faced by victims of trafficking, common observations can be made: ensure a durable escape from the exploitation network, recover from mental-health trauma due to the abuse, access a safe and sustainable housing, empower and access to labour or training opportunities, access welfare and social assistance, recognition of their abuse and access to a compensation...<sup>72</sup> As this study will demonstrate, these obstacles can also be observed for trafficked international protection beneficiaries, considering that the international protection status itself does not solve the vulnerability of the persons and the special needs related to the exploitation.

Different legal provisions and services are developed according to the legal status which can create confusion for the victims but also may not appropriately address their needs. What is also questioned is the connection between both systems which seem to work in parallel with rare interactions, or not on a systematic basis. In the case of the [Irish](#) NRM, they do not even interact which impedes the recovery of victims. A national mechanism

should ensure this coordination, cooperation and networking of actors from the identification to the long-term empowerment and integration of the victims. Consistency and clarity in the action towards victims are key to ensuring a long-term recovery when uncertainty and risky situations have been their daily lives.

The research also highlights the need for asylum and international protection actors and THB-specialized organizations to establish a consistent cooperation workload to improve communication and protection of potential victims, provide tailored support and counselling, and exchange practices. In [France](#) for example, it has been observed that THB organizations providing accommodation to trafficked international protection beneficiaries do not always think to refer the person to places dedicated to BIP at a national level, which is even more a loss when dedicated places have been created specifically for victims of trafficking who are granted an international protection status. Training courses and *ad hoc* solicitations can be regularly organized between these two sectors, but the lack of a comprehensive system which associates asylum/international protection, THB and integration actors undermines the provision of protection and adequate support to victims.

72 IOM, FIIT – Foster and Improve Integration of Trafficked Persons, An Overview of National Integration Schemes Accessible to Victims of Trafficking and successful practices, 2013 ; TRAM Project, Road map for integration of victims of human trafficking among migrants in Finland, Germany, and Sweden, 2018





## Focus: Access to justice for victims of trafficking

Human trafficking is a criminal offence and a serious violation of human rights. According to the European legislation, Member States should support victims in accessing justice and compensation. Victims face several obstacles to make this crime recognized as well as accessing compensation. This long procedure can be extremely frustrating for victims and potentially re-traumatize them. Social workers underline that the fear of networks, but also the uncertain legal status during the asylum procedure can prevent victims engaging a criminal procedure. After being granted international protection, they may be more confident to start it or, on the opposite, more willing to put the exploitation behind them and move forward in their recovery and integration process.

In **Czech Republic**, the THB is defined as a criminal offence in the Criminal Code. However, the prosecution can be engaged if there is relation with crime and Czech Republic, typically if victims were trafficked directly in Czech Republic or if the perpetrators are in the country which consequently restricts the access to justice for victims trafficked in another Member States. Act No. 45/2013 Coll., on Victims of Crime defines victims of human trafficking as particularly vulnerable who are, as such, entitled to free provision of professional aid. In **France**, human trafficking is a crime defined in the Penal Code. It includes provision for the perpetrators' prosecutions and related penalties. In theory, any person, including minor, who has been the victim of an offence can file a complaint. Legal persons (companies and associations) may also file a complaint to defend their interests or the objectives they pursue. Officers of the judicial police are obliged to receive complaints, even if the facts do not fall within their geographical area of competence. In **Italy**, the legal framework includes several provisions in the Criminal code and decrees that define human trafficking as a criminal offence and make a specification of the conduct and methods through which it is carried out. In addition, the Lgs. Decree n°24/2014 has introduced an express reference to the abuse of the victim's position of vulnerability which is one of the many ways in which trafficking takes place. Among the ways in which a proceeding may start, there is the possibility for the Public prosecutor to engage an *ex officio* procedure. In **Ireland**, The Criminal Justice (Victims of Crime) Act 2017 provides support to victims in criminal proceedings by placing them at the centre of the criminal justice process. Under the Act, certain rights are guaranteed to victims through a criminal justice investigation and later through various criminal justice processes. It is worth noting that the rights of victims of trafficking, with the exception of any rights as witnesses in court proceedings, are not provided for by domestic legislation. The Administrative Immigration Arrangements do not apply to victims of trafficking who have applied for international protection.

Legal support and assistance are important in this long process which can be provided by NGOs specialized in THB, but also thanks to an agreement between the Ministry of the Interior and Bar Association to provide pro-bono legal advice. Programme for Support and Protection of Victims of Trafficking can also provide free legal representation for the victims who entered the programme (**Czech Republic**). In **France**, the Penal Code states that if the police forces have information allowing them to consider that a foreigner, victim of one of the offences constituting trafficking in human beings, is likely to file a complaint against the perpetrators of this offence or to testify in criminal proceedings, they shall inform the foreigner of: the possibility of admission to residence and the possibility of exercising a professional activity; reception, accommodation and protection measures; his/her rights, (in particular the possibility of obtaining legal aid to assert his/her rights). The law states that this information may be provided, supplemented or developed by associations specializing in the support of prostitutes or victims of human trafficking, in assistance to migrants or in social action, designated for this purpose by the minister in charge of social action. In addition, a victim of trafficking who engages in a "path out of prostitution" with a designated association also benefits from the right to work, the opening of his social rights, financial assistance, social accompaniment in the exercise of his rights and police protection if necessary. In **Italy**, the legal assistance to victims of trafficking can be provided for free. First legal information on trafficking is also provided upon arrival or disembarkation in the territory by various organizations. A toll-free anti-trafficking phone number active 24/7, established by the DEO, provides information on services and assistance to protect victims and refers them to local social welfare services in order to provide effective support.

In **Ireland**, the aforementioned 2017 Act ensures that victims receive information, support and protection and are treated in a respectful and professional manner. Victims of human trafficking are given particular consideration.

Filling in the complaint before the competent authorities can be challenging. In **France**, social and legal practitioners point out police practices refusing to register the complaint, especially when the offence was committed abroad. In addition, when the complaint is registered, the lack of evidence often leads to a dismissal. Finally, it is rare to obtain a conviction on the grounds of human trafficking: the nature of the facts is often reclassified (e.g. THB for sexual exploitation to pimping; THB for labour exploitation to undeclared labour). In **Italy**, since it is often difficult to gather evidence of the recruitment and transfer involving countries with which there are no forms of judicial cooperation and collaboration (e.g. Nigeria, China, etc.), the crime of trafficking is often reduced to the less serious crimes of exploitation, of prostitution or labour exploitation. Regarding the crime of labour exploitation the blurred boundaries of exploitation with other forms of crime, such as illegal intermediation, various forms of undeclared work and the more serious crimes of enslavement, do not make it easy to identify the exact violation of the law in these cases. In this regard it is worth mentioning Art. 603 bis of the Criminal Code, prosecuting the crime of illegal intermediation and exploitation of labour. Although it does not prosecute trafficking (which is more difficult to investigate), it allows all those situations related in any way to trafficking to be brought to trial and punished. In other words, at a social level it becomes a sort of antechamber to the anti-trafficking norm. It is also to be appreciated because exploitation of labour is devalued and it is more difficult to perceive publicly than sexual exploitation and this regulatory tool is a good channel for the prosecution of such crimes. In **Ireland**, interviewees also reported inappropriate behaviours on the part of the police during interviews leading to mistrust towards authorities and additional trauma for the victims.

Moreover, the protection of the victim should also include non-punishment clauses which are fundamental for exempting victims from civil, administrative or criminal liability for offenses committed under coercion or intimidation and have extensive impact on their recovery and integration process. In **Czech Republic**, the legal framework is not sufficiently clear or explicit.

Czech law provides in Section 42<sup>e</sup> of the Act on the Residence of Foreign Nationals in the **Czech Republic** a reflection period of one month, during which can presumed victims of trafficking decide, whether they want to cooperate with police or not. GRETA is concerned that only presumed victims who enter the Programme for Support and Protection of Victims of Trafficking effectively benefit from a reflection period (extended to 60 days when a person participates in the Programme). GRETA urges the Czech authorities to ensure that the recovery and reflection period is applied to all presumed foreign victims of trafficking, including those to whom the Dublin Regulation is applicable. In **France**, only victims of human trafficking who agree to file a complaint or testify in a criminal trial benefit from the 30-day reflection period. In **Italy**, the reflection period has not been transposed in a legal framework, however it is mentioned in the Anti-Trafficking National Plan of 2018. In **Ireland**, no reflection period is provided for victims applying for asylum even if they are cooperating with a criminal investigation.

The access to compensation is also important in the recovery and the integration process. In the case of labour exploitation, where the perpetrators did not pay the wages to the injured parties at all, or only minimally, the financial situation of trafficked persons is not usually good. Therefore, the decision on compensation is crucial and delays in the proceedings are unpleasant. In **Czech Republic**, the compensation fund for victims of crime is not effective. No victims of THB have so far received financial assistance under the Victims of Crime Act. GRETA also stressed that "90% of compensation claims made in criminal proceedings, courts reportedly referred the claimants to civil proceedings, usually stating that there was not enough evidence to calculate the amount of compensation. The lack of training and specialisation of judges to deal with THB cases was highlighted as a problem in this respect. Victims do not usually pursue compensation claims through civil proceedings because the burden of proof is on the victim and the proceedings take a long time, during which many foreign victims leave the country".<sup>73</sup> In **France**, despite the existence of a court decision in their favour, many victims of trafficking do not obtain from the perpe-

<sup>73</sup> GRETA, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Czech Republic, 11 February 2020

trators the effective payment of the sums allocated to them by the justice system unless they initiate new, lengthy and costly procedures. According to the code of criminal procedure, victims of trafficking can receive compensation from the State for their injury if they are of French nationality or if the acts were committed on French territory. In addition, when it comes to human trafficking for labour exploitation, victims can also refer the matter to the labour court. However, compensation for human trafficking remains rare. In [Italy](#), a Court of Assizes of Aquila judgment of 2012 has been described as “exemplary”, as it has achieved a fundamental result for the jurisprudence on the recognition of the right to compensation for victims of trafficking in human beings. This historic ruling in favour of the young Nigerian women provides that the confiscation of seized property benefits victims and associations instead of the State. It becomes even more important considering that a State Fund was set up to finance assistance and social integration programmes for victims of trafficking. However, the amount of 1,500 euros for each victim is considered insufficient and cannot be determined in an equitable and homogeneous manner for all. Moreover, according to civil society representatives and lawyers met by GRETA, the procedures to access compensation for victims of THB are complex and a very limited number of claims for compensation are presented.

In the fight against human trafficking, the positive outcome gained by the lawyers has not only been a monetary value, but also a highly symbolic one. In [Italy](#), social operators repeatedly witness the conditions that young foreign women live once they arrive in [Italy](#), sometimes forced into prostitution until they are reduced to slavery. These professionals collaborate with the police and public institutions in the identification procedures and the take charge of victims with a special focus on the protection of their rights. They meet them in the streets where they are exploited, create relationships of trust with them, and propose ways out, opportunities and emancipation. Many of them have been seriously injured and have even suffered irreparable damage, and their compensation represents a crucial element for their dignity and recovery. Compensation and restitution are not only important aspects in view of being satisfied. They are also an important goal for their social reintegration.

In all four countries, the reluctance of the victim to engage the criminal procedure has been pointed out. Going back to traumatic experiences, sharing unpleasant experiences with other people, having mistrust in the criminal justice system, fear of perpetrators and reprisals including on family members, the lack of an expressive non-punishment clause are several obstacles cited by practitioners. After getting exposed by denouncing the exploiter and trusting the authorities, the victim can get frustrated if these efforts are not translated into concrete and quick results. In the hypothesis of the dismissal of the proceeding because investigations fail, it can have significant damage on the victim. Moreover, pending the investigation, victims may fall back into the network of criminal organizations and are reintegrated into the circuit of exploitation, and the authorities lose trace of them. Another risk related to the lengthy process is the so-called re-victimization of the person, who after a long time since the complaint must renew the statements, forcing them to relive painful episodes and traumatic situations, with negative reflections on the psycho-social path that they have undertaken in the meantime to overcome those traumas.

The length of the criminal procedure can also have a direct impact on the integration process of the victim on the time of regularization, as well as the recovery process and access to autonomy. For these reasons, it cannot be excluded that victims may opt for the international protection pathway, since it is faster and more easily accessible.

## 2.3 Special Needs Related to the Identification as Victims of Trafficking Crime Identified by Interviewed Trafficked International Protection Beneficiaries

**Identified needs described below are based on the interviews organized with trafficked beneficiaries of international protection and discussions with practitioners and institutions. These needs might concern all beneficiaries of international protection or other categories of vulnerable international protection beneficiaries, and are not exhaustive.**

### 2.3.1 Early identification and appropriate environment

The research underlines the critical step of identification of a victim of trafficking during the asylum process or the integration path. However, adequate environment as well as trained officers should be ensured to enable the victim to share their exploitation testimonies. Interviewees in [Ireland](#) reported traumatic experiences which could have extensive impact on their recovery.

In [Ireland](#), one interviewee reported that the police treated her with apparent disbelief and as a time waster until they received documentation from another EU Member State substantiating her account. After this they apologised and treated her seriously and with respect. Afterwards, when she needed protection from the traffickers who got in touch with her, she had more confidence in the Irish police and turned to them for help.

One interviewee also reported that she was talked down by the Irish police who demanded an urgent scheduling of interview, while she was pregnant and sick. She was told that [Ireland](#) is a country of law and that she should do what she was told. The interviewee reported that this was the same in her country of origin in Africa, and she saw no difference between the law enforcement here and there. They insisted and went ahead with the interview even though she was vomiting during the interview and had a persistent headache, and was generally forgetful and unfit for coherent conversation.

Moreover, losing the opportunity to identify a victim during the asylum procedure is exposing the victim to more exploitation and traumas as reported by interviewees.

*In 2016, I arrived in Lampedusa alone and I was immediately moved to a centre for minors in Sicily, I don't remember where exactly, and I stayed there for two weeks. Afterwards I was transferred to Bergamo and I stayed for two years at the house of “the one who had paid my travel”. I was picked up off the street by an association's operator, I don't remember their name, and I was entrusted to a safe house for minors.”*

*E., victim interviewed in Italy*

*I wasn't forced to work for them. I came willingly. Everything was fine until I got my papers. She was upset, because they were not supposed to give me 10 years (asylum). So she became envious. If not, she was wonderful. But when I got asylum for 10 years she was angry. She knew I was free and I could leave anytime I wanted. That was what she wasn't happy about. Her attitude changed. Everything changed. [...] She wanted to adopt me, but I wanted to be free. Because I didn't want to become like a slave to someone. I just wanted to be free.”*

*U., victim interviewed in Czech Republic*



### 2.3.2 Assistance and support during asylum procedure

Interviewees also underlined the importance of assistance and legal support during the asylum procedures which help them to become more confident and also to take part in their own recovery.

One interviewee in [Ireland](#) reported that she was accompanied by a lawyer for her first asylum interview and she was granted asylum straight away. The presence of the lawyer, even merely in an observatory capacity made a huge difference for the confidence of the applicant.

Another interviewee in [Ireland](#), who was extremely vulnerable as well as a minor victim of trafficking, was refused asylum and had to appeal the refusal, which took a year and significant efforts from her legal team. She was later awarded compensation from the State.

### 2.3.3 Adapted asylum procedures to victims' special needs

The length and the complexity of the asylum procedures impact the recovery of the victim.

In [Ireland](#), one of the interviewees was deported back to Italy at 17, just 3 weeks after giving birth to a baby. This was challenged and she was brought back to [Ireland](#) soon after. Despite this, upon return to [Ireland](#), the State sustained the deportation order frustrating this victim, until eventually the decision was overturned.

### 2.3.4 Adequate and dignified reception conditions

Several interviewees reported inappropriate reception conditions during the asylum procedure which can create destitution, frustration, risk of (re)-trafficking and further trauma for the victims in the long-term.

In [Czech Republic](#), one interviewee underlined her experience in the asylum centre.

***I: Was it traumatizing in the place where you applied for asylum?***

***U: Yes, you were cut off from everything. You don't know the time, the date, you don't know anything."***

*U, interviewee in Czech Republic*

One interviewee in [Ireland](#) reported she was pregnant and her dietary issues could not be met at the hostel. A friend had to deliver special food for her from outside, until she could not take this anymore and left the asylum hostel. As there is no financial assistance when an asylum seeker leaves the State hostels, she must rely on her friends for support. This situation of destitution can expose the victim to risk of re-trafficking and exploitation, and prevent recovery in the long term.

Moreover, social workers underlined that the rooms in the hostels are shared. Up until recently, asylum seekers had no choice over their food and had to eat what they were served three times a day. Not being able to choose your products and cook for yourself was reported as detrimental for trafficked women. Moreover, the asylum hostels personnel do not understand gender-based violence and sexual violence trauma; they do not operate on the principle of a shelter for women. The hostel personnel do not have expertise on any issues that are important for the special needs of trafficked victims seeking asylum.

In isolated cases, minors applying for international protection were accommodated in adult hostels for asylum seekers in [Ireland](#), which are mixed gender and without trained personnel. This creates significant risk of re-trafficking.

### 2.3.5 International protection status alone is not enough

***I experienced step by step freedom only after the status. Freedom had a double face. On one side when I arrived in Rome in a semi-autonomy centre I feared that I could be found by the madame and at the same time I felt a bit uncomfortable because nobody showed me how to reach the city centre and do other things. Educators at that time still didn't allow me to go out, except for going to the secondary school. There were only 4 or 5 educators, I needed to talk with someone who was older than me and could give me advice. I had some friends but I didn't tell them my private things."***

*E., Interviewed in Rome*

The interviewees disagreed on whether the international protection made a difference in their life.

