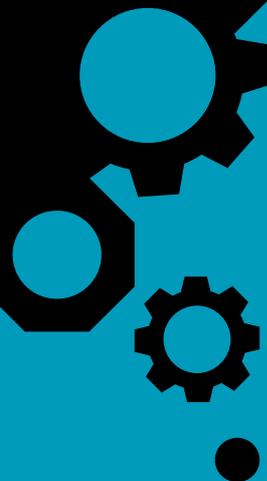


*IDENTIFICATION OF TRAFFICKED  
INTERNATIONAL PROTECTION BENEFICIARIES'  
SPECIAL NEEDS*

# **EUROPEAN TOOLBOX**



**Coordinated by****Co-funded by****Implemented by****Disclaimer**

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**Partnership**

The project TRIPS – *identification of TRafficked International Protection beneficiaries' Special 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.

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# Introduction

## THE TRIPS PROJECT

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, Council of Europe (Secretariat of the Group of Experts on Action against Trafficking in Human Beings), Amicale du Nid are supporting the project as European associate expert organizations.

This transnational project aims at identifying and better addressing specific needs of beneficiaries of international protection victims of trafficking in human beings (THB) in relation to integration processes, both at European Union (EU) and national levels. This project follows a previous European project coordinated by Forum réfugiés-Cosi called TRACKS – *identification of TRafficked Asylum seekers' Special needs*, co-financed by the European Commission, which was implemented for two years and ended in February 2018.

## WHY THIS TOOLBOX?

This European toolbox is the result of this project and provides advice and guidance for frontline integration practitioners on human trafficking and the practical consequences for beneficiaries of international protection and the special needs they may have.

This tool, therefore, tries to clarify some of the concepts and practical aspects of human trafficking within the wider international protection and integration context and offers a number of references which can be useful for developing an understanding of trafficking and the needs of victims.

### TRACKS EUROPEAN TOOLBOX ON TRAFFICKED ASYLUM SEEKERS' SPECIAL NEEDS

With regard to the identification of trafficked asylum seekers' special needs during the asylum procedure, the user can refer to the European TRACKS toolbox which provides legal and psycho-social support and other services to asylum seekers who may be victims of trafficking. The toolbox aims to facilitate the detection of such victims, their needs and to guide practitioners in supporting them appropriately and in following their cases. The European Toolbox was created under the TRACKS project, *identification of TRafficked Asylum seekers' Special Needs*, co-funded by the European Commission (HOME/2014/AMIF/AG/ASYL/7849), a project on identification of the special needs of the victims of trafficking implemented from February 2016 to February 2018.

More information on the report and deliverables: [European report](#), [European summary report](#), [European toolbox](#)

# User Guide

This European toolbox is a template supplemented by national toolboxes, and aims at inspiring national focuses that will include practical perspectives. Therefore, a context is given in some chapters which are not directly practice-oriented. In this way it may also provide inspiration for those planning future work.

**Advice for national focus →**

You will find some recommendations to facilitate the adaption of the toolbox at a national level.

## WHO IS IT INTENDED FOR?

This toolbox is part of a “set” of toolboxes, mostly national ones, intended for any integration, international protection professional who may encounter trafficked beneficiaries of international protection in their daily work, or who is in charge of planning and managing assistance, or as a mentorship organization. It can target service providers from civil society organizations or national institutions in charge of supporting beneficiaries of international protection in their integration process in the mid-long term and require deeper knowledge on human trafficking and special needs. It will also help frontline workers who can encounter international beneficiaries and require key information and guidance to identify and refer to the appropriate services. It can equally be used by other professionals in the field of integration.

**Advice for national focus →**

Highlight the relevant national actors who could use the toolbox.

## WHAT IS ITS PURPOSE?

The toolbox will help to:

- Raise awareness and improve knowledge on human trafficking and its consequences on the beneficiaries of international protection and their special needs.
- Advise integration practitioners on how to identify victims of trafficking in the integration process, how to react when such suspicions arise and to offer suggestions for referring victims to appropriate support.
- Provide a harmonized approach on the identification of special needs of victims of trafficking who have been granted an international protection status as well as how to address their needs.
- Propose guidance and a way forward to better include human trafficking issues in the integration support for beneficiaries of international protection.
- Facilitate improved cooperation between relevant stakeholders who provide support to victims of trafficking in the integration process.
- Understand the context of international protection and trafficking, as well as existing practices in other countries, for example.

## IN WHICH SITUATIONS SHOULD IT BE USED?

This toolbox will provide relevant and useful assistance in situations where you want to create your own national toolbox and develop standards to address the following situations:

- You want to improve your knowledge on human trafficking and its relation to the international protection.
- You want to improve your capacity to identify victims of trafficking and to react when confronted by suspicious cases.
- You have identified a victim or the victim has self-identified as such and you want to know what the person might need in order to ask the appropriate and relevant questions to identify their needs.
- If the needs have been clearly identified by the victim or yourself, you want to know what you could do to support the victim and how to take their needs into account.

**This toolkit mainly covers the special needs of adult victims of trafficking who have been granted international protection, of any gender, and who have experienced any kind of exploitation as defined in the Trafficking Directive. Although it does not specifically address the needs of children, there are suitable added considerations on their specific situation.**

Adapt according to your national context and procedure.

### ← Advice for national focus

## ADVICE AND WARNINGS

This tool will not provide you with all the answers to your questions regarding human trafficking. It provides, however, introductory information and guidance on this issue and its impact on the integration of beneficiaries of international protection.

It is designed as an easy-to-use tool and will need to be regularly updated or additional information to be added, contact addresses, etc. This toolbox was updated in January 2021.

This tool will not replace formal training and exchanges with experts. It will provide a support in your daily work to remind you of key information on human trafficking, guidance to identify victims, help to address suspicious cases and respond to their needs, and also a way forward to improve your practices in the longer-term. In addition, you should consult anti-trafficking professionals who will provide additional advice which is adapted to each personal situation.

Each section of the toolbox can be used separately or together as a learning process. The checklist at the beginning of the toolbox may help you in this process.

Adapt according to your national context.