One interviewee reported that the international protection opened the possibility for her to study and pursue a job she liked, which was welcome.

Another applicant still lives as before, even though she got international protection. She is still in an asylum hostel, still getting the same support as any other asylum seekers, as it was explained to her that she cannot receive social welfare payment while she is using a bed in the State hostel. She gets food vouchers for a grocery shop and cooks meals for her and her son, which is a welcome change from the times when asylum seekers were served food by the State. She is eligible to register on a State housing list and wait for a Council house but this takes years.

Social workers also underlined that without access to resources, the victims may be at risk of returning to the trafficking networks, both abusive and protective in their relations. In several cases, they can also question the value of their protection status as they may be destitute or facing many obstacles in their integration.

***She is unaware of what the integration process means."***

*Italian legal operator about an interview with trafficked beneficiaries of international protection*

One of the interviewees in [France](#) emphasizes that despite obtaining international protection, she still has significant financial difficulties. Indeed, as she is under 25 years old and has no dependent children in [France](#), she does not benefit from the Active Solidarity Income (RSA). She only benefits from a small amount of money donated by the local Mission.

***How do I make a living? I have to send money to Nigeria every month and I have to buy food and clothes... then the money is gone."***

*E., interviewed in France*



## Ensuring dignity and equal footing for trafficked international protection beneficiaries

3

### 3.1 Benefit from Social Protection for Trafficked International Protection Beneficiaries

#### 3.1.1 Relevant provisions of the Qualification Directive

Article 29 of the recast Qualification Directive lays an obligation on Member States to ensure that beneficiaries of international protection receive *“the necessary social assistance as provided to nationals of that Member State”*. Member States can derogate from this general rule and limit the social assistance granted to beneficiaries of subsidiary protection status to core benefits. Such core benefits are understood to cover at least minimum income support, assistance in the case of illness, or pregnancy, and parental assistance, in so far as these are granted to nationals.

Article 26(4) provides that the law in force in Member States regarding access to *social security systems* shall apply to beneficiaries of international protection as they apply to nationals.

A European Migration Network’s study underlines that the Directive aims at harmonizing the social benefits’ standards and *“secure the level of rights contained in the 1951 Refugee Convention by diminishing exceptions and levelling up the protection of beneficiaries of protection at national level.”*<sup>74</sup> However, the access to certain rights and social benefits still varies compared to other third-country nationals or to nationals, and sometimes according to the type of protection status granted.

Article 24 provides that, as soon as possible after refugee or subsidiary protection status has been granted, Member States should provide beneficiaries of international protection with residence permits (valid no less than three years for refugees and at least one year for beneficiaries of subsidiary protection). Such residence permits should also be delivered to family members, albeit with potentially shorter and renewable validities. It is further stated that the residence permit should be issued *“as soon as possible”*.

On family reunification, Article 23 of the Qualification Directive requires Member States to ensure that family unity can be maintained and that family members of the beneficiary of international protection who do not qualify for such protection are entit-

led to claim the benefits laid out in the Directive. It is worth noting that beneficiaries of subsidiary protection are subject to more restrictive conditions regarding family reunification, as Article 3(2)(c) of the Family Reunification Directive is interpreted to exclude these from its scope. Hence, it is currently up to each Member State to specify the rights related to family reunification for persons granted subsidiary protection.

#### 3.1.2 Social protection measures in the EU Member States covered by the study

##### Preliminary steps to access social protection rights

Before accessing the rights related to the protection status, preliminary procedures have been established by the Member States bound by the recast Qualification Directive (all participating States except [Ireland](#)) in order to enter in the common legal framework after the international protection status is granted. While these procedures enable international protection beneficiaries to enter the common law, they can face practical obstacles accessing social assistance and rights because of long and complex administrative processes especially the proof of residence in order to receive the corresponding benefits. Moreover, no specific provisions are planned for trafficked international protection beneficiaries and these multiple obstacles can jeopardize their integration and recovery.

In [Italy](#) and [France](#), obtaining the residence permit is a key step to open the rights related to the international protection status, including the social protection. In [Italy](#), in order to access rights related to the international protection, the preliminary step is to request the electronic residence permit valid for 5 years and renewable at the Police Headquarters. Thanks to this permit, the BIP can be registered in the Municipal Civil Registration to access residence and related rights (choice of family doctor, submission to the National Labour agency, choice of nursery school, social and invalidity pension etc.), and the opportunity to be assisted by the social services of the municipality. Social services represent a focal point for beneficiaries to receive information, economic and social support measures for the individual and family members. Thus, civil registration represents a crucial turning point for international protection beneficiaries. This procedure is also closely linked to the issuance of the international protection certificate provided by the determining authorities which establishes the correct name and will be



used for the residence permit. While people hosted in SAI are automatically registered in the municipality of reference, beneficiaries who have private accommodation without a regular rental contract may have problems in doing so. In this respect national legislation allows the beneficiary to be registered with a fictitious address in order to benefit from the abovementioned rights. Beneficiaries who do not benefit from a reception centre or are destitute may face problems in covering the cost of the electronic permit and no economic support is provided by the government. On the other hand, people hosted in national reception centres are regularly helped with these kinds of expenses. international protection beneficiaries also face long procedures for the issuance, renewal or conversion of the permit, from 2 to 8 months in large cities despite the 60-day delay enshrined in the legal framework. Due to these long waits and the uncertainties of foreign citizens' rights during the renewal phase, a decree introduced a norm guaranteeing that foreign citizens in possession of only the receipt/application form for renewal or first issue can enjoy the rights connected to the possession of the residence permit. Unfortunately the practical application of norms is not homogeneous on the Italian territory. As no provisions are established for trafficked international protection beneficiaries, building and strengthening partnerships between NGOs and reception centres with public administration are key. Accordingly, it may be possible to inform such actors on beneficiaries' vulnerabilities in order to speed up the procedure to avoid victims being at risk of economic and social instability and (re-)trafficking. The acquisition of this documentation often goes through many complicated steps and beneficiaries need support. Trafficked international protection beneficiaries often rely on NGOs to receive this assistance and a complete orientation. If they do not receive adequate support, these people risk being discouraged and the administrative procedure might finally be abandoned.

In [Italy](#), in Rome, where there are usually long waiting times and queues at the Police Headquarters, NGOs and reception centres can provide a certificated email to the police in case of vulnerable asylum seekers or BIP in need of an appointment at the office. This way, they will have a fixed date and be given priority over the other applicants. While this good practice should be strengthened and expanded, during the pandemic crisis, it has been jeopardized and many requests have not been taken in due consideration.

In [France](#), the issuance of administrative and civil documents also represents an important and challenging step for international protection beneficiaries which can negatively impact those who have experienced human

trafficking. These documents are required to engage the integration process, including access to the residence permit and the opening of social rights. Refugees and subsidiary protection beneficiaries are respectively granted a 10 and 4 year residence permit, including refugees' family members. In both cases, the asylum determination authority, OFPRA, is in charge of establishing the civil status documents in a 3 month delay, insofar as possible. In 2019, OFPRA reported a 5.7 month average time for delivering those documents (4.6 in 2018). However, this is only an average and some beneficiaries of international protection wait much longer for their documentation. OFPRA has prioritized the issuance of civil status documents for some categories of persons, for instance unaccompanied children, girls at risk of FGM and resettled and relocated refugees, but not victims of trafficking. Representatives of various associations underlined that the procedures of issuing a civil status certificate by OFPRA can be more complicated for victims of THB, notably because they may change identity, family situation or age. Those modifications may have important consequences, like for instance the inability to ask for divorce or a constraint to access social benefits (notably solidarity allowance which requires the person to be 25 years old).

In order to access social benefits, the international protection beneficiaries in [Czech Republic](#) have to register at the Employment Office as an employment seeker which entitles them to all social benefits such as State social support including child allowance, housing allowance, parental allowance, birth grant and funeral grant. They are advised by the person who provides the State integration programme for the client.

[Ireland](#) does not impose any preliminary procedures regarding the access to rights for beneficiaries of international protection, who gain access as soon as they are qualified as such beneficiaries and are treated on par with Irish citizens for all purposes except parliamentary voting rights.

### Social protection measures

All studied Member States provide the same social protection rights to beneficiaries of international protection as for nationals. Specific provisions and financial allowances can be granted to international protection beneficiaries or the eligibility criteria can also be eased for them. However, no Member State provides specific provisions for trafficked international protection beneficiaries. The main challenges observed which can impact trafficked international protection beneficiaries are the administrative procedures, the delays, and the support provided by social workers to access those rights.

In [France](#), there is no specific financial assistance for international protection beneficiaries but they can access the general social benefits programme. The main financial assistance, the Active Solidarity Income (RSA), provides a minimum income to support access to employment. The 5-year delay to obtain a residence permit to access this financial support does not apply for international protection beneficiaries. The amount provided varies according to the composition of the household and the beneficiaries have the obligations to look for a job or to be in the process of starting their own businesses or to work towards a better social and professional integration. Nevertheless, the beneficiary should be older than 25 years old or having to support one child or more. If that is not the case, they can access the Youth Guarantee, a specific programme for people under 25 years old, if they enrol in a training or integration programme. The international

protection beneficiaries can also access child benefit when they have at least two children. Regarding the situation of trafficking, an interesting support can be considered for trafficked international protection beneficiaries. When a victim of trafficking does not receive any social allowance and is engaged in a "path out of prostitution", he/she can obtain the financial assistance for social and professional integration (AFIS). The decision of being engaged in a "path out of prostitution" is granted by a decision of the Prefect after a consultation of a departmental commission composed of representatives of the State, local authorities, a magistrate, health professionals and representatives of associations. The "path out of prostitution" is valid for 6 months, renewable, for a maximum of 2 years. The AFIS is paid by the State. The monthly amount is fixed and varies according to the number of dependent children.



### Good practice

The following good practice does not target specifically the trafficked international protection beneficiaries, but represents an interesting practice to extend and as a solid framework to provide specific information and support on human trafficking. In [France](#), in 2015, the National Fund for Family Allowances (CNAF) created a national steering committee concerned with the reception of international protection beneficiaries in order to coordinate the actions and develop a common action in favour of this public. Needs of regional offices and international protection beneficiaries were firstly identified which indicated three objectives: facilitate access to rights for international protection beneficiaries, support partners to accompany BPIs in their access to rights, and train officers to raise awareness of the specificities of BPIs. The regional offices set up procedures to speed up the opening of BPIs' social rights and allow for more flexibility. Access to rights is normally only allowed when the foreign person has a national identification number created on the basis of OFPRA civil status documents. However, due to the long delays in obtaining civil status documents, they are instructed to create a provisional "waiting number", based solely on the information in the OFII's family file. Then, every three months, they ask the beneficiary to update the information and to provide the civil status documents if they are obtained. The maximum waiting period is 15 months.

In addition, to prioritize the opening of international protection beneficiaries' rights, several regional offices have provided "refugee mailboxes" where partners (including social workers) can send the requested documents in order to facilitate accelerated procedures.

As in France, the [Italian](#) framework does not provide specific financial allowances for international protection beneficiaries, but they can access two types of contributions paid by National Institute of Social Security (INPS) which are available for all citizens including international protection beneficiaries, and contributions paid by the municipality of residence. Economic support measures paid by INPS are based on personal income and psycho-physical conditions of the applicants, while the municipality contributions are evaluated on a case-by-case basis by the social department and addressed to destitute people, depending

on the availability of funds. Theoretically, the international protection beneficiaries can access a wide range of financial support which can be very helpful for victims of trafficking. They can request a maternity allowance, paid by the INPS for each birth or minor adopted, several allowances related to birth, but also a bonus nursery school. They can also request an economic contribution for the payment of rent (rental contribution) and to the citizenship income (only if they have civil registration for at least 10 years) which is addressed to people and families in poor conditions or with low annual incomes. This latter measure envisages a formal

agreement of social integration programme in which the unemployed applicant has to accept the proposed job or the family with social problems is addressed to the social services of the municipality. It should be underlined that, especially in relation to the contributions provided by the municipalities, international protection beneficiaries may face important obstacles to access these economic support measures both because of linguistic obstacles and bureaucratic issues as excessive technicity of some procedures, particularly difficult to understand for victims of THB. The collaboration between social workers of the municipality and CSO operators is therefore extremely necessary, since without adequate guidance it is very difficult for people to become aware of the services available and how to use them. Trafficked international protection beneficiaries struggle to turn spontaneously to the front office of the municipality without being adequately addressed by other agencies. Moreover, social workers are not systematically trained in trafficking. Consequently, interventions are not sufficiently tailored for the needs of the victims of THB. This is why the support of NGOs and operators with specific expertise is critical for trafficked international protection beneficiaries, even more considering that victims are reluctant to disclose their personal history and due to the trauma suffered it is difficult for them to build a relationship of trust.

In [Czech Republic](#), a specific financial assistance can be provided to the BIP. The beneficiary has to apply no later than 5 days after being granted protection to access this one time lump-sum which is calculated according to the number of persons in the household. In addition to specific support, international protection beneficiaries have access to the other social benefits also accessible for nationals. The assistance in material needs is also granted and includes allowance for living, supplement for housing and extraordinary immediate assistance. The latter is provided to persons who find themselves in situations that have to be resolved immediately. It covers six different situations: serious threat to their health, victim of a serious extraordinary

## Focus:

## The impact of the family reunification on trafficked international protection beneficiaries' integration process

Family reunification has an important impact on the integration of international protection beneficiaries, including those who have been trafficked. international protection beneficiaries may not be able to engage in the integration process before finalizing the family reunification procedure which prevents their recovery. The family unity is also a right of the international protection beneficiaries and the legal frameworks should ensure provisions and guarantees to facilitate its effectiveness. Nevertheless, research demonstrates that policies and practices do not ensure an appropriate access to family reunification and Member States provide different

ry event, to cover administrative fees for essential documents, to acquire or repair basic furniture or durables, for costs relating to the education or special interests of dependent children, where persons are at risk of social exclusion, which may concern trafficked international protection beneficiaries. However, in practice, it takes a long time to administrate and decide to grant it. The urgent assistance does not react quickly to the needs of clients making this support not immediate. Moreover, the office verifies the entitlement to social benefits retrospectively (for the previous trimester) so the person has to wait almost a month to get financial assistance. As in [Italy](#), the support of NGOs is crucial to provide all the information and on the financial assistance and social benefits.

In [Ireland](#), which has not “opted in” to the recast Qualification Directive, international protection beneficiaries are granted access to social welfare as any Irish citizen. However the effective rights remain a challenge for international protection beneficiaries, particularly for those who were trafficked. The lack of and delays of issuing of a Personal Public Service number (PPS) impact the access to social welfare payments, which creates significant stress and pressure. Moreover, the international protection beneficiaries may lose the rights to social welfare if they still live in direct provision centres. The lack of advance warning for losing social welfare entitlement is particularly stressful. NGOs also underline a problem with inconsistency in decision making by the social welfare officers, who reach different conclusions in similar situations which create a lot of stress and despair among vulnerable international protection beneficiaries. The coercive approach to social welfare payment in case of refusal of reallocation to a different place in the country does not take into account the vulnerable situation of international protection beneficiaries, including victims of trafficking, who may grow dependent for their well-being on services. Removing abruptly these supports can cause a trauma but also put them at risk of social and economic destitution and of re-trafficking.

provisions and several obstacles can be observed. In Czech Republic, the period to launch a process is restricted to 3 months after getting the international protection status. In this period, the access to reunification is facilitated – family members granted refugees can be reunited if they can prove a family link – they have easier access to a long-term residence permit. After 3 months, they can still apply for a visa and some conditions are still waived (for example proving financial means). Also, for granted refugees, the Ministry assists with reunification in some cases. In France and in Italy, there is no maximum time to apply. In Ireland, while not participating in the Family Reunification Directive, applications must be submitted within 12 months from the date international protection status was issued. All Member States enable the application for spouses, civil partners and their unmarried children. Unaccompanied minors can request a reunification with their parents in Ireland and in France. In addition to the application and visa fees which can vary according to the States, beneficiaries have to pay the travel costs. Durations of the procedure are not framed by the legal frameworks and can last up to two years according to the research in the studied Member States. These processing times may be affected if legal issues arise during the processing of applications and court proceedings are required in order to clarify matters arising.

The success of the procedure depends on the initiative and the legal, and sometimes financial, support provided by NGOs and cooperation across borders with international organizations. These difficulties may worsen the vulnerability of the applicants frustrated by the burden of proof, the length of the procedure and the costs to cover which can push them to be exploited in order to cover all the fees. It is especially traumatic for female international protection beneficiaries who struggle to reunite with their children. After significant delays, when this eventually happens, the family unit usually needs support and counselling, which is not available. The safety of the children in the country of origin, while the family reunification procedure lasts, is a huge source of fear and concern for the BIP mothers. This represents a particular special need for single mothers. Interviewees underlined the stress caused by the procedure and their incapacity to engage in any professional or social integration without being reunited with their family members. Moreover, social workers underlined that trafficked international protection beneficiaries may have difficulties due to the lack of contact persons in their country of origin who can provide support in the administrative procedure as many of them have cut off all relations with their family members.