### ← Advice for national focus

## Abbreviations

<b>BIP</b>	Beneficiaries of International Protection
<b>CEAS</b>	Common European Asylum System
<b>EASO</b>	European Asylum Support Office
<b>EU</b>	European Union
<b>GRETA</b>	Group of Experts on Action against Trafficking in Human Beings
<b>IOM</b>	International Organization on Migration
<b>NGO</b>	Non-governmental organization
<b>NRM</b>	National Referral Mechanism
<b>THB</b>	Trafficking in human beings
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNODC</b>	United Nations Office on Drugs and Crime

# Glossary<sup>1</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>2</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>3</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 persons 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 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 situation 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:

Persons 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.

1.....The glossary is based on the European Migration Network definitions and the expertise of national partners and European experts of the TRIPS project.

2.....In the EU context, asylum application may result in different protection status including refugee status, subsidiary protection, or humanitarian protection according to the national framework.

3.....Definition of the EU Directive 2011/36/EU, Article 2(3) and Recital 11.

**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 persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of 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>4</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 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.

4..... 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.

## Checklist:

### WHAT ARE YOU LOOKING FOR?

This checklist may be useful in guiding newcomers. There is no “one size fits all” list. The following list and answers are therefore neither exhaustive nor compulsory – consider what is most appropriate according to your situation.

If you tick “No”, click on the arrow → to be referred to the relevant section below.

1. Do you know what trafficking in human beings is?	Yes	No
2. Are you aware of the different forms of exploitation that victims of trafficking might be subjected to?	Yes	No
3. Do you feel you've had enough training on what is human trafficking?	Yes	No
4. Do you feel you've had enough training to identify victims of trafficking?	Yes	No
5. Do you know the indicators of trafficking?	Yes	No
6. Are you aware of the procedure for the formal identification of victims of trafficking?	Yes	No
7. Do you know what rights victims of trafficking have with regards to the asylum procedures and the integration process?	Yes	No
8. Do you feel equipped enough to lead an adequate interview with trafficked beneficiaries of international protection?	Yes	No
9. Do you feel equipped enough to identify the needs related to integration with trafficked beneficiaries of international protection?	Yes	No
10. Do you feel adequately equipped to provide guidance to trafficked beneficiaries of international protection to meet their special needs?	Yes	No
11. Do you feel adequately trained to provide an appropriate support to trafficked beneficiaries of international protection in their integration?	Yes	No
12. Do you feel adequately equipped internally to have a comprehensive support to trafficked beneficiaries of international protection in their integration?	Yes	No
13. Do you feel adequately equipped with partners to provide a coordinated support to trafficked beneficiaries of international protection in their integration?	Yes	No

# HUMAN TRAFFICKING AND INTERNATIONAL PROTECTION

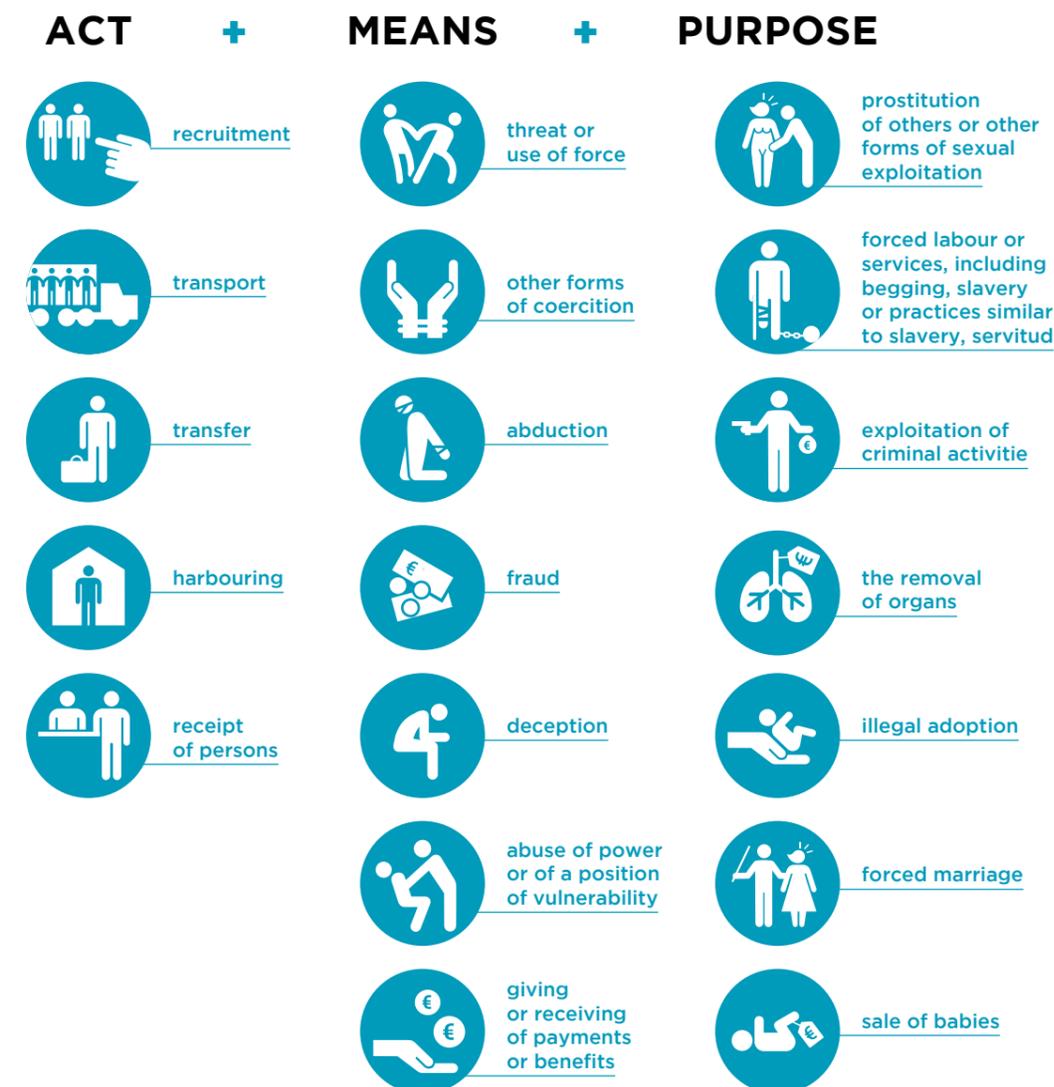
## 1.1 UNDERSTANDING HUMAN TRAFFICKING

### 1.1.1 Definition and forms of exploitation

The relevant definition of trafficking in human beings in an EU context is according to Article 2 and recital 11 of Directive 2011/36/EU (Anti-Trafficking Directive),

*The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of 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.”*

The consent of the person to exploitation is irrelevant where the means are present, while the means are irrelevant in cases of children.