### 3.2

## Access to Safe Housing

### 3.2.1 Relevant provisions of the Qualification Directive

Article 32(1) of the Recast Qualification Directive to ensure that beneficiaries of international protection have access to accommodation under equivalent conditions as other third-country nationals legally resident in their territories.

Article 32(2) introduced a requirement for the Member States to implement policies aimed at preventing discrimination, including within the private housing sector, and at ensuring equal opportunities for beneficiaries of international protection regarding access to accommodation. This provision allows Member States to have in place national practices of dispersal of beneficiaries of international protection.

According to the evaluation report on the implementation of the Qualification Directive,

*“high rental prices, the limited availability of social housing and the reluctance of locals to rent houses to beneficiaries of international protection of certain nationalities”* are the main obstacles identified that prevent access to housing.

Access to adequate and affordable housing is a global challenge in the EU faced by many destitute persons. However, as underlined in the new EU Action plan on integration and inclusion<sup>75</sup>, *“increasing housing prices, shortages of affordable and social housing, and discrimination on the housing market make it difficult for migrants to find adequate and long-term housing solutions”*.

### 3.2.2 Housing provisions in the EU Member States covered by the study

**Specific support or general framework?**

Specific accommodation places and housing for trafficked international protection beneficiaries are rare in the studied countries.



Several good practices and pilot projects can be highlighted but they remain very limited in number and the vast majority of trafficked international protection beneficiaries have to refer to the common framework which can include specific assistance in case of vulnerability. This is, for example, the case in [Czech Republic](#) where international protection beneficiaries can be accommodated in one of the four integration asylum centres and have access to available separate dwelling units where they pay rent and utility fees. They can stay there for up to one year. If they have special needs, they can use other social services that would be available to any Czech citizen (e.g. shelters for mothers with underage children, shelters for victims of violence, shelters for people with serious mental conditions). The vulnerable international protection beneficiaries would be referred to these shelters if their needs could not be met in a regular integration centre accommodation for international protection beneficiaries. However, they may encounter practical obstacles such as language barriers and lack of places. After this first stage, the international protection beneficiaries can participate in the SIP within one year after the protection is granted which includes housing. The SIP will last another 12 months and include an individual integration plan. Social workers from SUZ (that operate in these integration asylum centres) advise international protection beneficiaries to start SIP when they are ready to leave the Integration Centre. However, not all international protection beneficiaries pass through the Integration Asylum Centre, because some of them find their own accommodation and already work during their asylum procedure. The Integration Asylum Centre is mainly for those who have been staying in the Accommodation Asylum Centre for asylum seekers throughout the whole asylum procedure.

In [Ireland](#), no special provisions for housing international protection beneficiaries or vulnerable international protection beneficiaries are included in the legal framework. Respectively, the protections existing in Article 32(2) of the Qualification Directive concerning implementation of 'policies aimed at preventing discrimination of beneficiaries of international protection and at ensuring equal opportunities regarding access to accommodation' are not specifically provided for in the international protection legislation. After receiving a positive decision, international protection beneficiaries qualify to apply for public housing but there are extensive waiting lists and it can be difficult to access private rental accommodation, even when Housing Assistance Payment (HAP) is approved or if the BIP is in full-time employment. The Irish Refugee Council reports that there can be many barriers to international protection beneficiaries moving out of Direct Provision, including racism and

discrimination. Moreover, privacy of accommodation in the centres represents a special need that is not well addressed but it is required in cases of trafficked international protection beneficiaries and its lack is found to compound physical or mental health disorders. The requirement for references 'from a previous landlord' and 'from the employer' in many cases cannot be met, which prevents international protection beneficiaries from moving out of these centres. There is a lack of network of people (potential landlords) who are aware and understand the difficulties such people face and are willing to offer privately rented accommodation, which is a specific need in [Ireland](#). The very loosely regulated rental market allows landlords to take advantage of vulnerable international protection beneficiaries, suggesting sexual services instead of rental payments, charging more than the market value. It is a problem that once international protection beneficiaries leave a centre and have to live on their own, all supports are withdrawn. There will be international protection beneficiaries who require continuous support and cannot easily cope with independent living after years of imposed institutionalization, for example lacking skills in managing utility bills and budgeting. Many international protection beneficiaries are asked to leave a centre before their trauma has healed. It is particularly traumatizing for victims of trafficking who have to vacate their place in the State centre, within 24 hours. In one extreme case, after reporting a rape, a BIP was moved to a remote location in [Ireland](#) without any money or financial support and was expected to start residing there.

In [France](#), international protection beneficiaries can benefit from a place in one of the 138 temporary accommodation centres (CPH), which is an accommodation and rehabilitation centre (CHRS) specialized for accommodation of international protection beneficiaries. The orientation of international protection beneficiaries towards CPH is made by the OFII, which is required to give priority to international protection beneficiaries whose vulnerability and needs for increased support have been identified, namely people not able to live in independent housing; young people under 25 without resources; people with physical or psychological disabilities. Due to the limited number of places in CPH, international protection beneficiaries can also be referred to basic CHRS, social or emergency accommodation. As the Ministry of the Interior highlights in its June 2018 National strategy, international protection beneficiaries may also apply for a various range of specialized social residences (for example young workers' centres). Moreover, they can also apply to the social rental market or find a place to rent in the private sector. In the National strategy, the

Ministry of the Interior undertakes to develop partnerships with social landlords and private landlords regarding international protection beneficiaries' accommodation. An inter-ministerial delegation for accommodation and access to housing (DIHAL) is charged by the Prime Minister to leading public action in favour of BPI's housing, including the National refugee housing platform.

On the other hand, the research also highlights that accommodation tends to specialize their support for trafficked international protection beneficiaries or specific accommodation for victims of trafficking that are also accessible to trafficked international protection beneficiaries. In [Italy](#), services provisions have evolved considering the increased impact of human trafficking in the asylum and international protection system. The reception system is divided basically into two channels: first and second reception phase. The second one is guaranteed by the project of the *Protection System for Asylum Seekers and Refugees* (SPRAR), set up in 2002 and renamed Protection System for Persons with International Protection and Unaccompanied foreign minors (SIPROIMI) as of the end of 2018<sup>76</sup>, following the amendments provided for by art. 12 of Decree-Law 113/2018 and, most recently, reformed by Decree-Law 130 of 2020 (art. 4, par. 3-4) which defined the new "Reception and Integration System" (SAI). SAI is a publicly funded network of local municipalities (ANCI - National Association Italian Municipalities) and NGOs. It is formed by small reception structures where assistance and integration services are provided. These centres are run by local authorities and together with civil society actors such as NGOs. Prior to the adoption of Law Decree 113/2018, the SPRAR system could host both asylum seekers and international protection beneficiaries. In particular, it used to have specific places for vulnerable asylum seekers, including victims of THB. According to SPRAR operative procedures<sup>77</sup> an individual plan was designed for each beneficiary and implemented by a multi-disciplinary team, including cultural mediators. With the introduction of Law Decree 113/2018, only international protection beneficiaries had rights to entry in the new reception system named SIPROIMI, together with UASC and beneficiaries of residence permits for special cases (victims of trafficking for labour and sexual exploitation, domestic violence), medical treatment, disasters, acts of special civil value. With the new Decree-Law 130 of 2020, asylum seekers (also potential THB victims) can access the "Reception and Integration System" (SAI), even though they benefit from limited integration services.

In parallel with the possibility of entering SAI centres, victims of THB, both asylum seekers and international protection beneficiaries, if in serious danger, have the opportunity to choose the National Anti-Trafficking protected programme (which includes accommodation in safe housing) funded by the Department of Equal Opportunities (DEO). Once the phenomenon of THB evolved, involving third-country nationals in need of international protection, safe facilities have adapted their methodology to international protection requirements. In the last few years, a series of national anti-trafficking support pathways have been activated to bring together both Anti-Trafficking programme and former SAI services, in order to ensure a synergy between the two systems, to be comprehensive in terms of good care of the trafficked person who has applied for international protection. Therefore, right now, within SAI facilities there is a co-presence of beneficiaries of international protection victims of THB and refugees/subsidiary protected for other reasons, as well as the people with other type of permits (domestic violence, natural disaster). As a consequence services provided by the operators need to be strictly tailored, sometimes without sufficient means.

In January 2021, SIPROIMI/SAI system resulted in 30,049 places in reception centres, separately dedicated to 'ordinary cases', unaccompanied minors and persons with disabilities. Out of these 30,049 places, 623 (2.1%) are dedicated to persons with psychological or physical disabilities<sup>78</sup>. Trafficked persons may be included in all these three groups as they have a cross-cutting vulnerability. In general, the SAI projects entails dedicated paths connected to certain vulnerabilities, such as psychological and psychiatric assistance, specific assistance for people with mental disorders, torture and violence certification, support and rehabilitation path for victims of THB, as well as gynaecological assistance for victims of FGM. In addition, for all the beneficiaries hosted the project provides Italian language learning, linguistic-cultural mediation, school for children, legal support, psycho-social health protection, vocational training, training internships (to be realised in protected environments for vulnerable international protection beneficiaries), orientation and accompaniment to job placement, orientation and accompaniment to housing. Generally the stay in a SAI system is ensured for at least 6 months, however in practice this period is extended according to the specific needs of the BIP hosted. In particular in favour of vulnerable international protection beneficiaries the permanence may be extended more than once if there are serious health conditions or

76 Following the amendments provided for by art. 12 of Decree-Law 113/2018

77 See <https://www.siproimi.it/wp-content/uploads/2018/08/SPRAR-Manuale-Operativo-2018-08.pdf>

78 <https://www.retesai.it/wp-content/uploads/2021/03/2021-01-Numeri-SAI.pdf>

specific certificated needs. Victims of THB, certainly included in the vulnerable groups, usually benefit from this extension period.

**+ Good practice**

In Italy, the Immigration Office – Department of Social Policies for the city of Rome acts as intermediary between first reception centres and the SAI system. Similar offices of the municipality are also present in the main cities of Italy, such as Bologna, Milan, Turin, etc. Social services of this Immigration Office are in charge of carrying out an individual interview in order to arrange the most adequate accommodation suited to the specific needs expressed by the person (or emerged during the interview). It has developed several competencies in the field of trafficking, since the first cases of women victims of THB reached the office, directly or through NGOs or first reception centres. A first plan of the intervention implemented by the Immigration Office was to carry out preliminary interviews for women who had not yet entered the reception system, aimed at identifying indicators of trafficking. The aim was to provide the reception structures that would take charge of the case, clear keys to understanding the elements of vulnerability. A Nigerian mediator expert on trafficking in persons also took part in the interview. In the rest of Italy social assistants at the Municipality of reference filter and receive the requests and interface with the Central Service.

The Italian system also provides the possibility for trafficked international protection beneficiaries to access safe housing dedicated to victims of trafficking in case they are in danger and want to escape from a criminal network. There are currently 21 projects covering the entire national territory funded by the Department of Equal Opportunities of the Council of Minister protection programmes and implemented by both public and private social bodies. These projects host both international protection beneficiaries and asylum seekers victims of THB and “special cases”<sup>79</sup> permit holders. The projects are distributed at a regional level, and each project is a result of the cooperation among different associations in which each association run a specific activity. The activities are contact emergency and protection of the person, first preparatory assistance to social inclusion procedures, vocational training and job placement, support in the autonomy process, orientation to secret structures suitable for residential accommodation or, where their exploitative condition requires it, other forms of residential accommodation, provision of emergency social and health services and/or psychological, social and legal assistance to victims, connection with social services, institutions and bodies involved in social assistance and social integration, with reference to the sending and taking charge of trafficked persons. This programme has been designed for all the victims of THB, bo-

the EU nationals or foreigners, however the number of BIPs benefitting from it is higher than the other applicants. Although safe housing is designed also for victims of THB for labour exploitation, there seems to be different accommodation needs compared to the victims of sexual violence. Except for people involved in criminal proceedings with a risk of repercussions, generally victims of labour exploitation need to go to work and to be placed in the legal labour market as soon as possible. Therefore, a rigid and protected housing may be less suitable for these persons.

In Czech Republic, safe housing for victims of THB is also provided by organizations La Strada, Diakonie, the Project Magdala of Caritas of the Archdiocese of Prague. Crime prevention department can offer housing for victims of THB who participate in the Victim Protection Programme through partner organizations. If the person is a victim of THB, safe housing can be provided and is prioritised. However, these shelters are only temporary. La Strada runs two shelters: one for women with seven places, and another for men with five places. Their addresses are secret. Victims can stay up to one year at the shelters, and if subsequently there is a need for protected housing, La Strada looks for other solutions. Shelters operate well but there is a problem of capacity - in general, a lack of shelters. However, the lack of shelters is

79 Art. 18 of Lgs. Decree n. 286/98 introduces the social protection to the foreigner, whose safety is in danger because he/she is victim of violence or serious exploitation carried out by criminal organizations dedicated to prostitution as well as other equally serious crimes, such as the exploitation of prostitution, child exploitation, begging, enslavement, trafficking in persons. Such a permit allows the foreigner to escape exploitation and to participate in social integration programmes. In favour of people presumed victims of THB still coexists the possibility to apply for this permit or for the international protection one. With law decree 113/18 entered into force on 5.10.18 this permit changed the name into “special cases”.

mainly identified for clients with serious mental illness which is also challenging for Czech citizens as well and foreigners who are particularly disadvantaged in this regard since there is also the language barrier problem.

In Ireland, a recent report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process provides a list of recommendations which include victims of human trafficking. Specific accommodation, with additional supports and services should be provided for those identified as victims of trafficking and sexual or gender-based violence. The report recommends giving private, non-shared rooms to trafficked people who have been abused, as a priority.

In France, until recently, the national housing plan did not make the distinction between trafficked BPIs from others. However, in its national strategy for the reception and integration of refugees presented in 2018, the

French government stressed the importance of ensuring appropriate care for vulnerable refugee women. In particular, action n°13 of the national strategy underlines the need of safety for vulnerable refugee women in specialized centres. The French government pledged to specialize several centres for women victims of violence, women victims of trafficking or women belonging to the LGBT community. Particular attention should be drawn to the security of these centres. Consequently, in the second national action plan against trafficking in human beings 2019-2020 published in 2019, the French government commits to ensuring that the accommodation offered takes into account the specific needs of victims of trafficking by offering a solution adapted to their situation. The measure n°24 provides for the creation of 300 places specially adapted to welcome women who are both asylum seekers or international protection beneficiaries and victims of violence or victims of THB in three regions by the end of 2019.

**+ Good practice**

In France, the dedicated places mechanism in the national housing plan provides an interesting good practice for trafficked international protection beneficiaries. Indeed, since 2018, places dedicated to women victims of trafficking and women victims of violence have been created in accommodation centres for asylum seekers (CADA, HUDA) and accommodation centres for international protection beneficiaries (CPH). The daily cost per person has been increased by 13 euros to reinforce services provided: 1) single-sex places, 2) dedicated support (specialized and trained social workers, assistance in filing a complaint and legal proceedings, legal and social support, accessibility to the NGOs offices), 3) guaranteed safety conditions of the building (prohibition of visits, door code, intercom and/or caretaking services, on-call number outside the opening hours of the centre), 4) access to healthcare (presence of healthcare personnel during the first days of reception, an in-house psychologist, discussion groups for women led by a psychologist, information and support for prevention, addiction, testing and gynaecological follow-up), 5) accompanying and supporting parents and schooling (discussion groups for mothers, facilities dedicated to childcare, possibly offer a day-care system, information sessions on the French educational system, support for school registration, psychological support for children), 6) be part of a partnership strategy with local and national associations and institutions.

In 2020, three accommodation centres for international protection beneficiaries (CPH) have dedicated places for women victims of violence and women victims of THB including 66 places which opened in 2018 and 2019. It is worth noting that this mechanism can boost partnerships between different type of NGOs (for example a partnership between Coallia and Amicale du Nid, one specialized in the management of asylum seekers and BPI's accommodation centres, and the other in the support of women victims of THB for sexual purpose). Indeed, there are very few institutions or NGOs specialized in both BPIs' support and victims of THB's support. Unfortunately this mechanism only addresses women and focuses on sexual exploitation, not other forms of exploitation. The number of dedicated places is still very low. In practice, trafficked international protection beneficiaries are still mainly oriented towards accommodation intended for international protection beneficiaries or victims of trafficking.



Other interesting practices in [France](#) can also be highlighted even if they are not specifically targeting trafficked international protection beneficiaries, they can include these beneficiaries. The first one is the National system for VOTs reception and protection named “Ac.Sé”. Created in 2001 by association ALC, it is financed by the Directorate General of Social Cohesion. It aims to protect victims of trafficking in human beings in danger by offering them reception and support by trained professionals as well as geographic distance (to avoid reprisal from exploitation networks). Ac.Sé is based on a network of 82 partners, associations and accommodation centre (specialized in THB or not) financed by the State or from regional authorities. Ac.Sé offers 83 places for victims of THB in different types of structures and even a host family. According to the 2019 activity’s report, 36% of victims were in the process of asylum claim or had already obtained an international protection. Out of 64 victims oriented to Ac.Sé, 21 were in the process of claiming for asylum and 5 had already obtained refugee status. Among all accommodated victims in 2019, 28 obtained the refugee status.

The second centre is the AFJ shelter, established in 1967, which aims at providing shelter for foreign women who are newcomers

to Paris to prevent them from becoming involved in prostitution. The structure is now specialized in receiving women victims of human trafficking. In 2005, their 12 places were exclusively reserved for trafficked women. The women accommodated must be adults and childless. They must be identified as victims of trafficking or potential victims of trafficking. They must be in need of shelter and wish to escape from the network. Two admission processes are possible: when identification and referral is made by the police, admission is immediate. When identification and orientation is done by an NGO or other institution, an assessment is done by the AJF shelter before admission. Many of the women who are accompanied obtain international protection during their stay at the shelter. The director and the project manager emphasize that the safe environment and the global accompaniment offered by the shelter allow the women international protection beneficiaries victims of trafficking to move forward in the integration process. Indeed, they are accompanied in their search for housing and employment and benefit from French courses and psychological support. In addition, the shelter offers them financial support since they no longer have asylum seeker’s assistance and often do not benefit from the Active Solidarity Income (RSA,) (if they are under 25 years old).



### Focus: Specific accommodation for trafficked children

The Koutcha project aims at creating a shelter and protection centre for minors and young adults presumed victims of human trafficking. It is a partnership between the association ECPAT, the association Koutcha and the Belgian association Esperanto, which for 15 years has been welcoming and sheltering minors who are victims of THB. Based on the Esperanto NGO’s experience, the accommodation centre created by Koutcha centre will be safe and secure from the trafficking networks. 90% of victims of trafficking run away from the French children care centres but less than 5% run away from the Belgian Esperanto centre. Security criteria include distance from borders, highways and railways, distance from areas where trafficking and exploitation networks operate and proximity to a police station. The centre will open in Spring 2021 and will welcome 12 young people, without administrative criteria (asylum seekers, BPI, or French nationality) based on a referral from child welfare. The practitioners who will work there will be trained on the issues of trafficking and especially on the legal aspects, including the asylum application.

### Delays and safety as specific barriers

Nevertheless, despite these legal frameworks and encouraging developments, access to housing remains difficult in Member States. In [France](#), beneficiaries can wait for several years before accessing a durable and safe housing. Despite the opening of new hosting places for international protection beneficiaries, the centres are still undersized, even more so for trafficked victims. At the end of

2019, there were 8710 places distributed in 138 accommodation centres for international protection beneficiaries (CPH) while 36,139 people obtained international protection in 2019. In [Italy](#), on the basis of CIR experience in Rome, the waiting time starting from the request submitted by first reception centre/applicant for entering the SIPROIMI/SAI system varies according to gender. While for men the placement may take a few days, for women the time span can range from 2

weeks to 6 months as there are less centres for women on the territory.<sup>80</sup> In CIR opinion, this situation may also be determined by the backlog related to the previous system after the implementation of the Law Decree 113/2018. At the time of writing, SAI still hosts people entitled to be there according to the previous legislation (also as asylum seekers). Now, with the restoration of the previous and more favourable approach (occurred with Law decree 130/20), subsequent developments should be assessed. Moreover, administrative procedure and obstacles to collect requested documentation can also result in delays to access the SAI system. Since victims used to change cities because of the criminal organisation, gathering information on their previous residence and reception centres on the Italian territory may be very complicated in order to have a clear picture of the legal and social actions made for the person concerned. On this stance, it may take some time to provide everything for the SAI request. Variations in delays are also observed to access the safe housing programme depending on the number of requests. In general, when places do not sufficiently respect the persons needs of safe accommodation, Anti-trafficking networks rely on its network composed of trustworthy accommodation until a place is finally available.

Moreover, in [France](#), one of the criteria of dedicated places is to guarantee the safety conditions of the building: prohibit the entry of outside persons, equip the building with a digital code access and an intercom and/or a building caretaking service, set up an on-call number outside the opening hours of the centre. Nevertheless, this mechanism does not include geographic distance for victims which impede the capacity to provide complete safety for several victims who need this deportation. The safe housing programme in [Italy](#) provides secret locations usually far from the place of exploitation. People hosted in safe housing may be restricted in their freedom according to the risk evaluation for the victim. In this case, the use of a mobile phone and the internet is limited as well as the possibility of exiting the facilities. In general, the intention is to protect the person from any potential and external network of contacts, including the exploiters and traffickers. Because of these characteristics, these centres may not be attractive for victims of THB for labour exploitation (except for those who file a complaint to the police and may suffer from retaliations by the exploiter), since they have other urgent needs such as being placed as soon as possible in the regular labour market in order to earn money for any family remaining in the country of origin.

However, in [Italy](#) and in [France](#), no specific measures are taken regarding the safety of victims of THB in their reception centres if they don’t live in dedicated places. Therefore, the issue of safety within these centres is particularly delicate because it is strictly connected to the question related to the risk perceived by the person at the moment of entry. According to the “safety” perceived by the person, usually anti-trafficking agencies support the victim in carrying out a sort of self-identification, considering the importance of fully understanding the current risks and opportunities. In this way, it is the person who decides to be accommodated in a safe house or not. Then, together with the operator, the most appropriate measure is chosen. Of course, there is always a path of negotiation between the operator and the victim on the type of path to choose according to the degree of awareness that she/he assumes. If safety is provided in specialized places in CPH and in specialized structures such as the AFJ shelter in [France](#) or in a safe housing programme in [Italy](#), it is not necessarily reinforced in the other reception facilities (non-specialized centres, semi-autonomous housing, social and emergency housing). According to NGOs, some structures may even be reluctant to host victims of trafficking because of the security problems that this may pose.

80 In these cases, women in need are placed in other kinds of temporary accommodation.

### 3.3 Special Needs Related to Social Rights and Housing Identified by Interviewed Trafficked International Protection Beneficiaries

**Identified needs described below are based on the interviews organized with trafficked beneficiaries of international protection and discussions with practitioners. These needs might concern all beneficiaries of international protection or other categories of vulnerable international protection beneficiaries, and are not exhaustive.**

#### 3.3.1 Prompt issuance of documents and social rights

Victims of THB often have to wait a long time before the permit for international protection is issued, which prevents the beneficiaries from having an identification document with them, prior to a whole series of activities: work contract, rental contract, and renewal of health card and, in many cities, submission to the civil registration for residence.

*I was granted international protection in December 2019. I had an appointment with the Police Headquarters in April 2020 in order to request the residence permit for asylum for my son and me, but because of Coronavirus I had to email them to make another appointment as a vulnerable case. I got the appointment for January 2021. I could do very few things because of the lack of the residence permit.”*

*M., Interviewed in Rome*

*I had been recognised as a refugee in the summer 2019 but I received the electronic permit only in February 2020.”*

*E., Interviewed in Rome*

Interviewees reported issues and delays to access their permit and civil registration requested to access the main social rights: choice of family doctor, submission to the National Labour agency, choice of nursery school, social assistance and access to economic support. Most of these needs are particularly important for victims of THB.

*I don’t have a general doctor now because I have not obtained the civil registration to the municipality yet. I requested that 4 months ago.”*

*E., Interviewed in Rome*

*I couldn’t experience some things both because of the residence and because I didn’t understand well how to have access to social benefits.”*

*M., Interviewed in Rome*

One victim interviewed in [France](#) explained that she had to wait several months to receive financial aid.

*I had to wait 6 months before receiving the money from the Family Allowances Centre. Before that, [the social workers] gave me money. (...) It’s normal [that it took time], it was to register our name there and then they took us to [town] to do the administrative paperwork so that the Family Allowances Centre would grant us this aid.”*

*I., interviewed in France*

#### 3.3.2 Continuum of social assistance and information provision

Interviewees recognized the importance to be supported by social workers in all their procedures. The interviews indicated that legal aid is very important due to the uniquely complex situation of such victims and the multitude of issues that require legal argument and social support. Among the issues that required assistance, reported in this project were the legal support during the asylum procedure, which can have extensive impact on the integration process, the identification by authorities, the family reunification process, the administrative procedures to social rights, the access to accommodation and durable housing, and support in the criminal procedure.

*I felt comfortable with the NGOs that assisted me, I would never have been able to do anything without their support, I couldn’t have even stayed in the centre where I am currently living.”*

*M., Interviewed in Rome*

*I know that the social assistant may provide me with all the information concerning the assistance to my child. I strongly need financial support for my son and for going to school again.”*

*M., Interviewed in Rome*

*We are thinking about the day when the support will stop: what will we do without her [the social worker]? When we arrived, we didn’t know anything, we didn’t go to school, so how can we do the administrative procedures without knowing the system?”*

*B. Interviewed in France*

*S: Everyone helped me, the lawyer in Paris, the social worker in Lyon... these people helped me a lot.”*

*S, interviewed in France*

Compensation for mishandling of the case by the State was obtained by one of the interviewees in [Ireland](#) and she reported that this had moral as well as financial importance in her integration. This was a special legal procedure, which required significant efforts from her legal representatives.

Moreover, an interviewee reported to be more comfortable with a female social worker.

*When I arrived in Fano, I had a female reference educator with whom I could talk quite well. Here I have a male reference educator.”*

*E., Interviewed in Rome*

#### 3.3.3 Trained officers in charge of social benefits and adapted procedures

In [Czech Republic](#), an interviewee reported hostility from officers in charge of social benefits and the stressful environment she had to face.

*Once you have asylum, you are something like a virus. That is the impression you get. Even when they stop you to check you, from the police. Once they see the card, they say ‘hmmh asylum’. You are like a liability to them. Like someone taking something from them.”*

*U., Interviewed in Czech Republic*



*I stopped taking social benefits from them because the stress was too much. I stopped the payment. I don't need it anymore. The paperwork, and also you had to come with an interpreter and they were not always happy to see you. The place is full, no the stress was not worth it. The money was too little, the stress was too much and I did not want it anymore."*

*U., Interviewed in Czech Republic*

She also reported this behaviour during the family reunification in her country of origin where her partner was willing to submit a visa request.

*The attitude at the Czech embassy in Nigeria is horrible. They asked him questions that they were not supposed to - they kept asking why am I not going there myself. But since I have asylum I cannot return to my home country."*

*U., Interviewed in Czech Republic*

### 3.3.4 Access to family reunification

Family reunification has been regularly cited as a stressful and frustrating experience for almost all interviewees.

*After our arrival in France, all went well, but we would like to have other family members with us. The only proposition I could make is to get reunited with other family members."*

*B., Interviewed in France*

Several international protection beneficiaries reported that they were not aware of this right and the procedure.

*Nobody told me about the possibility of family reunification. I would like to reunite with my family. It would be fantastic to see my family again, but I think I don't have enough money."*

*M., Interviewed in Rome*

*I am only in contact with my grandmother, who is about 80 years old. I would like to host her here when I will have a house, a car and a job."*

*E., Interviewed in Rome*

The procedure is long and costly for the international protection beneficiaries. In [Ireland](#), one interviewee reported that her three minor children were in her country of origin, presently living in unsure settings with a woman who did not want them. At the same time, the application for the reunification takes more than a year. Also, if the mother is still in State accommodation and not in a privately rented accommodation she may not be eligible to reunite with her children.

In addition to the cost and length of the procedures, problems in the country of origin can hinder the family reunification procedure.

*I: Are you going to try to bring your daughter to France?*

*S: Yes, I asked my social workers. They said that I must have a passport for my daughter. But you know, at the moment, there is fighting in Nigeria, they burn everything. So for the passport, I couldn't."*

*S., interviewed in France*

Moreover, some trafficked women interviewed expressed the need to be financially independent before reuniting with their children.

*When I get work, I will bring my child to France. Because over there [Nigeria], it's not good for him."*

*E., interviewed in France*

### 3.3.5 Reducing delays in finding durable housing solutions

Researches point out the obstacles to access accommodation, especially long delays to enter a durable and safe housing. Several interviewees also reported these challenges, as well as discriminatory practices, creating frustration. Moreover, access to housing can be determinant to access other rights, such as family reunification.

Interviewees in [Ireland](#) reported different obstacles to accessing durable housing. In theory they have the right to leave the asylum hostel but they cannot do this before they find a place to rent. The landlords and the letting agencies require: a letter of employment and a reference from a previous landlord. international protection beneficiaries cannot provide either of these. They encounter constant racism when seeking accommodation. Only a very few letting agencies bother to respond to them. The majority simply ignore their rental applications. Even with a support from an NGO, it took nearly a year for one of the interviewees to get a privately rented place.

One interviewee has been waiting for many months to get a positive response and is increasingly frustrated, because until she has a private place to live she cannot start a family reunification procedure with her minor children from her country of origin in Africa.

However, one of the interviewees in [France](#) pointed out that her time at the accommodation centre enabled her to learn how to be more autonomous.

*When I arrived at the accommodation centre, everything was complicated. It was the first time I was doing this [being autonomous] but I made a lot of effort to stay here. Taking care of the house, going to school was hard for me because I wasn't used to it. But little by little I understood and learned. (...) Appointments were difficult: going out in the street, walking to the meeting place... but now it's getting better."*

*E., interviewed in France*

### 3.3.6 Ensuring safety for victims

Safety is critical for victims of trafficking who have been exposed to many abuses, violence, and harassment. Several interviewees reported unsafe situations where a former exploiter had threatened them after getting the protection or where they found themselves in difficult situations where they felt insecure.

*I: When you left the family, were you scared they would contact you?*

*U: She was threatening me, so I told the lawyer, so she wrote a letter and asked me to give her the power of attorney. So I did and she sent her an email - if she wants to talk to me, she has to come through her. Because before that she sent me a message threatening me.*

*I: What were the threats about?*

*U: At first she was threatening me to throw me on the street, that I don't speak Czech, I don't know anybody, I would be raped, she said so many terrible things. Then she said I was depending on her. When Eva sent her an email, she never contacted me ever."*

*U., Interviewed in Czech Republic*

In these cases, the social workers and practitioners who have built a relationship of trust with the victim have a key role to ensure their safety and should ensure a secure environment and respect the confidentiality rules.

*When the social worker came to that accommodation she said something before that man [the landlord] which she should not say, because that sort of information are not supposed to be shared. After she left he kept harassing me, even he comes to the house, I did not have peace in that house, that is why I wanted to leave. He comes too often. He was coming to check things too often. I could not invite anybody. Nobody could sleep over. I had to have permission to do anything. It was like staying in a hostel.”*

U., Interviewed in Czech Republic

One of the victims interviewed in France benefitted from a geographical relocation, i.e. a place in an accommodation centre in another region, far from her traffickers. However, she still did not feel safe.

*CG: Do you feel safe here, because the people who hurt you are far away?*

*S: I don’t know, how would I know if I’m safe here?*

S., interviewed in France

3.3.7 Financial support to access housing

In addition to support provided to find housing, financial support can also represent an important assistance for the victim who cannot afford to pay a rent at the beginning of the integration process.

*I think at the beginning when they paid for my rent in my own place, that was a very good start. It really helped me get on my feet.”*

U., Interviewed in Czech Republic

Moreover, it is also important to provide the person all the information relative to the conditions of access to accommodation centres, including the rental payment if required.

*I was at this shelter, then they told me that since I have a job I have to find an apartment. That is when I found out I had to pay for the shelter. I did not know at the beginning. So I was able to pay off the rent and then I left them. I was very upset when I found out. I also had to pay for snacks and food and everything, and they made me sign a paper that I received all of that. So I was not happy about that”.*

U., Interviewed in Czech Republic

**Focus:**  
Experience of a resettled trafficked refugee in France

As part of a French programme agreed between the French President Emmanuel Macron and the Nobel Prize Nadia Murad in 2018, Yazidi women and their children have been received in France from their country of origin Iraq. The French government has decided to apply the same process used in the framework of resettlement programmes. Thus, after having been identified as particularly vulnerable

by Nadia Murad’s Initiative, the families were all met by the OFPRA during various field missions on Iraqi territory. Following this, as France has confirmed that it has granted them protection, they were able to benefit from a transfer by plane organized by IOM, as is the case for all resettlement programmes.

Since these families were protected from the moment they arrived in France, their integration process began as soon as they arrived. There is, therefore, no break between the asylum application process and the integration process. During the interview, Mrs. B was therefore unable to express any changes between her previous situation and her current situation. That being said, Mrs. B gave a very positive assessment of her reception in France and the integration process. She expressed that she feels well received, both by the association and by her neighbours, and that she feels very supported and helped by her social workers. Strongly supported by the NGO in charge of the reception, all procedures concerning access to housing, access to social benefits and access to healthcare were carried out with the help of her two social workers. Safe housing is provided by the NGO thanks to a transitory lease which will be covered by the family when they will be financially independent.

It emerged that the support of the NGO, and in particular of its two social workers, was fundamental to her integration process. Indeed, resettlement programmes provide for reinforced social support during the first year. The NGO accompanies the beneficiaries as soon as they get off the plane. The housing has been rented before their arrival. In the days and weeks following their arrival, the social workers devote themselves to the first essential integration steps: health check-up, submission of administrative files to open social and health rights, submission of a residence permit application to the prefecture, signature of the Republican Integration Contract (CIR) and schooling of the children. The support provided pays particular attention to the less quantifiable and visible aspects of integration in France, such as the development of social links and the discovery of cultural codes.



## Addressing the Medical Needs of Trafficked International Protection Beneficiaries

### 4

#### 4.1 Respond to Medical and Psychological Needs of Trafficked International Protection Beneficiaries

##### 4.1.1 Relevant provisions of the Qualification Directive

Article 30 of the recast Qualification Directive requires Member States to provide access to healthcare under the same eligibility conditions as nationals. The healthcare includes both physical and mental healthcare, including the provision of treatment of mental disorders, when needed, to beneficiaries of international protection who have special needs such as pregnant women, disabled people, people who have undergone torture, rape or other serious forms of psychological, physical or sexual violence, or minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment or who have suffered from armed conflict. It does not explicitly include victims of trafficking.