Advice for national focus →

Include the national definition of human trafficking and specify the terminology used.

## 1.1.2 Root causes of trafficking

UNODC underlines the variety of trafficking's root causes which can differ according to the national and regional context but also to the individual situation of the victim.<sup>5</sup> Usually driven by social, economic, cultural and other factors, human trafficking is complex and a multidimensional issue. Poverty, weak social and economic structures, corruption, lack of employment and equal opportunities, violence against women and children, discrimination, unresolved conflicts, forced displacements can be different factors that expose victims to the risk of trafficking.<sup>6</sup> The particular situation and vulnerability of the potential victims expose them to higher risks of exploitation, including the desire to migrate in order to improve their circumstances. **Moreover, migrant populations may be at a higher risk of exploitation since "the destabilization and displacement of populations increase their vulnerability to exploitation and abuse through trafficking and forced labour".**<sup>7</sup> Root causes can be found in the countries of origin, during the migration process and in the countries of destination. Moreover, in some states, social and cultural practices can contribute to the operations of trafficking networks. Human trafficking is a highly gendered crime, requiring gender-specific responses.<sup>8</sup> In this regard, adopting a gender perspective in responding to human trafficking is critical because a major part of the victims identified are women and young girls (reaching an astonishing 90% in trafficking for the purposes of sexual exploitation<sup>9</sup>). Different patterns of trafficking can be observed involving large criminal and well-organized organizations or individuals who could be relatives of the victims. Community members, families or friends can become the exploiter and abuse their power over the victim.

5..... UNODC, Addressing the root causes, Toolkit to Combat Trafficking in Persons, 2017.

6.....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, 20 October 2020.

7..... UNODC, *ibid.*

8.....European Commission, Study on the gender dimension of trafficking in human beings, 2016.

9.....European Commission, Data collection on trafficking in human beings in the EU, 2020



### KEEP IN MIND: Differences between smuggling and trafficking

Smuggling of migrants is defined by the Protocol Against the Smuggling of Migrants supplementing the United Nations Convention against transnational organized crime and differs from human trafficking. The protocol defines it as "the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident". Differences should be underlined between migrant smuggling and human trafficking since they do not relate to the same crime even if they can go together or one can lead to the other. While smuggling is a crime against the State, trafficking is a human right violation against a person. Human trafficking does not necessarily require the irregular crossing of a border. Half of the victims in the EU are EU nationals who can be trafficked within their own Member States. Others are trafficked into other Member States, but cross the inner EU borders legally. Not all non-EU victims arrive to the EU through irregular migration routes.

Adapt to  
the national context.

← Advice for national focus

## 1.1.3 Available data on human trafficking THB

The collection of data on human trafficking is an important challenge regularly faced by researchers when assessing the scale of the phenomenon. In its most recent publication on trafficking data published in 2018, 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>10</sup> Several reports have been published by international and European organizations:

**European Commission** → [Data collection on trafficking in human beings in the EU, 2018](#)

**European Commission** → [Data collection on trafficking in human beings in the EU, 2020](#)

**Europol** → [4<sup>th</sup> Annual Activity Report - 2020](#)

**UNODC** → [Global Reporting on Trafficking in persons, 2020](#)

**IOM** → [Migrant Vulnerability to Human Trafficking and Exploitation: Evidence from the Central and Eastern Mediterranean Migration Routes, 2017](#)

In 2020, the European Commission published updated statistics on human trafficking in the EU.<sup>11</sup> **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% of 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 the United-Kingdom<sup>12</sup> (12,123), France (2,846), Italy (1,988), Netherlands (1,624), and Germany (1,380). The main third-countries of origin were Nigeria (3,112), Albania (1,814), Vietnam (1,525), China (1,064), and Sudan (603).

Advice for national focus →

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

11..... European Commission, Data collection on trafficking in human beings in the EU, 2020

12..... It must be noted, that the UK definition of the crime centring on the notion of 'modern slavery' and 'forced labour' markedly differs from the EU-27 definition of trafficking in human beings in line with Directive 2011/36/EU. As a result, the inclusion or exclusion of the UK statistics in the overall EU statistics leads to significant differences. This is highlighted throughout the EC data report.

13..... Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA

Include the national available data.

## 1.1.4 International and European legal frameworks

The following information is intended to provide key legal information on the international and European legal frameworks. Depending on your context, you may include or refer to these sources in the national toolbox in a side box or include them in annexes.

The **Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims** of 2011<sup>13</sup> requires 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 (Article 11(6)). The Directive also underlines the need to pay particular attention to unaccompanied children victims of THB.

14 ..... Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

15 ..... 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.

16 ..... 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.

Moreover, the **Victims' Rights Directive** of 2012<sup>14</sup> 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 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 fact that the Convention and the Protocol form 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>15</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>16</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.



### KEEP IN MIND: 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.

**The Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children** was adopted by the General Assembly of the United Nations and celebrated its 20 years in December 2020. It supplements the United Nations Convention against Transnational Organized Crime and has been ratified by all States covered by the project and by the European Union (EU). In 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>17</sup> While implementing these obligations, States are required to take into account the special needs of victims.<sup>18</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 States protect victims from re-victimization.<sup>19</sup> In its repressive provisions, the Protocol requires that States criminalize human trafficking in their domestic laws.<sup>20</sup> Moreover, it includes specific provisions for minors in its definition.<sup>21</sup>

**The Council of Europe Convention on Action against THB** 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 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.

All States 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>22</sup>, the right to be assisted in the physical, psychological and social recovery<sup>23</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>24</sup>, and the right to a residence permit, without prejudice to the right to seek and enjoy asylum<sup>25</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>26</sup>

17 ..... Article 6 and 7

18 ..... Article 6.4

19 ..... Article 10 et 11

20 ..... Article 5

21 ..... Article 3.c

22 ..... Article 10

23 ..... Article 12

24 ..... Article 13

25 ..... Article 14

26 ..... 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.

Adapt to the national context, legislation, practices.