According to the evaluation report<sup>81</sup> on the implementation of the Qualification Directive, the healthcare for people with special needs *“was not specifically aimed at beneficiaries of international protection but available within the context of the general health services provided to the population as a whole”*. Moreover, according to this evaluation report, *“Ireland indicated that it was not always possible to detect special needs when beneficiaries first came into contact with the authorities during the asylum procedure and that further work was necessary in identifying them later in the process. Italy noted that there was no needs assessment in place in the context of healthcare.”*

Moreover, the new EU Action plan on integration and inclusion acknowledges that *“migrants, especially refugees, may be at higher risk of developing mental health problems due to trauma experienced in their country of origin, difficulties encountered during their migration journey or post-arrival experiences, such as social isolation or discrimination, they often face obstacles in accessing mental health services.”*

These preliminary analysis provide a global picture of the healthcare systems, detailed hereafter, in place for trafficked international protection beneficiaries which is inadequate to specific needs related to the exploitation

past of the international protection beneficiaries and not sufficiently sized and well equipped.

##### 4.1.2 Medical and psychological support in EU Member States

In all studied Member States, international protection beneficiaries are granted access to the public health insurance system. Several specific provisions for international protection beneficiaries can be observed in the countries. In [Italy](#), the international protection beneficiaries have the right to exemption from the health ticket on the basis of particular situations as well as Italian citizens. In [Ireland](#), they can be issued with medical cards providing unlimited and free access to public health. The non-discriminatory provision of medical cards to all applicants and beneficiaries of international protection in [Ireland](#) clearly represents a commendable practice and a good starting point for provision of medical and psychological assistance. In [France](#), the international protection beneficiaries can have access to the social security and to solidarity complementary health insurance. However, no national system includes a comprehensive action for trafficked international protection beneficiaries and can cause extensive impacts for those with exploitation experiences including administrative procedures, languages barriers and to lack of specialized professionals and adapted services for victims of trafficking.

The [UK case study](#) on the Adavu Project based in Birmingham highlights that victims of trafficking are invariably highly traumatised and suffering post-traumatic stress disorder (PTSD). Bearing in mind that they have been trafficked for sexual exploitation, domestic servitude and/or labour exploitation, they have significant mental and physical health issues. Often the modern slavery experience has been preceded by a life of abuse and suffering, so there are layers of trauma. A key need is to access Primary Health Care (in the UK essential healthcare), which Adavu seeks to facilitate. When counselling due to sexual exploitation is required, referral can be made to a local project, RSVP (Rape and Sexual Violence Project), but generally referral is to Primary Care (NHS).

In [France](#), the NGO Médecins du Monde underlines that *“the complexity of administrative procedures, abusive requests for supporting documents by health insurance funds, the multiplication of conditions for access to state medical aid or difficulties in accessing domiciliation are all obstacles to the opening of their rights and keep them*

81 European Commission, Evaluation of the application of the recast Qualification Directive (2011/95/EU), January 2019



away from care”.<sup>82</sup> In [Ireland](#), gender-specific medical care is rarely available. There are instances of assigning a male doctor to a female victim of trafficking, which may cause trauma due to the gender-specific exploitation some victims have endured. Similarly, access to reproductive health services remains a challenge and trauma-informed healthcare, essential in cases of sexual exploitation, is still underdeveloped. Moreover, there is a general difficulty in finding and registering with a general practitioner, which is pertinent to vulnerable international protection beneficiaries. The lack of and delays of issuing a personal public service number, represents a barrier to receiving medical care. Many doctors would not accept patients without this number, which deprives very vulnerable victims from medical care. When accessing the emergency medical care in a hospital, they are presented with a significant bill. In [Italy](#), administrative issues sometimes prevent international protection beneficiaries accessing healthcare during the renewal procedure of their residence permit, because the date of expiration of the permit matches the one of the Health Ticket. Despite it should not interrupt their rights, international protection beneficiaries have no guarantee to access non-urgent sanitary treatments for long delays.

A common result in the research is the shortage of specialized healthcare professionals trained in traumas related to trafficking or to migration and exile to address the specific needs of international protection beneficiaries. Professionals from the local health board where international protection beneficiaries are referred are not sufficiently trained to support them. Moreover, the public health structures do not have enough cultural mediators or interpreters who can facilitate the mutual understanding. To deal with this challenge, several projects have been launched in [Italy](#) to improve the skills of health workers and provide a timely and appropriate response to the specific health needs of vulnerable people. Although the number of specific health projects has increased in the last years, they are temporary. Indeed, on one hand, they raise specific competences in the field and among colleagues, on the other hand, long-term medical conditions are difficult to guarantee and professionals often have to refer to permanent and less expert health structures.

The language barrier is also an important obstacle and is observed in all studied Member States. In [Czech Republic](#), the lack of specialists that speak different languages prevent the access to adapted healthcare. In Prague, it is possible to find English-speaking specialists but not in other cities. In

addition, most of the psychologists refuse to bring a translator or a cultural mediator. Even if social workers from the State integration programme can assist international protection beneficiaries with their first doctor’s appointment, in the long-term, appropriate care cannot be ensured for the trafficked BIP. In [Italy](#), main hospitals and Local Health Boards (ASL) demonstrate the need to increase the capacities of trained interpreters and cultural mediators as many do not have interpreters or health operators speaking basic foreign languages. However, the National Institute for the Promotion of the Health of Migrant Populations (INHMP)<sup>83</sup> and for the fight against poverty diseases in Rome covers 20 languages with mediators working shifts. It is the main point of reference for the Lazio Region. In [Ireland](#), even though State agencies have a budget for interpretation services when required, the quality remains a definite issue as there are no courses or recognized and certified programmes for translation and interpretation. For rare languages, the likelihood of finding a familiar person to interpret is low, which creates problems for the BIP. There is also a need for support for interpreters in more traumatic cases, which is unavailable. Poor interpretation also represents a barrier in appropriate assessment of disability, which is a specific need some international protection beneficiaries have. The [UK case study](#) also underlined the issue of poor or biased interpretation due to interpreters who may be passing judgement and undermining the relation of trust which is critical for victims of trafficking. While research has underlined the language barrier as being an issue in the medical system, it also represents an important obstacle in accessing other rights and services.

In addition, the [Italian](#) research underlines that there are more projects or services on the territory capable of intercepting victims of trafficking for sexual exploitation. Instead, with regard to victims of trafficking for labour exploitation, there are few specific services at the institutional level, and furthermore, the physical and psychological consequences of the trauma, that unfortunately characterize these experiences, are difficult to identify. From a health point of view, these people feel the need for medical examinations, mainly because of long neglected muscle and bone pains. It is likely that they have come from at least one year of exploitation, for example in Libya or Egypt, and at least another year of exploitation in [Italy](#) before they come into contact with an Anti-Trafficking body or disclose their story. They often have musculature damage, untreated fractures or careless work injuries. Moreover, considering the risk of being visited by a doctor after an accident

or violence at work, when they are often in irregular jobs in exploitative conditions, these people neglect their pathologies. In these cases, ASL and public hospitals lack the competences to identify specific problems for these target groups.

In these cases, health needs are generally hardly identified. Often, from the institutional point of view, sanitary responses are trivial or generic and there is a great diffusion of clichés on victims. Besides the efforts, the [Italian](#) health service still needs to improve because, above all, general practitioners do not intercept those specific needs. If a doctor does not know the culture of which that migrant is referent, the expressed or unexpressed need is not understood. There is a problem of understanding and interpretation of the issue of health of the migrant community. This triggers a very dangerous criminal

system because the person who cannot be satisfied by the local health service seeks help in another way. For minors and women, it can become dramatic and it triggers an international trafficking of uncontrolled medicines, with potentially enormous damage to their health.

Two interesting practices and perspectives are worth underlining. The national strategy for reception and integration of refugees in [France](#) includes actions to improve access to healthcare recognizing it as a fundamental factor of integration. As part of the second national action plan against trafficking, the government has committed to creating and distributing a national list of all structures specialized in psychological support for victims of trafficking. 10 centres specialized in psycho-traumatic support should also be created, addressing both the physical and mental health of victims of trafficking.



## Good promising practice

In [Italy](#), a tool was elaborated in 2017 at the legislative level specifically for planning assistance and rehabilitation and treatment of mental disorders of international protection holders who have suffered torture, rape or other serious forms of physical or sexual psychological violence. This tool was created by the Ministry of Health in cooperation with other Ministries and the network of main civil society organizations, publishing the Guidelines of the Ministry of Health. The guidelines suggest a multilevel approach to the potential victim, including all the actors involved along the entire path of the migrant. A special attention is paid to refugee victims of violence and torture - including women victims of trafficking - and it stresses the importance of timely and appropriate treatment in services with specialized expertise. The guidelines also set the protocol to properly refer and take charge of the patient. Although this tool is particularly valuable, the shortage of public funds and the coordination among the local health services on the territory did not allow a comprehensive implementation of the procedures.

In all Member States covered by the study, the mental health support is included in the public health system. In [Italy](#), the basis therapy offered by the public sanitary service consists of 6-8 sessions (one per month) at the cost of the health ticket. It is usually accessed through the general doctor, who, after an assessment meeting with the person, prescribes visits to the local health board of reference according to his/her place of residence. Unfortunately, according to CIR experience, both the initial screening carried out by the general practitioner and the nursing triage of the local health board, which is fundamental for addressing the services actually present, are not particularly effective. This happens both because many professionals are not particularly trained on specific needs of victims of THB and because they might not have the right methodological approach. As a result, there is no guarantee of a good connection with the potential patient, whose issues are often not addressed. The trafficking interna-

tional protection beneficiaries hosted at SAI and safe housing can also access psychological support within the centres. In any case, it seems that those who are interested in psychological support are more willing to do so at the reception centres or at the NGOs providing this service.

In [Czech Republic](#), psycho-social support can be part of the Public health system. If private therapy is necessary or the waiting period to see a “covered” psychologist/psychiatrist are too long, it can be paid from the State integration programme budget. There are no specialized centres for victims of THB which offer psychosocial support. The NGO La Strada has their own contacts and can arrange this support. For example, OPU has contacts for psychologists that speak different languages and can provide therapies and other support services. No special conditions are needed to access these services. The main issue is the lack of specialists

82 Médecins du Monde, Observatory for access to care services, 2017.

83 As of 2019, the NIHMP is also a WHO Collaborating Centre for scientific evidence and capacity building on migrant health.



that could speak different languages. Most psychologists refuse to bring a translator or cultural mediator.

Moreover, the existing centres in these countries are difficult to access for international protection beneficiaries who live in rural zones. In [France](#), several specialized health centres for migrants and refugees provide adapted mental healthcare, but their capacities remain limited considering the needs and they are based in large cities. In accommodations specialized in the reception of victims of trafficking seeking asylum and international protection beneficiaries, such as the AFJ shelter or the dedicated places system, special attention is paid to enhance access to healthcare. For example, they can refer trafficked women to hospital services that are aware of the problems of migrant women and trafficked women, for example the Women's House or Gynaecologists without Borders. However, there are no structures dedicated to the care of trafficked women seeking asylum or BIP. In [Ireland](#), one particular centre near Dublin was praised by more than one practitioner. In that regard, dispersal of BIP to remote areas in [Ireland](#), where no contacts and known supports are available, negatively affects the integration process, and subsequently their medical care.

## 4.2 Special Needs Related to Medical and Psycho-Social Support Identified by the Interviewed Trafficked International Protection Beneficiaries

**Identified needs described below are based on the interviews organized with trafficked beneficiaries of international protection and discussions with practitioners. These needs might concern all beneficiaries of international protection or other categories of vulnerable international protection beneficiaries, and are not exhaustive.**

### 4.2.2 Speedy identification of mental health needs

Several interviewees reported their needs for mental health support.

*After the application, I was upset with myself, I could hardly eat. It was a terrible experience, I could not sleep. It took a long time before I was alright."*

*U., Interviewed in Czech Republic*

If the trauma can be directly express by testimonies of the abuses and violence's suffered by the victims, it can also be identified by other practical issues.

In addition to the post-traumatic stress disorder, addressing the exploitation trauma requires an appropriate understanding of human trafficking and its cross-cutting impact on the victim. A relationship of trust needs to be developed between the practitioner, the cultural mediator or interpreter and the victim. The medical system should also provide a safe and well-being environment, and also to invite practitioners to be proactive towards the victim. In [Czech Republic](#), practitioners underlined that there is lack of care for psychological well-being of asylum seekers and BIP. If the person is not proactive and does not say he/she wants to go to therapy or needs special services, the social workers or people working with them do not act proactively. Once the protection is granted, the focus is put on the professional and social integration rather than mental health. It is an intensive programme for 1 year where there is no room for psychological issues. In [France](#), practitioners stress the importance of the amount of time required to build trust in the relationship with the victim. A safe, identified and secured environment are key factors that help the victim talk about their trauma.

*The trauma is represented by the communication of practical problems and not by referring concepts such as trafficking or general suffering."*

*Psychologist, Interviewed in Rome*

*Women victims of THB are unlikely to agree to a psychological pathway because of their personal story, their cultural bias or because they don't consider it useful. In order to ease the approach to such a pathway, the woman is offered to participate in a pathway of orientation for job seeking (balance of competences, motivational path to pursue her objectives etc). Here the psychologist becomes a sort of case manager for the other professionals in the network. Knowing the woman's needs, the professional is able to direct the other colleagues. The victim is helped at various levels, not just psychologically."*

*Psychologist, Interviewed in Rome*

In addition, practitioners point out that accessing a job can also entail medical issues, related or not to the exploitation past, which requires a care assessment before engaging in job seeking.

### 4.2.2 Environment of trust

What is true for every BIP is the distance from their country of origin and the consequences it has on their emotional state, though creating ties in [Italy](#) is possible, often with other fellow nationals. However, a specificity that characterises the victims of THB is the deep sense of loneliness they feel and the difficulty in establishing trustworthy relationships with others, whether they are fellow nationals (whom they generally do not trust), operators (sometimes unable to interact in the right way) or police authorities (whom they have learned not to trust in their country of origin). They have a strong need to find someone to count on, to share things with, to receive support in their daily activities, to help them think about the future.

*I needed to talk with someone who was older than me and could advise me. I had some friends but I didn't tell them my private things. I am a little concerned because this is not my country and I don't have a family here. I have some difficulties in making friends. If the community where I am expelled me, I would live on my own. I just have to be strong and confident in myself."*

*E., Interview in Rome*

*Here, there are no differences between ethnicities, language, but we felt alone"*

*B., Interviewed in France*

*They said that I was not supposed to be there, because it was just for women with kids but they were kind to allow me to stay there."*

*U., Interviewed in Czech Republic*

### 4.2.3 Getting informed about and offered effective medical care

An interviewee reported not being informed of the possibility of benefitting from psychological support.

*I have never received psychological services and I don't need them. Nobody talked to me about that, but I don't believe it's necessary for me."*

*M., Interviewed in Rome*

Moreover, effective access can be delayed by administrative procedures and prevent adequate care and risk of deterioration.

***I don't have medical assistance now because I have not obtained the civil registration from the municipality yet. I requested that 4 months ago."***

*E., Interviewed in Rome*

One interviewee in [Ireland](#) said that this is needed at the very beginning and not after the person has well recognised and established needs. When she was very vulnerable she had no psychological support, and the only helpful person for her was a fellow woman resident in the asylum hostel. Even though without training, she helped her in her darkest hours, when her baby was sick and she was considering suicide.

Medical professionals can detect victims of trafficking and refer them to the appropriate services. In [Ireland](#), one interviewee was identified as a possible victim of trafficking during the medical screening for asylum seekers. She was then referred to trained State services in the Health Service Executive. Her consent was sought before this was done.

As mentioned above, access to social rights after being granted international protection can be conditioned to issuance of documents or civil registration and suspend access to medical care. In this case, access to care should be consistent and sustained during the transition phase which can be delayed by procedural obstacles.

#### 4.2.4 Gender-specific medical care

Several interviewees reported the need to have the choice on the gender of medical professionals.

***In the first centre I was hosted in Fano I had a 1-hour meeting with a psychologist once a week. He was a man, so that I could not express my feelings freely. Actually, I did not talk about anything related to my personal issues with him. However, I didn't ask for another psychologist. In the centre where I live now, the psychologist is a woman and I like talking to her because I feel better."***

*E., Interviewed in Rome*

Practitioners also underlined the need to also apply this approach to interpreters. The victim should be given the choice. Usually, they would prefer the same sex interpreters or practitioners, especially for women. Although, men victims of sexual exploitation may choose the opposite gender. Moreover, interpreters and medical professionals should be trained in migration related trauma and trafficking.

## Empowering the Trafficked International Protection Beneficiaries through Education and Employment

5





## 5.1 Ensure Education and Employment of Trafficked International Protection Beneficiaries

### 5.1.1 Relevant provisions of the Qualification Directive

Article 26 of the recast Qualification Directive provides that beneficiaries of international protection shall have access to employment immediately after protection has been granted *“subject to rules generally applicable to the professional and to the public service”*.

Article 26(2) states that beneficiaries of international protection shall also be granted access to vocational training, including training courses for upgrading skills, practical workplace experience and counselling services afforded by employment offices under equivalent conditions as for nationals.