← Advice for national focus

## 1.2 TRAINING AVAILABLE

Different training modules are available on human trafficking and are critical to improve the identification of victims and to provide adequate support and protection.

**A multidisciplinary approach of training adds extensive value to address the comprehensive issues related to human trafficking.** Moreover, taking training courses with different organizations and institutions provides an added-value in terms of perspective and long-term cooperation.

You will find below several helpful links and tools:

- [EASO Guidance on membership of a particular social group](#)
- [EASO ISPN tool \(identification of person with special needs\)](#)
- [EASO practical tools](#)
- [EASO's activities related to vulnerable groups](#)
- [Council of Europe - HELP Online Training Course on combating trafficking in human beings](#)
- [UNODC, Human Trafficking Knowledge Portal](#)
- [UNHCR, Principles and Guidelines on Human Rights and Human Trafficking](#)
- [The National Human Trafficking Hotline](#)
- [TRACKS toolbox](#)

Include and/or adapt to the national context.

← **Advice for national focus**

## 1.3 CHALLENGES RELATED TO VICTIM IDENTIFICATION

### 1.3.1 Formal and informal identification of a victim

**One of the main challenges of the anti-trafficking measure is the identification person as a victim. There are usually two stages of the identification procedure: formal and informal identification.**

**Formal identification** is performed by a designated competent authority, which may vary from one country to another, on the basis of reasonable grounds to believe that a person has been a victim of trafficking. Identification is key in the victim's protection as it entitles the person to a series of rights. According to Article 10.1 of the Council of Europe Convention on Action against Trafficking in Human Beings "each Party shall provide its competent authorities with persons who are trained and qualified in preventing and combating trafficking in human beings, in identifying and helping victims, including children, and shall ensure that the different authorities collaborate with each other as well as with relevant support organizations, so that victims

*can be identified in a procedure duly taking into account the special situation of women and child victims and, in appropriate cases, issued with residence permits under the conditions provided for in Article 14 of the present Convention".*

**Advice for national focus** →

Adapt to the national context and legal framework. European information can be included in a side box in the toolbox or included in annexes.

**Informal identification or detection** can be performed by a range of frontline organisations who observe signs or indicators of human trafficking and refers the presumed victim to the body performing formal identification. Self-identification can also occur when the victim recognizes himself/herself to be a victim of human trafficking, but this detection also remains informal.



### KEEP IN MIND: Differences between a residence permit and the international protection system

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). It is appropriate to inform the beneficiary of international protection about this and/or help him/her to take the necessary administrative steps.

**Advice for national focus** →

Adapt to the national context.

### 1.3.2 Indicators of human trafficking

Several tools and indicators have been developed to support practitioners and authorities to detect potential cases of human trafficking. Such indicators, without being exhaustive, can suggest that the person might be exploited and a victim of human trafficking.

Two tools can be used to facilitate this process:

- [The European Commission Guidelines for the Identification of Victims of Trafficking in Human Beings](#) highlights existing documents and projects on the identification of victims, and in particular those targeting consular services and border guards and thus encourages their systematic use by the respective officials.
- EASO has also developed the [ISPN tool](#), an online platform with indicators to assess persons with special needs in the asylum procedure, looking at among other issues, the special needs of trafficked persons.

- **The UN Office on Drugs and Crime's (UNODC) list** of trafficking indicators. While some of them are general ones, others are related to different forms of exploitation. It also includes specific indicators regarding children.

- **The International Organization for Migration's document** encompasses key trafficking indicators which should enable frontline actors to refer the victim to specialized services for formal identification; as well as common misconceptions about trafficking that should be avoided.

Add any existing national tools and/or lists, created by NGOs or national authorities.

#### ← Advice for national focus

According to EU law, victims of trafficking have the right to be formally identified and recognized as such even if they are already involved in the integration process. This right should be guaranteed even in cases where the victim refuses to cooperate with the authorities in the criminal proceedings. Being formally recognized as a victim of trafficking is for many victims part of the recovery process and can encourage them to reveal the true nature of their story. Victims should be informed of their right to be identified and protection as a victim of trafficking.



#### KEEP IN MIND: Cross-cutting categories among victims of trafficking

Practitioners should keep in mind the **important intersections between different exploitation and vulnerable situations**. This is not an exhaustive list and other special needs categories might be relevant to consider.

Victims of trafficking may have been also subjected to rape, other forms of violence, persons with gender-related special needs, accompanied and unaccompanied minors, pregnant persons, LGBTIQI, disabled persons. Persons with mental issues should also be taken into consideration because of the traumatic experience of human trafficking or due to previous incidents that happened in the country of origin.

Needs of victims will differ and they remain related to each personal situation depending on the victim's age, sex, gender identity, family situation, physical and/or psychological state, form of exploitation they have suffered, migration route and support provided during the asylum procedure.

Most of the data collected and research conducted related to victims of human trafficking in the international protection system, specifically the asylum procedure, mainly addresses women and girl victims of trafficking for sexual exploitation.

Add any national relevant information.

#### ← Advice for national focus

### 1.3.3 Identification of victims during the asylum procedure and the integration process

With regards to the international protection system, 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 of beneficiaries of international protection**. 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, as well as for 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<sup>27</sup> and the **Recast Procedures Directive** of June 2013.<sup>28</sup> 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. Another important tool of the CEAS to mention is the **Dublin Regulation**<sup>29</sup> which also foresees specific rules for victims of trafficking but only with regards to minors.<sup>30</sup> There are no specific provisions for adult victims of THB.

**This toolbox and the TRIPS project look further into the implementation of the Recast Qualification Directive** which stipulates in chapter 7 relating to 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".<sup>31</sup>*

Article 20(4) specifies that this provision

*shall apply only to persons found to have special needs after an individual evaluation of their situation".*

The specific needs of trafficked beneficiaries of international protection related to the integration process are addressed in this toolbox with a more detailed overview of how to identify these needs, how to address them and improve practitioners' practices in this regard.

**The TRIPS findings demonstrate that Article 20(4) on the individual evaluation of their 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 in the asylum seekers' special needs identification process, there is a high risk that victims of trafficking are not correctly identified during the asylum procedure. **The lack of a corrective system after the international protection granting is another lost opportunity to screen and provide tailored support to 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: *"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 persons again once the status of international protection has been granted"*. The recast Qualification Directive does not specifically require another assessment to be carried out once the protection status has been granted. Nevertheless, the report underlines that in order to ensure the obligation enshrined in Article 20(3),

27.....Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection

28.....Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection

29 .....Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person.