Article 26(3) encourages Member States to not only grant the right to access but also to facilitate beneficiaries' access to the types of activities listed in Article 26(2), stating that Member States shall *“endeavour to facilitate full access for beneficiaries of international protection to the activities referred to in Article 26(2)”*.

Article 26(4) states that the law in force in the Member State on remuneration, access to social security and other conditions of employment will apply to beneficiaries of international protection (as they do to nationals).

Article 27 provides that Member States should grant full access to the education system to all minors granted international protection under the same conditions as nationals, and to all adults under the same conditions as legally residing third-country nationals.

Article 28 provides that Member States will ensure that beneficiaries of international protection receive the same treatment as nationals in the context of recognition procedures for foreign diplomas, certificates and other evidence of formal qualifications. Article 28(2) includes full access to schemes specifically focused on the assessment, validation, and accreditation of skills and competencies when documentary evidence of qualifications cannot be provided.

### 5.1.2 Provisions for education and employment in the participating EU Member States

Each Member State has different provisions and systems to support international protection beneficiaries in accessing employment and education. Nevertheless, no specific provision is planned for trafficked international protection beneficiaries. They can refer to the general framework and specific programmes coordinated by NGOs to be supported and oriented.

In [Czech Republic](#), the State integration programme provides a key framework for international protection beneficiaries to access employment. There are no specific provisions or specialized services for victims of trafficking or other vulnerable persons. But, the service providers prepare an individual integration plan with the BIP and the integration accommodation centre workers. This basic document describes the integration objectives and the progress made and is updated all along the process. The social worker can support the international protection beneficiaries in the different tasks related to seeking a job such as the registration at a labour office branch, filling in applications for arranging an employment, accessing training courses. All international protection beneficiaries are informed about the possibility of signing up for free Czech classes to the extent of 400 hours. It is not a conditional part of participation in the SIP. Programme for Support and Protection of Victims of Trafficking is also offering to people who decide to enter this programme requalification courses, Czech language courses or possibility to obtain the driving licence.

In [France](#), the national authorities have a critical role in the access to employment. The national office of migration and integration (OFII) ensures the organization and the funding of language training, civic values training, and actions related to access to labour. OFII's integration officers assess the needs of the international protection beneficiaries during an interview with regards to language courses and orientation to specialized services to enhance employment access. The signature of the Republican Integration Contract (CIR) materializes the international protection beneficiaries' commitment to follow the four-day modules of the civic training and, if necessary, the linguistic training required. Participation in these training courses is compulsory. The CIR also includes a professional skills assessment which enables the international protection beneficiaries to identify their training needs and to set up a professional plan. The international protection beneficiaries can also register at the national labour agency which gives them ac-

cess to a personal advisor, who helps them define and reach their career objectives. Together, they formulate an individualized project for access to employment.

In [Italy](#), assistance and counselling related to job and vocational training research are available at municipal Centres for Employment Orientation and provincial centres for employment (National Labour agency). Following a first interview, they provide orientation activities to define the personal and work project. Both these institutions are the main reference points to receive information about the possibility to access job offers, as well as vocational training courses. In addition, the international protection beneficiaries can benefit from support from the social workers at the SAI centres and other NGOs to provide useful information to aid job search, assist in preparing the CV and interview, and assessing their skills. The access to language training is granted to all international protection beneficiaries through the provincial centres for adult education for free. NGOs may also organize private Italian courses only for women or men according to their specific mandates. Some classes, for example, are especially dedicated to women with children or working mothers/women, so they can leave their children at the kindergarten situated in the same school insti-

tute. This approach is particularly valuable considering that, as victims of THB single mothers, one of the main obstacles to attending school classes is represented by the impossibility of leaving their babies. In addition, being in a mixed classroom (men and women) may initially be a problem for some female victims.

In [Ireland](#), the international protection beneficiaries are entitled to seek and enter employment, to engage in any business and to have access to education and training as an Irish citizen. However, there are a few mechanisms tailored for international protection beneficiaries to access employment. They can benefit from the support provided to Irish citizens or to specific programmes such as the EPIC project (Employment for people from immigrant communities) run by the Business in the Community in [Ireland](#). The programme assists migrants, including international protection beneficiaries, to enter the labour market. However, this only operates in Dublin which restricts access for international protection beneficiaries living in other cities or in rural areas. They can also access an NGO programme providing support to women in establishing themselves as sole traders in order to secure employment, especially in care and domestic work sectors.



### Focus: Criminal record related to trafficking and access to labour

The criminal aspect of human trafficking can impact access to the labour market if the victim is not protected with a non-punishment clause which exempts victims from civil, administrative or criminal liability for offenses committed under coercion or intimidation and can have extensive negative impact on their recovery and integration process. In [Czech Republic](#), since the legal framework is not explicit and clear on non-punishment of the victim from civil, administrative or criminal liability, the criminal record can have an impact on seeking a job. In [Italy](#), in the private sector, the employer cannot request a criminal record certificate from the future employee except for a job in contact with minors or specific responsibilities. In the public sector, having no criminal conviction may be required.

Similarly, in [Ireland](#), vetting may be required in order to gain employment and there is a no non-punishment clause in national legislation. Also, victims of trafficking who wish to apply for Irish citizenship by naturalisation must make a full disclosure regarding any criminal offences or convictions in [Ireland](#) or in any other jurisdiction. There is no exemption from this requirement provided for offences that would otherwise be considered 'spent' under national legislation or if they were committed during the context of exploitation prior to identification as a victim of trafficking. 'Good character' requirements for the granting of Irish citizenship are not defined and the Minister for Justice has absolute discretion whether to refuse or grant any application.

Several improvements in integration policies and practices can be underlined in the Member States. If they do not specifically target trafficked international protection beneficiaries, they can provide benefits and support in their access to employment.

In [France](#), the national strategy for the reception and integration of refugees has increased the number of hours for language courses, from 50-100 hours to 100-600 hours. The 2018 law reform reinforced the Republican Integration Contract (CIR) pro-

gramme in particular by setting up career guidance and support designed to promote the professional integration in partnership with the public employment service. In [Italy](#), some municipal Centres for Employment Orientation in Rome improved their services and competences according to the beneficiaries' profiles. In close partnership with these centres, NGOs can refer BIP with specific needs (including victims of THB), in order to design together a protected path of job placement. One interesting practice regarding victims of labour trafficking can be observed in the region of Apulia, in the camp provincial centres for employment (national labour agency); officials systematically mo-

nitor and update the unemployment register in order to facilitate the entry in the regular labour market. At the same time, thanks to this intervention, risk of labour exploitation or recruitment by *corporals*<sup>84</sup> are significantly limited. Moreover, the agricultural sector has gained a particular relevance in social and labour integration of international protection beneficiaries. In this regard, social agricultural projects are developing and provide a concrete response to the scourge of the *corporals* and to the exploitation of migrants' work, besides clearly representing an additional opportunity for the integration of beneficiaries in those host communities at risk of depopulation.



## Example of project

In [France](#), HOPE (“Hébergement Orientation Parcours vers l’Emploi”) is a programme developed to support international protection beneficiaries through employment, co-piloted by the Ministry of the Interior and the Ministry of Labour. The objective of the HOPE programme is to meet the labour needs of local companies by training international protection beneficiaries. This programme has been operating since 2017 in the form of a partnership between public and private actors - who finance 70% of the project. It is implemented by AFPA which is a public establishment of industrial and commercial nature (EPIC). It aims to participate in the training and qualification of the people furthest from employment and contributes to their social and professional integration. The vocational training offered depends on the labour needs of local companies. There is no diploma requirement to be selected. However, the BIP must have reached level A1 in French. The principle is to offer accommodation in AFPA centres combined with a professional integration programme lasting a maximum of 8 months composed of two periods. The first one includes a 400-hour collective operational preparation for employment offering intensive French language training for professional purposes and the deepening of a professional project, and the second provides 450 hours of qualifying training and work in a company with a salaried contract. A global support (administrative, social, legal, medical) is also proposed for the entire duration of the programme. The public is essentially male considering the type of employment and restrictive access to accommodation for only isolated people (without children).

Interviews with a regional project manager highlighted interesting practices regarding trafficked international protection beneficiaries. Several HOPE participants have been identified as victims of human trafficking in their countries of origin or on the migration route. In all cases, it was a labour situation. Generally, the BIP usually speaks to the social worker or job placement counsellor at the AFPA centre. In some cases, the situation can also be detected by the trainer or the company tutor, especially when a blockage occurs (e.g., a BIP who could not work in a small, enclosed space because it reminded him of his THB situation). In these cases, the trainer or tutor refers to the social worker at the AFPA centre. Then, the social worker discusses with the BIP his past as a victim of human trafficking. If the person's distress is too great and/or prevents him from following the training serenely, he is referred to a mental health support. AFPA Grand Est benefits from good and long-standing relationships with local medico-psychological centres and can obtain an appointment in less than 8 days if necessary, with a psychiatrist who knows the precarious and migrant populations and the problems related to them. The different professionals who participate in the HOPE programme, namely social workers, job placement counsellors, vocational trainers and company tutors, are all trained in the reception of the refugee public. In particular, they receive training on the problems that refugees may have encountered in their countries of origin and/or on the migration route (particularly in Libya). Thus, all professionals are trained in the identification of a possible trafficking situation. In addition, one of the advantages of the HOPE

programme is the comprehensive support provided to international protection beneficiaries, meaning that the refugee is not only trained but also fed, housed and accompanied (social, legal, administrative support). This makes it possible to detect the different problems (THB, but also family reunification, illness, etc.) and to respond to them in the best possible way. The global support offered by the HOPE programme contributes to strengthening the integration of international protection beneficiaries into society.

## Protected work spaces

The support for access to employment also provides an important opportunity to raise awareness about workers' rights and to prevent or identify any exploitative situation. The evaluation report of the Qualification Directive underlines the risk that “*international protection beneficiaries are less likely to be aware of their employment rights and the redress mechanisms than nationals or EU citizens, especially if they had not been given this information through orientation or integration services*”. This situation may expose the international protection beneficiaries at risk of exploitation. In this regard, [Czech Republic](#), supporting NGO (OPU or other specialised NGO in victims of THB) informs the person about their worker's rights. In [France](#), the 4-days civic training dedicates one day to the rights and obligation of the person, including the rights and duties for the employer and employees. Moreover, OFII integration officers address the working conditions topic when a BIP is under an employment contract. In [Italy](#), the SAI centres and NGOs also hold this important role to inform of rights and duties of employment positions as well as orientation about potential abuses related to work.

## Language Training

In [Italy](#), language training is stressed as fundamental for victims of trafficking since there is still a significant presence of illiterate international protection beneficiaries, although access to these training courses is effectively guaranteed. It represents a relevant obstacle to access employment and a concrete path of inclusion and integration. With regard to victims of THB of labour exploitation, needs and gaps are different to victims of sexual trafficking. Coming from work pathways, although in exploitative ways, they have skills and expertise in various sectors (agricultural or manufacturing). At the same time, once they have completed the process of exiting the exploitation network, they understand the importance of language study and improving their skills. The need to learn the Italian language is the greatest: people understand that much of their discomfort and exploitation starts from their illiteracy. They finally realise that signing untrue payrolls and contracts with conditions that never fit reality

is a serious violation of their rights that could have been avoided. Learning the Italian language and understanding it is, for them, the first instrument of law.

Another stumbling block highlighted in [Ireland](#) is access to a driving licence which can be a condition for certain jobs. Driving licences from third countries are not recognized and a wide range of issues prevent international protection beneficiaries from getting it such as high application costs, getting supported from existing licence holders, costs of insurance, etc.

## Education and recognition of skills

The recognition of skills is also an important tool in the access to employment and for the empowerment of the trafficked international protection beneficiaries. All Member States give international protection beneficiaries the possibility of engaging in ‘a recognition of qualifications’ procedure. In [Ireland](#), the national recognition information centre provides advice on foreign qualifications and skills by way of matching them to existing national levels which are available in different languages. However, there are long delays with this recognition process. In [France](#), similar institutions provide a free application for international protection beneficiaries and process it as a priority. In [Italy](#), the national administrations identify system of evaluation, validation and accreditation even in the absence of certification by the State in which the qualification was obtained. international protection beneficiaries can also submit a recognition application for professional qualifications to the competent authority, or get recognition of their own professional skills by accountable bodies by tests and assessments.

Such certification may be of particular value if the person cannot obtain his/her own official diplomas. In regard to victims of THB for labour exploitation, a certification of skills and competences may be fundamental when they look for a new regular job, since they have often been in the informal labour market for years and have specific competencies. In contrast, since most victims of THB for sexual exploitation are poorly educated women, experience shows that these women particularly need the middle school diplomas.

84 This term designates the exploiters and is coming from the illegal recruitment and exploitation of agricultural workers. This phenomenon is called CAPORALATO in Italian.



While interesting practices and improvements can be observed in several national policies, research underline that organizations providing support in access to employment are not adapted to identify and address the specific needs of trafficked international protection beneficiaries. They do not necessarily know what is human trafficking, or that international protection beneficiaries can be or have been victims of trafficking. If they do have basic knowledge in THB, they may not be trained to identify it and to address the testimony of the victim.

Moreover, the study demonstrates the importance for trafficked international protection beneficiaries to access stable and adequate paid employment that will ensure

the basic needs of the person and the family and will avoid them falling back into survival prostitution or an exploitation network. This stability will ensure the person also accesses a durable and safe housing, making both these recovery steps interlinked. However, social workers highlight that the trafficked international protection beneficiaries may not be ready to engage in professional integration after getting their protection. This can be due to several reasons, including the trauma of exploitation. Moreover, the pressure on victims to accept any job in order to provide money to their families, cover the costs of their children or family reunification is very high. It is very important to work with them in their relationship with their family and parenting.



### Focus: Access to education and the challenge of parenting

Access to education systems can be challenging for trafficked international protection beneficiaries and minors. In this regard, despite the right granted to international protection beneficiaries, Member States have very diverse provisions and mechanisms to guarantee access and to favour the empowerment of victims. In Ireland, universities have scholarship programmes, potentially benefitting international protection beneficiaries among other vulnerable groups. There are also pre-university courses that allow potential students from another country to get used to the education system and standards before embarking on studies and this has benefitted some international protection beneficiaries. There are suitable training programmes offered to international protection beneficiaries in Ireland. A specialised NGO provides comprehensive help with all aspects of seeking education for international protection beneficiaries. There are actual positive and inspiring stories of survivors of trafficking achieving third level qualifications in Ireland but this was entirely dependent on personal contacts and lobbying as opposed to any structural avenues to high-level education. The BIP's chances of taking advantage of a third level scholarship, depends a lot on the region in Ireland where the BIP has been offered to reside. Sometimes important processes of accessing education are interrupted due to compulsory reallocation, delaying the process of integration. There is a perceived imbalance in how many women and how many men take advantage of the university scholarship, and gender-desegregated data is not provided in this area. This is important, not only statistically but also in terms of determining the actual needs potential international protection beneficiaries have in order to take advantage of these opportunities, for example for mothers needing childcare, which represents a problem in general.

Access to kindergarten for their children is also an important need identified for trafficked international protection beneficiaries, which can be extended to all asylum seekers and international protection beneficiaries, to ensure their availability to participate in education and training opportunities.

Similar programmes are observed in Italy where the access to scholarship is generally provided by the Ministry of Education through the municipalities and are at the disposal of international protection beneficiaries satisfying the criteria of low income. NGOs can facilitate access to the procedure. In partnership with international organizations, NGOs, and Ministries, many higher education institutions establish calls for scholarships for international protection beneficiaries. However, in practice, victims of THB need a long schooling path in order to access university as they have rarely had access to higher education. It is seldom that victims of THB have the necessary basis for accessing university. In France, international protection beneficiaries can benefit from scholarships when they go to universities in the same conditions as French students and can benefit from a scholarship based on social criteria.

In Czech Republic, assistance is provided in particular to integrating children in primary schools as part of the compulsory school attendance, arranging study at a secondary school or institutions of higher education, integrating children in after-school clubs and activities as part of the primary school attendance. Access to pre-school education for minors is also important for parents in order to attend languages courses or other training needed to access a job. In this regard, in Italy, the number of places available in nursery schools is not sufficient and it can prevent THB victims from accessing labour or training opportunities. In France, to improve the link between schools and foreign parents, the government has conducted workshops called "Opening the School to Parents for Children's Success" since 2008. These workshops are organised in schools (elementary schools and colleges) for parents of foreign children and are free of charge. They cover three main topics: learning the French language, understanding French values and institutions, and presenting the school. These workshops have produced good results in terms of involving parents in their children's schooling, particularly for parents who have remained outside of the scope of integration measures, especially women.

## 5.2 Special Needs Related to Education and Employment Identified by Interviewed Trafficked International Protection Beneficiaries

**Identified needs described below are based on the interviews organized with trafficked beneficiaries of international protection and discussions with practitioners. These needs might concern all beneficiaries of international protection or other categories of vulnerable international protection beneficiaries, and are not exhaustive.**

### 5.2.1 Accessing childcare

Women victims of THB are often single mothers with children, constantly torn between the necessity of taking care of their babies and the need to spend time for their professional training, the Italian language courses or their job. It strongly hinders their integration pathways and the economic autonomy of these people, increasing the risk of falling back into the criminal organization network.