30 ..... Article 6(3)c : "In assessing the best interests of the child, Member States shall closely cooperate with each other and shall, in particular, take due account of the following factors: safety and security considerations, in particular where there is a risk of the minor being a victim of human trafficking".

31..... 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”.*

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 the absence of evaluation after the protection has been granted, 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 national level by the authorities. Another factor to take into account is the confidentiality of the data and the challenges to ensure adequate data sharing while respecting the private lives of the trafficked BIP.

The TRACKS project also demonstrated that the application of the Dublin procedure often decreased or delayed the chances of a trafficking victim being identified in the asylum procedure as the Member State where the application was launched would focus on transferring them to another Member State without looking into their specific needs.<sup>32</sup>

32..... More details in the TRACKS summary report.

Include the national framework to identify victims of trafficking during the asylum procedure and the integration process.

#### ← Advice for national focus

For more details on the report’s findings, you can consult the European comparative report and the national summary reports elaborated as part of the TRIPS project.

## 1.4 WHAT RESPONSE AND GUARANTEES FOR VICTIMS IN RELATION TO INTERNATIONAL PROTECTION?

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 of beneficiaries of international protection. 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 been also 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. Another important tool of the CEAS is the Dublin Regulation which also foresees specific rules for victims of trafficking but only with regard to minors.<sup>33</sup> There are no specific provisions for adult victims of THB.

The **Recast Qualification Directive** stipulates in chapter 7 relating to 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”.<sup>34</sup> 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”. **The Directive includes the following integration provisions for beneficiaries of international protection:**

- Access to information (Article 22).
- Maintaining family unity of the international protection beneficiaries. (Article 23). 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. It is, therefore, currently up to each Member State to lay down the rights related to family reunification for persons granted subsidiary protection.
- Access to residence permits as soon as possible after refugee or subsidiary protection status has been granted as well as to family members (Article 24).
- Travel documents (Article 25).
- Grant and facilitate access to employment immediately after protection has been granted “subject to rules generally applicable to the professional and the public service”. Access to vocational training must also be granted including training courses for upgrading skills, practical workplace experience and counselling services afforded by employment offices under equivalent conditions as for nationals (Article 26).
- Grant full access to the education system to all minors and all adults (Article 27)
- Ensure same treatment as nationals in the context of recognition procedures for foreign diplomas, certificates and other evidence of formal qualifications and ensure full access to schemes specifically focused on the assessment, validation, and accreditation of skills and competencies when documentary evidence of qualifications cannot be provided. Recognition of qualification and skills assessment (Article 28)
- Ensure provision of social assistance and access to social welfare (Article 29) including access to social security systems (Article 26.4)
- Access to healthcare including both physical and mental healthcare. Provision of treatment of mental disorders, when needed, to beneficiaries of international protection who have special needs such as pregnant women, disabled people, persons 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. (Article 30)

33..... Article 6(3)c : “In assessing the best interests of the child, Member States shall closely cooperate with each other and shall, in particular, take due account of the following factors: safety and security considerations, in particular where there is a risk of the minor being a victim of human trafficking”.

34 ..... Article 20 (3)

- Access to accommodation (Article 32)
- Freedom of movement within the Member States (Article 33)
- Access to integration facilities (Article 34)

Adapt to the national framework.

← **Advice for national focus**



**KEEP IN MIND:**  
**Obligations of assistance to victims of human trafficking**

Article 12 of the Council of Europe Convention on Action against Trafficking in Human Beings states that each Party shall adopt such legislative or other measures as may be necessary to assist victims in their physical, psychological and social recovery.

Such assistance shall include at least:

- standards of living capable of ensuring their subsistence, through such measures as: appropriate and secure accommodation, psychological and material assistance;
- access to emergency medical treatment;
- translation and interpretation services, when appropriate;
- counselling and information, in particular as regards their legal rights and the services available to them, in a language that they can understand;
- assistance to enable their rights and interests to be presented and considered at appropriate stages of criminal proceedings against offenders;
- access to education for children;
- the victim's safety and protection needs shall be taken into account;
- necessary medical or other assistance to victims lawfully resident within its territory who do not have adequate resources and need such help shall be provided;
- access to the labour market, to vocational training and education shall be authorized.

Refer to the [GRETA leaflets](#) on victims' rights and monitoring mechanism available in several languages.

Include the national framework.

← **Advice for national focus**

## IDENTIFY VICTIMS AND ADDRESS THEIR SPECIAL NEEDS IN THE INTEGRATION PROCESS



## 2.1 INTERVIEW GUIDANCE OF TRAFFICKED INTERNATIONAL PROTECTION BENEFICIARIES' SPECIAL NEEDS

### 2.1.1 Existing tools and training

You can refer to the following supporting tools and guidance for interviewing the victims and identifying their special needs in a safe environment.

- [UNODC's ethical and safety recommendations for interviewing trafficked women and children](#)
- [WHO ethical and safety recommendations for interviewing trafficked women, 2003](#)
- [Project "Time for needs: Listening, Healing, Protecting. A Joint Action for an Appropriate Assessment of Special Needs of Victims of Torture and Violence"](#)

Adapt to the national context.

← Advice for national focus

### 2.1.2 Best practice guidance when working with victims of trafficking

The following main principles provide global guidance which should be taken into account when conducting interviews with presumed victims of trafficking and can be included in the national toolbox. They are based on the interview methodology elaborated as part of the previous European project TRACKS by Forum réfugiés-Cosi and British Red Cross and re-used by the consortium during the TRIPS project, and on additional advice provided by experts and practitioners.

**The safety and privacy of the victims should be ensured for a range of safeguards.** Interview sites must be selected in consultation with victims. A private space should be privileged. If the interview is conducted in a public space, confidentiality constitutes a real challenge and interviewers should ensure that others are not able to overhear the conversation. If this cannot be guaranteed then the interview must be postponed or another location must be agreed with the victims. The layout of the room should also be appropriate and provide a safe environment, with tissues and water available to the victim. If possible, the applicant victim of trafficking should be able to face the exit; the room should have a window; chairs should be placed in a circle so that the people in the room are seated in a triangle, and there should not be a computer screen blocking the desk in the middle.

**If additional people participate in the interview, their respective role should be clearly explained to the victim.** Efforts will be made to consider the preferences of the victim concerning the gender of their interviewer although this cannot always be accommodated. When this isn't possible, the victim must be given notice of this, and they will be advised that they can withdraw from being interviewed as a result of this, if they so wish.

**The victim should be able to have an interpreter or a cultural mediator of the gender of their choosing. The interpreter must be committed to a confidentiality agreement.** Participation of an interpreter or a cultural mediator can be organized according to the victim's wishes. Interviewers should also be aware of the difficulty some people might have of disclosing their true situation in front of someone of the same nationality or ethnic group. In this regard, potential conflict with the cultural mediator should be taken into account (e.g. someone from the same country might be from a different, even hostile, ethnicity or religion from the victim). Therefore, the person should be asked what they prefer, before the interview takes place. At the beginning of the interview, make sure that the victim and the interpreter/cultural mediator understand each other. This would mean that they really speak/understand the same language, and also that they have a rapport of trust. If not, the interview should be stopped, the reason why they don't understand each other assessed and postponing the interview considered. It might be important to occasionally check if the interpreter/mediator are indeed impartial and open to the group of potential beneficiaries.

**The practice should be underpinned by internal regulations** e.g. a code of conduct and a complaints mechanism – if possible this should be explained to the beneficiary. Exchanges of practices between professionals should be considered in order to reinforce identification capacities and interview methodology.

### 2.1.3 Protect privacy and ensure safety

**It is ultimately up to the trafficked person to decide whether or not to discuss their personal situation and experience-related information.** Service providers may support individuals in the decision-making process, by providing information on the possible benefits and risks of disclosing the information, so that informed consent is obtained prior to publishing the data.

All information collected during the interview and given by the presumed victim has to be carefully stored and protected. It should be shared only with relevant stakeholders and with the consent of the person.

The presumed victim must be informed on the protective measures.

Advice for national focus →

Adapt to the national legal framework and context related to privacy protection and consent.

### 2.1.4 *Do no harm*: ensuring emotional and psychological well-being

**An interview can be traumatizing if it is not conducted in a positive and empowering manner.** Unless necessary, you should avoid asking direct questions about the violence suffered (recounting the violence might lead to reliving past trauma and therefore inhibit communication).

**In addition to the exploitation experience, it is important to recognise that elements of the asylum procedure and integration process themselves can be a source of trauma.** For example, having been held in detention, having been interviewed in a hostile manner, having experienced difficult relationships with the asylum/integration authorities, including at the appeal stage or having suffered abuse whilst in an asylum seeker/BIP accommodation can constitute topics causing anxiety and distress. There may also be victims who had suicidal thoughts and/or actions triggered by the asylum/integration process.

At the beginning of the interview, **a code word or a code movement** can be agreed between the interviewer and the victim for the latter to indicate when they do not feel comfortable anymore.

**A rest break during the interview should be offered to the victim when it is noticed that the situation is distressing.** You should be ready to stop the interview at any point – and be prepared with methods for stopping the interview and what to tell the person without them feeling like they have somehow ‘failed’ during the interview.

**Keep in mind that the person may not be aware that he/she is victim of trafficking.** It might therefore be ineffective or counterproductive to begin by addressing his/her situation by talking about “human trafficking” or using the word victim.

It is beneficial to end the interview on a positive and lighter note to achieve some level of comfort.

### 2.1.5 Equal participation and empowerment of the victim

**Ethical participation of trafficked persons includes treating them as equals, that is, as agents with power, rather than helpless victims.** They are the best positioned to know what their needs are/have been. Survivors of trafficking might manifest the effects of their former situation in the way they handle power relations. Therefore, one has to be careful to set the right power balance in the relationship with the victim. To achieve equal participation, the interviewer must seek a way to empower the victim, to give him/her a form of control over the process of the interview.

You will find below some advice:

- Make sure, at the beginning of any exchange, that you clearly explain the objective, the reason why the applicant is having such an interview, and what you want to achieve. Make sure they agree with it, and remind them of the confidentiality of the interview.

- Do not commit to things outside your remit or for which you don't have the means to achieve, even if based on your good intentions: a victim of trafficking has often experienced multiple instances of lies, false promises, deception, abuse of trust etc. Behaving like this, even if unintentional, might be prohibitive and impede or even sever any relationship of trust.

- Always ask the victim if they have understood what has been said or the information shared. Do not hesitate to repeat and always ask them if they have questions, comments or any concerns.

- At the end of the interview summarize what has been agreed and inform him/her on what will happen next, and who does what. Explain all the options and plan together any further steps.

- Inform the victim of their rights and of any procedures that apply to them.

### 2.1.6 How to react to an exploitation testimony?

If a presumed victim discloses that they have been trafficked or are currently being exploited, you can refer to the following guiding principles:

- Ensure to have a calm and sensitive reaction, listen carefully to the testimony, and acknowledge the situation.
- Consider the victim's current immediate, mid and long-term needs according to his/her individual situation.
- Assess the victim's current safety and whether they can access a safe place (with the victim's consent).
- Assess the victim's needs and how they would like to be supported (with the victim's consent).
- Assess if the victim needs immediate healthcare assistance and make a referral accordingly.
- Contact your line manager and/or the anti-trafficking manager to get support and guidance according to your internal procedure.
- If needed, refer to an organization specialized in anti-trafficking.

## INTERVIEW GUIDANCE - SUMMARY CHECKLIST

### Before the interview:

- Interview sites must be selected in consultation with victims.
- The layout of the room should also be appropriate and provide a safe environment.
- The interview should be carried out by somebody who has experience in interviewing vulnerable people. If not, the professional should refer to a human trafficking expert for guidance and advice.
- Efforts will be made to consider the victim's preferences in relation to the gender of their interviewer and eventual interpreter or cultural mediator.
- Respective roles of the participants in the interview should be clearly explained to the victim.