*During the last course I left my child with my friends, but I need a kindergarten for me and because he [the child] should spend time with other children. These practical obstacles prevent me from thinking about a job in the near future. I have to look after my child all day long. [...]I would like to have support in babysitting when I can't look after him."*

*M., Interviewed in Rome*

### 5.2.2 Overcoming the language barriers

Language remains the biggest barrier for all beneficiaries of international protection to access labour and professional training. It can be even more frustrating and impacting for victims of trafficking as without proceeding in their integration process, they can be exposed to risk of destitution and re-trafficking.

Interviewees reported several obstacles and challenges related to language learning or efficiency of courses.

*At the same time, I found it difficult to speak Italian at the beginning since nobody spoke English, except for a mediator."*

*E., Interview in Rome*

*I was supposed to go twice a week [to language courses], but because of my job I could not do it all. They gave me a number of units, but they kept changing organization so sometimes it was a waste of time because with the new organization we started all over again from the same place. Now I have already used up all my hours. The class was supposed to be 4 hours a week but I could only attend 2 hours because of my job. I was doing it until this year, and now they said my units were done and I should stop.”*

*U., Interviewed in Czech Republic*

*In all my meetings, I have never addressed the topic [professional project]. For now, I am only taking language courses, learning French. For me, it is crucial. When I can speak French, I will talk about that [professional project] with them [social workers].”*

*B., Interviewed in France*

*For me, I know it will be difficult [to find a job in France]. But once I speak and read French well, maybe it will be easier.”*

*E. interviewed in France*

### 5.2.3 Getting empowered and achieving economic independence

In dealing with victims of THB, it is important to remember that we are talking about people, women, men and children, who have left their country and, perhaps even accepted certain conditions, for economic reasons. There is a strong need for them to be economically independent and to be able to support their family of origin. Although from our point of view it is not a primary need, for them it is the principal need, the reason why they were obliged to start the journey. Ensuring a concrete and competitive training and work placement in the market is the first step of empowerment. As pointed out above, for many of them, this project only becomes a reality if there is support for the care of their children.

One of the victims interviewed in [France](#) emphasised that since she obtained international protection, she does not receive financial assistance (because she is under 25 years old) and does not have enough money to help her daughter who remains in Nigeria.

*Before, when I had ADA [asylum seeker’s allowance], I used to send money [to Nigeria] but since I am here [shelter for beneficiaries of international protection], the money is not enough. (...) I have not sent anything since last month.”*

*S., interviewed in France*

*I try to learn all the time, especially for someone like me who is considering getting a driver’s licence, looking for a job... you need a good level [of French] to be able to consider those goals. (...) If I learn French well and my health allows it, I want to start the process of getting my driver’s licence, for example next year, or the year after. I am looking forward to achieving my goal. As far as work is concerned, I’m ready to do whatever work is offered to me, as long as it doesn’t hurt my back.”*

*I, interviewed in France*

*I would like to go on attending school and going to the university, but I am worried that I won’t have enough time nor enough money. I would like to become a lawyer or a policewoman. I would like to go to the secondary school in Italy and I’ve already asked for information about high school. Last year*

*I attended ICT course held by CIR, it enabled me to learn how to use a keyboard. I am very glad of this.”*

*M. Interview in Rome*

*I successfully passed the A1 and A2 level and later I got the secondary school diploma in 2019. I would have wanted to go on studying but they told me that I was too old. I really would like to go to high school (and take subjects such as home economics). In Rome I have attended two cooking classes and a babysitting course. I don’t receive any support in job placement. They assisted me in writing the CV, but I have to look for a job alone.”*

*E. Interviewed in Rome*

Sometimes it is even the professionals in charge of the integration of refugees who encourage them to look for a job quickly, in order to be financially independent, rather than embarking on long studies or training.

*At first I said I wanted to become a social worker, but the lady [from the employment integration training] told me that I would have to do a lot of studies. She asked me which work I wanted to do quickly after the employment integration training. I told her that I wanted to take care of the elderly. And once I do that, I will study to be a social worker.”*

*E., interviewed in France*

Empowerment also means obtaining financial compensation after the legal proceedings. One of the victims interviewed in [France](#), who won her case, is still waiting for compensation, several months after her trial.

*The lawyer said I would get the money. I waited a month, then two weeks, but there is still nothing in my account, the money has not been transferred. I don’t know why. (...) The lawyer said that the money was already paid, but I went to the bank to check and there is no money in my account. (...) I think if I take French courses and start working and get the money from the lawsuit, I’ll get better. I want to go to school and start working, so I won’t have to think about a lot of things. I have a child in Nigeria that I couldn’t bring, it would be better if he was here with me.”*

*S, interviewed in France*

### 5.2.4 Safe working environment

Accessing professional opportunities and independency may also induce difficult experiences which can expose the victim to re-traumatization, especially if she/he was a victim of labour exploitation.

*They said they don’t mind if I don’t speak Czech as long as they can explain to me what to do. I said I would manage. But at first in the job, I didn’t feel well, because the supervisor didn’t like me. She was a racist. And the co-workers didn’t like me. But I knew I had to stay on that job.”*

*U., Interviewed in Czech Republic*

It may also expose them to risk of re-exploitation.



*At the beginning, the supervisor just wanted me to leave but I could not leave the job. She did not give me allowances, she did not give me the contract. The social worker advised me to stay there and that he could not do anything about it since she was my supervisor, but then she left and the co-workers also left. And they brought new people and then they gave me my contract. Everything changed.”*

*U., Interviewed in Czech Republic*

It is particularly important to remain vigilant that people who have already been exploited are not exposed to re-trafficking:

*I haven’t made it clear what kind of job I want to do. I can do any job that is chosen for me without any problem. I can see myself doing any job as long as it doesn’t hurt my back. I have worked so hard at home that I could take any job.”*

*I, interviewed in France*

5.2.5 Accessing vocational trainings

All interviewees reported accessing diverse courses and vocational training in which they are extremely dedicated and involved. Practitioners underline that trafficking networks target younger and younger victims, who have not access to education or training. This is an important challenge for vocational training.

*What surprised me most was how ambitious she was: she would like to study in order to become a police officer/lawyer.”*

*Social worker on an interview with trafficked international protection beneficiaries*

Various opportunities can be offered to international protection beneficiaries to access courses and vocational training. In [Ireland](#), after receiving IP, there are many possibilities and the BIP could apply for courses on par with Irish citizens. One of the interviewees pursued a course to become a ‘nursing assistant’ and currently works in a centre for autistic children. She is hopeful to engage in a course to become a ‘certified social worker’ next year. Her secondary school teacher was instrumental for her enrolment in the courses. There is not a State programme as such for IP holders but various NGOs and personal contacts can be helpful.

Moreover, social workers point out that what is important is not to access quickly a job, but to access a durable position which will facilitate access to a durable housing and prevent going back into a trafficking network.

6

Impact of the COVID-19  
Pandemic on Trafficked  
International Protection  
Beneficiaries

The COVID-19 pandemic created a sanitary crisis worldwide impacting everyone's daily life. Due to the travel restrictions and the lockdown, many procedures have been delayed or suspended from weeks to months. While this sanitary crisis has impacted, and still indiscriminately affects everyone, vulnerable persons such as victims of human trafficking are more likely to be exposed to destitution and exploitation situations. In April 2020, the GRETA highlighted *"the particular difficulties experienced by victims of human trafficking, who generally find themselves in a position of great insecurity and vulnerability"*<sup>85</sup>. May 2020, the Special Rapporteur on the Contemporary Forms of Slavery alerted about the millions of workers exposed to a high risk of being pushed into exploitative jobs due to the COVID-19 crisis.<sup>86</sup> Analysis from the UNODC demonstrates that the pandemic *"put victims of human trafficking at risk of further exploitation while organized crime networks could further profit from the pandemic."*<sup>87</sup>

Many reports and studies are published on the impact of this pandemic on migrants and refugees, including during the integration process. The World Health Organization (WHO) published in December the ApartTogether report which provides findings on how refugees and migrants have experienced the COVID-19 crisis. Among the main results<sup>88</sup>, the study highlights that *"respondents reported significant negative impact on their access to work, safety and financial means during the pandemic"* and *"nearly 40% of those living on the streets or in insecure accommodation, as well as those who were unemployed at the time of responding, reported an increase in experiences of discrimination during the pandemic"*. The SHARE Network has also published a report on the impact of COVID-19 for welcome, integration and inclusion in the EU - for asylum seekers, refugees, migrants and the organisations working with and alongside them.<sup>89</sup> Based on the online survey, the study demonstrates extensive negative impacts including interruptions to education and training, isolation and mental health difficulties, increased vulnerability to domestic and/or intimate partner violence, but also lack of access to basic services. While many services and activities were organised online, the survey results highlight the limited access to digital solutions due to lack of equipment or internet connection as well as technical skills. Studies in the UK have also underlined that Black, Asian and minority ethnic (BAME) groups were over-proportionally affected by infection with and deaths due to COVID.<sup>90</sup>

As part of the TRIPS project, the partnership has also identified, in their research and during interviews with victims, several challenges and difficulties faced by trafficked international protection beneficiaries in their integration process. In [Italy](#), access to residence is key to benefiting from social rights and other services. However, due to the COVID-19 crisis, the length of the procedure worsened in many cities, taking up to 8 months. Although people in this situation are regular in the territory, they cannot concretely access certain rights, such as problems with employers and house owners who are not willing to renew or sign contracts without a material permit and several public administrations who do not apply the Ministry of the Interior's circulars.

A trafficked BIP interviewed in Rome reported her disappointment and upset regarding this situation.

***I was granted international protection in December 2019. I had an appointment with the Police Headquarters in April 2020 in order to request the residence permit for asylum for my son and me, but because of Coronavirus I had to email them to make another appointment as a vulnerable case. I got the appointment for January 2021."***

*M., interviewed in Rome*

Access to housing was also impacted. In [Italy](#), the lockdown and the quarantine period (14 days) to spend in another *ad hoc* "bridge" centre has increased the waiting time for entering the SAI centres. The Italian Government also prolonged in many occasions the validity of all residence permits expiring during the pandemic. Although these provisions are particularly significant in order to unload the public administrations, waiting times for appointments

related to the renewal/issuance/conversion of residence permits are too long, especially in main cities (5-8 months).

In addition, access to services and courses were suspended, delayed or more difficult for international protection beneficiaries. In Austria, the German courses and other types of training stopped or switched to an online offer, whereas not everyone has access to the technology (from the material perspective, of having a smartphone or computer, to the lack of IT knowledge). Digitalisation poses, in general, a significant challenge to the trafficked women and becomes particularly problematic in the context of the labour market. Nowadays, neither looking for a job nor applying for one is possible without the use of a computer or smartphone. They hardly have access to a computer or know where or how to get access. Currently, NGOs can develop IT courses to cater to their specific needs and make an effort to introduce the women to the use of computers during job counselling sessions but a wider more systematic approach is desirable. In [Italy](#), one interviewee reported the suspension of her courses due to the lockdown which can interrupt their dynamic of integration.

***I was referred by someone to attend a kitchen (cooking) course offered by CIR but after the 2<sup>nd</sup> lesson I couldn't attend it due to Covid-19."***

In [France](#), French language courses and professional integration have been delayed. An interviewee who has been resettled in France pointed out that the lockdown began shortly after their arrival in France. She was not able to start OFII French courses until October 2020, almost a year after her arrival in France.

***Normally the OFII should have given me an appointment for the French courses, but there was the lockdown."***

*E., interviewed in France*

Moreover, the asylum interviews taking place after the lockdown, did not consider this pandemic situation and the negative impact on most of the asylum seekers. For example, women were nonetheless asked for their certificate of German classes to "prove their integration" without considering the external circumstances.

In [Czech Republic](#), the pandemic has also led to protection issues for trafficked international protection beneficiaries. OPU reported two cases of vulnerable international protection beneficiaries (one presumed as a victim of THB, but who did not consent to an interview) who had seen their subsidiary protection taken away during the general lockdown because one of them had lost her job and had to move from her apartment during the lockdown without notifying this change to the Ministry. The Ministry wanted to invite her for an interview regarding her prolongation of subsidiary protection (which she had had for 8 years) but since she did not receive the summons letter, she did not attend the interview. Her IP was taken away and she had to apply for IP for the second time after 8 years, which in practice meant that she had to go back to the facility for asylum seekers which led to her re-traumatisation and social collapse. She did not have access to the labour market during the first 6 months or to social benefits for 1 year. The court procedure is still pending but the mental condition of the client has worsened.

<sup>85</sup> GRETA, In time of emergency the rights and safety of trafficking victims must be respected and protected, 4 April 2020.

<sup>86</sup> UN News, UN rights expert urges States to step-up anti-slavery efforts to protect most vulnerable during COVID-19, 5 May 2020.

<sup>87</sup> UN News, COVID-19 crisis putting human trafficking victims at risk of further exploitation, experts warn, 6 May 2020.

<sup>88</sup> European Website on Integration, ApartTogether study assesses impact of COVID-19 pandemic on refugees and migrants, 18 December 2020.

<sup>89</sup> SHARE Network, Results of the SHARE NETWORK SURVEY, Impact of COVID-19 for refugees, migrants & the organisations working with them, March 2021.

<sup>90</sup> Public health England, Beyond the data: Understanding the impact of COVID-19 on BAME groups, London 2020.



## 7

## Good and Promising Practices



### Good practice

The following good practice does not target specifically the trafficked BIP, but represents an interesting practice to extend and a solid framework to provide specific information and support on human trafficking. In **France**, in 2015, the National Fund for Family Allowances (CNAF) created a national steering committee concerning the reception of international protection beneficiaries in order to coordinate the actions and developed a common action in favour of this public. Needs of regional offices' and international protection beneficiaries' firstly identified three objectives: facilitate access to rights for international protection beneficiaries, support partners to accompany BIPs in their access to rights, and trained officers to raise awareness of the specificities of BIPs. The regional offices set up procedures to speed up the opening of BIPs' social rights and allow for more flexibility. Access to rights is normally only allowed when the foreign person has a national identification number created on the basis of OFPRA civil status documents. However, due to the long delays in obtaining civil status documents, they are instructed to create a provisional "waiting number", based solely on the information in the OFII's family file. Then, every three months, they ask the beneficiary to update the information and to provide the civil status documents if they are obtained. The maximum waiting period is 15 months. In addition, to prioritise the opening of international protection beneficiaries' rights, several regional offices have provided "refugee mailboxes" where partners (including social workers) can send the requested documents in order to facilitate accelerated procedures.



### Good practice

In **Italy**, the Immigration Office – Department of Social Policies for the city of Rome acts as intermediary between first reception centres and the SAI system. Similar offices of the municipality are also present in the main cities of **Italy**, such as Bologna, Milan, Turin, etc. Social services of this Immigration Office are in charge of carrying out an individual interview in order to arrange the most adequate accommodation suited to the specific needs expressed by the person (or emerged during the interview). It has developed several competencies in the field of trafficking, since the first cases of women victims of THB reached the office, directly or through NGOs or first reception centres. A first plan of the intervention implemented by the Immigration Office was to carry out preliminary interviews for women who had not yet entered the reception system, aimed at identifying indicators of trafficking. The aim was to provide the reception structures that would take charge of the case, clear keys to understanding the elements of vulnerability. A Nigerian mediator expert on trafficking in persons also took part in the interview. In the rest of **Italy** social assistants at the Municipality of reference filter and receive the requests and interface with the Central Service.



### Good practice

In **France**, the dedicated places mechanism in the national housing plan provides an interesting good practice for trafficked international protection beneficiaries. Indeed, since 2018, places dedicated to women victims of trafficking and women victims of violence have been created in accommodation centres for asylum seekers (CADA, HUDA) and accommodation centres for international protection beneficiaries (CPH). The daily cost per person has been increased by 13 euros to reinforce services provided: 1) single-sex places, 2) dedicated support (specialized and trained social workers, assistance in filing a complaint and legal proceedings, legal and social support, accessibility to the NGOs offices), 3) guaranteed safety conditions of the building (prohibition of visits, door code, intercom and/or caretaking services, on-call number outside

the opening hours of the centre), 4) access to healthcare (presence of healthcare personnel during the first days of reception, an in-house psychologist, discussion groups for women led by a psychologist, information and support for prevention, addiction, testing and gynaecological follow-up), 5) accompanying and supporting parents and schooling (discussion groups for mothers, facilities dedicated to childcare, possibly offer a day-care system, information sessions on the French educational system, support for school registration, psychological support for children), 6) be part of a partnership strategy with local and national associations and institutions.

In 2020, three accommodation centres for international protection beneficiaries (CPH) have dedicated places for women victims of violence and women victims of THB including 66 places which opened in 2018 and 2019. It is worth noting that this mechanism can boost partnerships between different type of NGOs (for example a partnership between Coallia and Amicale du Nid, one specialized in the management of asylum seekers and BPI's accommodation centres, and the other in the support of women victims of THB for sexual purpose. Indeed, there are very few institutions or NGOs specialized in both BPIs' support and victims of THB's support. Unfortunately this mechanism only addresses women and focuses on sexual exploitation, not other forms of exploitation. The number of dedicated places is still very low. In practice, trafficked international protection beneficiaries are still mainly oriented towards accommodation intended for international protection beneficiaries or victims of trafficking.