### At the beginning of the interview:

- Make sure that the victim and the interpreter/cultural mediator understand one another.
- The presumed victim must be informed on the protective and confidentiality measures.
- Clearly explain the objective of the interview, the reason why the applicant is having such an interview, and what you hope to achieve. Make sure they agree with it.
- A code word or a code movement can be agreed between the interviewer and the victim.
- A rest break during the interview should be offered to the victim when it is noticed that the situation is distressing.
- Unless necessary, avoid asking direct questions about the violence suffered.
- Keep in mind that the applicant may not be aware that he/she is a victim of trafficking.
- Do not commit to things outside your remit or for which you don't have the means to achieve.
- Always ask the victim if they have understood what has been said or the information shared.

### After the interview:

- End the interview on a positive and lighter note to achieve some level of comfort.
- At the end of the interview summarize what has been agreed and inform him/her on what will happen next, and who does what. Explain all the options and plan together any further steps.
- Inform the victim of their rights and of any procedures that apply to them.
- Refer them to other appropriate services if required.

## 2.2 IDENTIFICATION OF TRAFFICKED INTERNATIONAL PROTECTION BENEFICIARIES' SPECIAL NEEDS RELATED TO THE INTEGRATION PROCESS

The table below presents a classification of the needs of trafficked beneficiaries of international protection may have and that were identified during the research work.

There are examples of questions you could ask to help you understand crucial information from and about the beneficiary to identify and address his/her needs. **These questions are suggestions to help you structure initial intake interviews and further interviews. You can also choose to use these questions as a guidance to understand which information you should look for and are useful to identify victims' needs.**



### KEEP IN MIND:

#### Adopt an individualized approach

**The list is neither exhaustive nor compulsory.** You should adopt an individualized approach to the personal circumstances of the person and of the situation; and **ask the relevant questions if there are reasons to explore these issues with them, omitting certain but adding others.**

Over time, you will develop a stronger understanding of which questions are relevant and on which aspects you need more information. The situations in your context (e.g. patterns of trafficking) but also in the countries of origin are likely to change - this should be reflected in the questions you ask.

**When asking the questions, you should not only focus on the person as a victim of a crime, but try to understand their aspirations, assets, challenges...** in short everything which will influence how the person in front of you will be able to rebuild his/her life.

An interview with a trafficked person may often be more challenging than other interviews. The stress, exploitation, violence and possible trauma of the trafficking situation is likely to have left a mark on the person you are interviewing and the interview may bring back very painful memories - you might find incoherent statements or it may be difficult to see a clear chronological order in what you are being told. **Often a comprehensive look into the circumstances will be needed to understand more.** Relevant information may be communicated at unexpected points in the interview. And yet, a person who might be very confused in one interview might be crystal-clear in another interview.

In addition to an interview schedule with precise questions, ask open and more general questions ("how are you feeling?

“Is anything troubling you?” “Where do you see your future?”. When you begin working in the field, it is advisable to have a more experienced colleague assist you and give feedback. As the job of interviewing persons with trafficking experience is very professionally and psychologically challenging, it is important that you yourself have regular and reliable support (e.g. debriefing with team colleagues/specialists).

Adapt this section to your national context.

#### ← Advice for national focus

## CATEGORIES OF NEEDS

## SPECIAL NEEDS

## QUESTIONS TO ASK

### FROM THE ASYLUM PROCEDURE TO THE INTERNATIONAL PROTECTION STATUT

#### Early identification

- Have you been to the police? What happened?
- Have you been identified by authorities/police or by an NGO as a victim of human trafficking? If yes, why/when/in which circumstance(s)?
- Did you receive any support in this identification process?

#### Assistance and support provided during asylum procedure

- Who helps you/ has helped you in your integration process (NGO, local or national authorities...)?
- What are they doing/what kind of support/services have you been offered?
- Did they know you were a victim of trafficking? If yes, what did they do to help? If no, why didn't you tell them?
- If you were accompanied during the asylum procedure, has this help continued when you obtained the protection?
- Are you supported by the same people/associations?

#### Adequate and dignified reception conditions

- Where were you living when you obtained the international protection?
- Do you still live there now?
- From the beginning of the asylum procedure until now, have you been moved from one accommodation to another?
- From one area to another?
- Did you live with your traffickers? If yes, how did you escape?

### SOCIAL PROTECTION

#### Prompt issuance of documents

- Have you received your residence permit? If not, how long have you been waiting?
- Do you know why you have been waiting so long? Is there something we can fix/help with?
- Do you have problems accessing the social services/ /allowances?
- Are you supported in this process?

**CATEGORIES  
OF NEEDS**
**SPECIAL  
NEEDS**
**QUESTIONS  
TO ASK**
**Prompt access to  
social rights**

- Do you receive any financial assistance? If yes, from who?
- Is it enough? How do you manage to cover your basic needs?
- How long did you wait? What were the conditions?

**Access to social  
assistance  
and information  
provision**

- Have you received information on your rights to access social benefits, on administrative procedures?
- Have you received any support to access social benefits?
- If you're still waiting to access social benefits, do you know why? Is there something we can fix/help with?

**Being informed  
and supported  
about the family  
reunification  
procedure**

- Have you been informed about the family reunification procedure? If yes, are you supported in this procedure?
- If not, would you like to have more information and/or be supported?

**Access to family  
reunification**

- Have you started the process for family reunification? When did you start? How?
- What is the current state of the process?
- Are there some difficulties?
- What could help you concerning the family reunification process?

**DURABLE AND SAFE  
HOUSING**
**Access to durable  
housing**

- Where are you staying?
- Who are you staying with?
- Who do you live with?

**Access and  
conditions of safe  
housing**

- Do you feel safe in your accommodation? How do you feel about where you sleep/stay?
- Do you go out in the day?
- Do you have a key to the house/apartment?

**CATEGORIES  
OF NEEDS**
**SPECIAL  
NEEDS**
**QUESTIONS  
TO ASK**

- Do you like the city/region where you are?
- Have special measures been taken for you to be distanced from your trafficker? By who? How?
- Do you prefer to be housed with people you know? Or with strangers? Or with national citizens? Why? Why not?
- How is the atmosphere in your accommodation (peaceful/noisy; warm/cold etc.)?
- Has anyone already tried to visit you since you obtained your international protection? How did it go? What was it for? (clarify - whether the visitors were friends, were support workers/professionals or were people who posed a risk to the person)

**Benefitting from  
financial support to  
access housing**

- Do you need support to pay your rent/accommodation?
- Have you asked for support to pay your rent/accommodation?