### Promising practice

In **Italy**, a tool was elaborated in 2017 at the legislative level specifically for planning assistance and rehabilitation and treatment of mental disorders of international protection holders who have suffered torture, rape or other serious forms of physical or sexual psychological violence. This tool was created by the Ministry of Health in cooperation with other Ministries and the network of main civil society organizations, publishing the Guidelines of the Ministry of Health. The guidelines suggest a multilevel approach to the potential victim, including all the actors involved along the entire path of the migrant. A special attention is paid to refugee victims of violence and torture - including women victims of trafficking - and it stresses the importance of timely and appropriate treatment in services with specialized expertise. The guidelines also set the protocol to properly refer and take charge of the patient. Although this tool is particularly valuable, the shortage of public funds and the coordination among the local health services on the territory did not allow a comprehensive implementation of the procedures.



### Good practice

In France, a “serious game” was organized by the French National System Ac.Sé, the National School for Magistrates (ENM – Ecole nationale de la magistrature), the National Training Center for the Judicial Police of the Gendarmerie Nationale (CNFPJ – Centre national de formation de la police judiciaire de la Gendarmerie Nationale), the National Training School for Judicial Protection of Youth (Ecole nationale de formation de la PJJ), the Paris Bar and the Central Office for the Suppression of Trafficking in Human Beings (OCRETH – Central Office for the Suppression of Trafficking in Human Beings): 5 days of training, gathering 50 professionals committed against THB (magistrates, police investigators, lawyers, social workers – of which 13 professionals partners from Ac.Sé system). The aim of the “serious game” was to simulate the whole process of an investigation of two trafficking situations, based on real stories, the first one related to sexual exploitation and the second one related to forced criminality. Victims were played by actors and all professionals played their own role. This training session enhanced multidisciplinary approach and increased participants' knowledges and representation of other professionals.



### Promising practice

In France, HOPE (“Hébergement Orientation Parcours vers l'Emploi”) is a program developed to support BIPs through employment, co-piloted by the Ministry of the Interior and the Ministry of Labor. The objective of the HOPE program is to meet the labor needs of companies by training BIPs. This program has been operating since 2017 in the form of a partnership between public and private actors - who finance 70% of the project. It is implemented by AFPA, a public establishment of industrial and commercial nature (EPIC). AFPA aims to participate in the training and qualification of the people furthest from employment and contributes to their social and professional integration. The vocational training offered depends on the labor needs of local companies. There is no diploma requirement to be selected. However, the BIP must have reached level A1 in French through OFII courses. The principle is to offer accommodation in AFPA centers combined with a professional integration program lasting a maximum of 8 month. The majority of the beneficiaries are male both because of the type of employment proposed and the accommodation offered only opened to isolated people (without children).

A project manager underlined that several victims of trafficked have been detected in this program, all for labor exploitation. The international protection beneficiaries usually speaks to the social worker or job placement counselor at the AFPA center. In some cases, the situation can also be detected by the trainer or the company tutor, especially when a blockage occurs (e.g., a BIP who could not work in a small, enclosed space because it reminded him of his THB situation). In these cases, the trainer or tutor refers to the social worker at the AFPA center who then discusses with the BIP his past as a victim of human trafficking. If the person's distress is too great and/or prevents him from following the training serenely, he is referred to a psychiatrist. Good and longstanding relationships with local medico-psychological centers (CMP) facilitate access to appointments if necessary (less than 8 days), with a psychiatrist who knows the precarious and migrant populations and the problems related to them. The practitioners are trained to support refugee population and to issues and traumas they may live along the migratory journey, including in the identification of human trafficking. Finally, the HOPE program propose a comprehensive support including accommodation and social/legal support which facilitate the identification of vulnerabilities.



### Promising practice

In France, the National Fund for Family Allowances (CNAF) developed a specific project to support the reception of refugees. As part of this program, several local initiatives have been developed for refugees in the area of parenting. For example, the local fund for family allowances (CAF) of Deux-Sèvres created a communication kit for BIPs in order to present the different offers of the fund in relation to parenthood (kindergarten, leisure centers for children, activities related to the parent-teen relationship, etc.). This communication kit explains the interest of these services and presents testimonies of BIPs who have benefited from such services. Indeed, it had been observed by CAF agents that BIPs were reluctant to leave their children in the crèche because they felt they were abandoning their child. It is therefore explained in the communication kit that leaving one's children in the crèche makes it possible to attend the CIR civic and linguistic training, to look for work, etc.



## 8

## Recommendations

*The following recommendations are based on the findings of the TRIPS project for the purpose of which four European countries have studies, namely Czech Republic, France, Ireland, and Italy.*

*These recommendations are addressed to the relevant authorities and institutions as well as to policy and legislation makers at national and European levels to who the relevant legal frameworks apply.*

### Disclaimer

*These recommendations are formulated by the project partners only and do not reflect the views of the European Commission nor the associate partners.*

### 1. Improve the identification of trafficked international protection beneficiaries thanks to a fostered multi stakeholder cooperation

- Ensure full implementation of Chapter 7 of the Qualification Directive and its Articles 20(3) and (4) on the specific situation of vulnerable international protection beneficiaries, including victims of human trafficking, and consider carrying out vulnerability assessment, including on the basis of human trafficking indicators, after international protection is granted to ensure adequate detection of their special needs;
- The European Commission, in consultation with EASO<sup>91</sup>, UNHCR and relevant civil society organisations, should address detailed guidelines to Member States to improve the identification of trafficked international protection beneficiaries and address their specific situation, as vulnerable persons, with regards to their integration needs ;
- In the European and national action plans and strategies related to human trafficking and integration of beneficiaries of international protection, specific actions to identify trafficked international protection beneficiaries or are at risk of trafficking should be included;
- When the police or another law enforcement agency is responsible for the victim identification procedure, they must involve other stakeholders specialised in combating human trafficking in the identification process, especially during interviews with victims. The victim must be able to choose that the interview is led by a same-sex officer;
- Elaborate clear, transparent, needs based, gender oriented, and child friendly Standard Operation Procedures (SOPs) in collaboration with specialised civil society organisations, including questions addressing potential human trafficking situations. The SOPs should ensure sufficient time for the interview, appropriate environment and support to potential victims, and should be followed by more detailed questions in case of suspicion of exploitation.

### 2. Introduce a National Referral Mechanism or enhance the existing National Referral Mechanism to ensure appropriate identification and protection of all victims of human trafficking

- Member States that have not set up a National Referral Mechanism (NRM) should do so immediately and include in it all victims of trafficking, including asylum seekers and beneficiaries of international protection. A clearly defined coordination should be developed between the international protection system and the NRM to improve identification and protection of victims;
- The NRM should be accessible to all victims irrespective of age, gender, form of exploitation, and residence status, and cover all stages from initial identification to full integration or reintegration in the country of origin. It should not be linked to a requirement to cooperate with a criminal investigation and/or prosecution;
- A wide and clearly defined range of actors should be able to refer possible victims of trafficking to the NRM, including civil society organisations;
- Adequate resources must be allocated to the NRM to ensure its implementation and sustainability, including the collection of data and its use to monitor trends and design policy responses.

### 3. Reinforce and expand training and capacity building of practitioners

- Reinforce the training and capacity building of relevant practitioners during the asylum procedure and after international protection has been granted;
- Organise targeted training adapted to the role and capacities of both non-specialised and specialised service providers to identify victims of trafficking and address their special needs, including among beneficiaries of international protection (public services providers, integration authorities, police, education and employment practitioners, medical professionals, local authorities, social workers, cultural mediators, interpreters...);

<sup>91</sup> At the time of writing, the European Asylum Support Office (EASO) is under process to become the European Union Agency for Asylum (EUAA).

- For non-specialised service providers, training on the detection of victims of trafficking and their referral to assistance should be mainstreamed into broader training on gender-based violence and/or intercultural awareness.

#### 4. Ensure the monitoring of trafficked international protection beneficiaries' integration

- Ensure that an independent body collects qualitative and quantitative data through specific reports, as well as provide recommendations to all stakeholders to improve integration mechanisms for trafficked international protection beneficiaries. Victims of human trafficking should be able to report to this independent body;
- The European Commission should launch a study with the support of the EU Anti-Trafficking Coordinator to assess the support provided to trafficked international protection beneficiaries on their integration process and the risk of (re)trafficking;
- Improve EASO's monitoring of the implementation of the Qualification Directive, in particular its chapter 7 related to the integration process and Articles 20(3) and 20(4) for vulnerable beneficiaries of international protection, including victims of trafficking.

#### 5. Develop tailor-made integration to ensure a continuum of information sharing and care

- Member States should elaborate a mechanism that guarantees that the outcome of the first assessment under the Reception Conditions Directive is communicated to the competent authorities in charge of applying the rights set out in the recast Qualification Directive in full respect of the privacy and confidentiality rules;
- Information sharing on the exploitation experience of beneficiaries of international protection who have been trafficked should be facilitated as much as legally possible and in full respect of the privacy and confidentiality rules, as minimum a "vulnerability red flag";
- In the European and national action plans and strategies related to human trafficking and integration of international protection beneficiaries, specific actions to support integration of trafficked international protection beneficiaries or are at risk of trafficking should be developed or reinforced in close link with actions dedicated to trafficked asylum seekers. Adequate and stable resources must be allocated to these actions to ensure continuum of care;
- Carry out a mapping of available support for integration of trafficked international protection beneficiaries and ensure appropriate dissemination of relevant information to practitioners and beneficiaries;
- All practitioners who are in contact with beneficiaries of international protection should proactively provide them with relevant information on available support adapted to their special needs to ensure a two-way information sharing;
- Improve case management support through multi stakeholder cooperation.

#### 6. Elaborate a clear, transparent and needs-based national integration system including a trained adviser in charge of access to service providers

- This system should include regular meetings and monitoring of the integration process and the trafficked international protection beneficiaries' situations and be in contact with social workers and administrative authorities to ensure continuity of care and information;
- Enhance access to social rights, including right to education, work, housing, social welfare, and healthcare, and address obstacles in issuing residence permit and/or civil documentation required to access social benefits, especially for vulnerable international protection beneficiaries;
- Ensure the availability of medical and psychological assistance adapted to trafficked international protection beneficiaries, and provide information of the available services;

- The European Commission should elaborate common guidelines for this system to provide a common and harmonised framework to Member States.

#### 7. Ensure access to specialised shelters and develop durable and appropriate housing

- Develop long-term accommodation solutions, including specialised services for trafficked international protection beneficiaries with dedicated services such as psychological support, social and legal assistance, and trained cultural mediators;
- Enhance the possibility to be accommodated in small centres or apartments in and improve support in accessing to independent and affordable housing according the trafficked international protection beneficiaries' needs especially with regards to risk of (re)trafficking;
- Improve the involvement of civil society in planning future EU projects in order to make them understand the role and importance of durable housing;
- Improve practices and knowledge sharing at European level with the support of European Commission, EU Anti-Trafficking Coordinator and EASO to properly respond to the specific reception needs of the target group.

#### 8. Guarantee support for family unity, especially for trafficked women with children

- Remove obstacles to family reunification at an early stage and remove gaps in the legislation to ensure full and facilitated access to family unity for all beneficiaries of international protection;
- Consider the particular vulnerability of children and their needs in the family reunification procedure, especially in case of threats against children in the country of origin;
- Enhance financial support for guaranteeing family reunification;
- Provide specific services for parenting issues and child care at the accommodation centres and after trafficked international protection beneficiaries left accommodation centres, especially for trafficked women with children;
- Enhance the possibility for single parents who are trafficked international protection beneficiaries to be supported in the care of their children during their stay at accommodation centres in order to facilitate their independence and ensure their socialisation;
- Elaborate specific support programmes for trafficked women with children in accessing labour market, including kinder garden services, specific training and gender-oriented support for women to access labour.

#### 9. Empowering trafficked international protection beneficiaries through education and employment based on their special needs

- Address the special needs related to the employment and education of trafficked international protection beneficiaries, in cooperation with them and with relevant stakeholders to enhance access to competitive job opportunities in safe working environments and avoid (re)trafficking;
- Consider the importance to provide time for recovering before getting trafficked international protection beneficiaries engaged in professional integration which may require an appropriate medical and psychological support. Create an environment where trafficked international protection beneficiaries do not feel forced to work or to perform a specific job as a part of the integration program and ensure that they feel free to leave a current job if they feel unsafe;
- Facilitate and enhance access to language training, at the earliest stage including during the asylum process;
- Expand partnerships with vocational training providers, private employers and trade unions to address the special needs of trafficked international protection beneficiaries;



- Ensure the provision of information on workers' rights and duties to prevent any risk of (re)trafficking;
- Reinforce collaboration with Trade Unions and private businesses on preventing and addressing labour exploitation;

**10. Following the TRACKS project's recommendations, consider the impact of the asylum process on integration perspectives, in particular for victims of human trafficking**

- Set up, or in case of they already exist, strengthen clear and effective mechanisms to detect vulnerabilities and special needs, including of victims of human trafficking, at each stage of the asylum process, and ensure there are trained professionals to carry out this assessment;
- Effectively apply the necessary procedural safeguards to victims of trafficking who are seeking asylum foreseen in the Common European Asylum System including the Asylum Procedures Directives and the Dublin Regulation;
- After an individual examination of each case, apply the discretionary clause (Article 17(1)) to victims of trafficking under the Dublin Regulation to avoid transfer to a Member State where they had been or may be exploited or where no sustainable victim protection is available;
- Provide appropriate reception conditions meeting the special needs of victims of trafficking who are seeking asylum, as foreseen by the Recast Reception Directive in combination with the Anti-Trafficking Directive, the Council of Europe Convention on Action against Trafficking in Human Beings and the Palermo Protocol to Prevent, Suppress, and Punish Trafficking in Persons Especially Women and Children;
- Initiate at the earliest stage possible, including during the asylum procedure, the integration activities, as language courses, to facilitate long term inclusion and recovery.

## 9 Annexes

9.1 List of organizations, institutions and specialists interviewed for the research

Czech Republic

- OPU - Implementation Manager of the State Integration Programme
- OPU – Lawyer
- OPU - Head of management, Former social worker
- Department of crime prevention of the Ministry of the Interior - Head of the Programme for Support and Protection of Victims of Trafficking
- La Strada – Director
- La Strada – Lawyer
- Focus group meeting including the following organizations: UNHCR Czech Republic, IOM Czech Republic, La Strada, OPU, Department of crime prevention of the Ministry of the Interior, Asylum department of the Ministry of the Interior, (Refugee Facility Administration of Ministry of the Interior – for the second focus group)

France

- Ac.Sé - National system for VOTs reception and protection
- AFJ Shelter
- AFPA - National Agency for Adult Vocational Training
- Amicale du Nid
- CIDFF - Information center on women's and family rights
- DGEF - General Directorate for Foreigners in France
- DIAIR - Interministerial Delegation for the Reception and Integration of Refugees
- DIHAL - Interministerial Delegation for Accommodation and Access to Housing
- Forum réfugiés-Cosi's social workers specialised in THB and integration
- Forum réfugiés-Cosi's head of asylum service
- France fraternités
- France terre d'asile
- La Maison des femmes

- Le Roc
- MIPROF - Mission for the protection of women victim of violence and for the fight against human trafficking
- National Family Allowance Fund
- OFII –Créteil Directorate
- OFII's services provider Nepsod Evolution
- OFII's services provider Ressources formation
- Olivier Peyroux, researcher and expert on human trafficking and unaccompanied minors
- Focus group meetings including the following organizations: AFPA, Amicale du Nid, Collectif ensemble contre la traite, DGEF, Forum réfugiés-Cosi, France terre d'asile, HCR, Le Roc, MIPROF, OFII, OFPRA.

Ireland

- Irish Refugee Council, Independent Law Centre - Managing Solicitor
- Ruhama - Service Manager
- Ruhama – Caseworker
- MRCI (Migrants Rights Centre Ireland) - Senior Legal Advocacy officer
- Laois Integration Network – Coordinator
- Mercy Law Resource Centre (MLRC) – CEO
- Sexual Violence Centre, Cork – Director
- Jesuit Refugee Service - National director
- Jesuit Refugee Service – Assistant
- MECPATHS - Network and Communications Manager
- Doras Luimni (NGO) – Policy officer
- Crosscare (NGO) – Project leader
- HSE Anti-Human Trafficking Unit – Manager
- International Protection Appeal Tribunal (IPAT) – Chair Person
- Focus group meeting including the following organizations : As detailed above with exception of IPAT and MLRC

Italy

- Prosecutor of National Anti-Mafia District in L'Aquila
- National Anti- Trafficking Network Venice Municipality
- Parsec Cooperative
- Social Assistant of Municipality
- I care project psychologist
- Magliana 80, anti-trafficking body
- Be Free Cooperative anti-trafficking body, lawyer and social operator
- SIPROIMI/SAI social assistants of Rome
- SIPROIMI/SAI Central Service (National Headquarter)
- Roxanne, anti-trafficking service for Rome municipality
- INMP psychologist
- UNHCR Italy
- National Commission for the right of asylum
- Marco Omizzolo, sociologist, Eurispes researcher, expert on migrants' labour exploitation
- Focus group meeting including the following organizations : Caritas, Be Free, Asl Roma 1, CNCA, Centro Astalli, Action Aid, Giraffa, Sheltered House (Bari), Parsec, Prefecture of Rome, Intersos, A buon diritto onlus; Terra! Onlus ; COL – Centre for Job Orientation for Municipality of Rome 1, Pensare Migrante

Austrian case study

- LEFÖ

United Kingdom case study

- Adavu – Project Manager

UNHCR Case study

- UNHCR Europe Bureau (Nina Schrepfer, Rekha Menon) and EU office (Alexandra Embiricos)



## 10

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