**MEDICAL AND  
MENTAL HEALTH**
**Being informed  
to access medical  
care**

- How are you feeling?
- Do you have any health problems?
- Have you seen a doctor since arriving? If not, why? Would you like to see one now?
- If applicable: Have you seen a gynecologist since arriving?
- Have you been informed about your rights to access medical care?

**Benefitting from  
effective access to  
medical care**

- Are you currently receiving medical care? If yes, what kind?
- Do you have a general practitioner?
- Are you satisfied? Do you feel comfortable with him/her?
- Is any organization or local/national authority helping you in that field? If not, do you need any help?

## CATEGORIES OF NEEDS

## SPECIAL NEEDS

## QUESTIONS TO ASK

### Benefitting from mental health support

- How do you feel? What are your feelings right now?
- Do you sleep well?
- Do you have nightmares?
- Are you anxious? Worried?
- Would you like to talk about these issues with someone?
- Are you receiving psychological support? If yes, who provides for this support?
- How did you get it? If not, do you need any psychological support?
- Do you have issues to access psychological support? If yes, which one? Do you need support?

### Trustable community of reference

- Can you have friends round?
- Are there people working in the same place you live in?
- How are the meals? Do you cook for yourself/several people?
- If not, what is the food like? Do you normally eat well?
- How are you feeling here/in this country? How are you finding your way around the city?
- Would you like to participate in social, group activities?
- What kind of activities?

### Be provided choice in gender of medical professionals

- Could you speak openly about what has happened to you with/in the presence of a man/woman?
- Would you feel more at ease with a man/woman?

## EDUCATION AND EMPLOYMENT

### Overcoming the language barrier

- Were you able to learn the language of your host country?
- How did you learn?
- If not, what kind of difficulties you are facing in the learning process?
- Do you get support from organizations/authorities in that field? Do you need any?

## CATEGORIES OF NEEDS

## SPECIAL NEEDS

## QUESTIONS TO ASK

### Empowering and becoming independent

- Were you able to work during the asylum procedure?
- Did you receive any support from the national labour agency or other national institutions?
- Are they aware of your trafficking background, of your international protection status?
- Do you feel they took into account your situation and your needs?
- Are you currently employed? How did you find your job?
- Do you have a professional/ education project? What would you like to do?
- Are the benefits sufficient to feed and clothe you (particularly if the person has children)?
- Do you send money to your family? Do you manage to put money aside?
- If the question of trafficking is explicit: Do you have a debt to repay? How much? Do you know what the debt is for?
- Who do you have to repay it to? How much have you already paid?
- What would you like to do regarding education/training/ employment in the near future? What would you need particularly?

### Providing a safe working environment

- Have you been informed about workers' rights and the risk of labour abuses? How many hours per day do you work?
- Do you have an employment contract? Since when? Do you have payslips? How do you get paid (cash, bank transfer)? Have you received your benefits? No problems in payment?

### Accessing vocational training

- Have you received education/ training since you obtained the international protection? If yes, what is it?
- Did you get support to find it? By which organization? If no, why?

**CATEGORIES  
OF NEEDS**
**SPECIAL  
NEEDS**
**QUESTIONS  
TO ASK**

- Do you have a professional/education project? What would you like to do?
- Are there any difficulties that you would like to share in this field?

**Being provided  
childcare**

- If the person has children: Do you need childcare? When you go out to your appointments, does someone look after them? If yes, who?
- Do you need support to find childcare?
- How are you feeling about placing your child in a nursery?

**Accessing education  
opportunities**

- Have you been to school?
- What level of education did you reach?
- What is your profession?
- What would you like to do/learn?
- Where do you see your life going?
- What would you like to do?
- Would you like to study? Learn a profession?

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- What would you like to do?
- Would you like to study? Learn a profession?

**JUSTICE  
AND CRIMINAL  
PROCEDURE**
**Being informed  
of rights to justice  
and compensation**

- Did you start a penal procedure against your trafficker? How?
- Who helped you?
- Have you been given special rights/protection regarding this penal procedure?
- If not, would you like to pursue your trafficker?

**CATEGORIES  
OF NEEDS**
**SPECIAL  
NEEDS**
**QUESTIONS  
TO ASK**
**Being ensured of  
appropriate  
environment and  
support while filling  
a complaint**

- Do you understand the term “victim” and what that implies?
- Would you be prepared to file a complaint/report to the police to explain what has happened to you?
- Doing so is not compulsory and you won't be prosecuted for an offence if you do it.

**Being supported in  
the legal procedure**

- Would you like more information on the procedure?
- Do you need legal/social/psychological support in this procedure? Would you like us to help you to apply for this protection?
- If the victim has revealed facts of trafficking experience: Do you know that anyone who has hurt you can be punished for this? That you can access compensation? That you should not be punished if you were forced to commit crime?

## FOLLOW-UP AND REFERRAL

You have identified several special needs of a victim of trafficking and you would like to provide follow-up guidance and/or you would like to inform the relevant authorities and/or support organizations of the situation of that person but you are not sure how to proceed?

You will find below general advice and guidance that you may also include in the national toolboxes.

- Provide adequate training to practitioners according to their role in the integration process.
- Define the role of practitioners and the referral options with internal procedures to identify and refer the victim.
- Ensure psychological support to practitioners to ensure their well-being.
- Create partnerships with actors specialized in human trafficking and integration to improve daily cooperation.
- Develop training sessions based on cases, role-play, peer reviews to improve exchanges of practices and improve coordination.

### Advice for national focus →

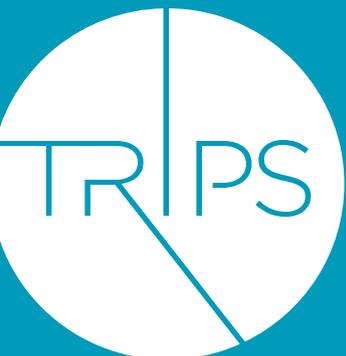
Include the national guidelines for referring victim to the appropriate service according the need(s) identified in part 2.

According to the national context, you can elaborate a mapping of the services available. We advise you to provide easy-to-use and practical guidance to facilitate the assimilation of the guidelines by the practitioners and frontline workers.

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*IDENTIFICATION OF TRAFFICKED  
INTERNATIONAL PROTECTION BENEFICIARIES'  
SPECIAL NEEDS*