



Trafficking along Migration Routes to Europe

Bridging the Gap between
Migration, Asylum and Anti-Trafficking

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Executive summary

The years 2015-2016 saw an unprecedented increase in the numbers of people travelling by sea and overland along the migration route to the European Union (EU), with almost one and a half million people irregularly entering EU countries.

This situation required frontline responders in these regions to be able to quickly identify and refer potential victims of trafficking in human beings (THB) among refugees, asylum applicants and migrants in an irregular situation. It also required the adoption of tailored protection and rehabilitation programmes for identified victims of trafficking among these people. This is particularly important for the protection of specific vulnerable groups, such as separated and unaccompanied children.

The TRAM research assessment aims to contribute to the establishment of a solid knowledge base on this crucially important issue. It examines the incidence of trafficking in human beings and risk factors for THB in the context of the Balkan route and in destination countries. It also looks at the gaps, needs and challenges that exist in the identification, referral, protection and rehabilitation of victims of trafficking.

The study found indications that trafficking and exploitation are a major cause of concern for migrants and refugees travelling along the Western Balkans route, yet the number of identified victims remains extremely low. The lack of statistical data is to a certain extent the result of a vicious circle, whereby if there is no evidence of trafficking cases among a certain group, the necessary resources are not mobilised to address THB and proactively identify cases, which in turn prevents the gathering of accurate statistics. The low number of identifications is also due to the lack of harmonisation and incorporation of anti-trafficking procedures into the first reception and asylum systems for new arrivals, leading to a disconnect between the two processes.

The research also highlighted that in the context of the Balkan route, trafficking is often related to the migrant smuggling process, with exploitation occurring due to people being in debt to smugglers, and due to smugglers requesting increasing amounts of money for their services. The complexity of differentiating between the two distinct phenomena of smuggling of migrants and trafficking in human beings, and of understanding the points of convergence, contributes to making identification and referral procedures more difficult. From a migration policy perspective, the study found that increasingly restrictive border control policies and the lack of legal alternatives for onward movement play into the hands of unscrupulous smugglers, who use this opportunity to also perpetrate trafficking and other forms of exploitation, taking advantage of the vulnerable situation of migrants and refugees.

In the area of protection and rehabilitation of identified victims, the assessment found that national anti-trafficking systems are still mostly geared towards responding to the needs of particular categories of victims – e.g., European or Sub-Saharan African adult women who are victims of sexual exploitation, or EU citizens who are victims

of labour exploitation – and are therefore struggling to respond to the specific needs of trafficking victims with different profiles, such as people who have travelled along the Balkan route to the EU. The research also highlighted that in the framework of existing protection and rehabilitation services for identified victims of trafficking, the legal status of trafficking victims is very often uncertain and remains linked to their cooperation in criminal proceedings. This situation discourages presumed victims from seeking redress and accessing much-needed long-term protection and rehabilitation services, while also hampering anti-trafficking criminal investigations.

A. Introduction and literature review

A.1 Introduction

During 2015 and 2016, almost one and a half million people irregularly entered EU countries. Most took the “Eastern Mediterranean Route”, transiting from or through Turkey to Greece, and then from there travelled along the “Western Balkan Route” to Germany, Sweden, Austria and other EU countries. Both in the countries along the route and at destination, national authorities and other frontline responders found themselves quickly overwhelmed by the sheer number of new arrivals. Border management, security, accommodation, provision of basic services and initiating asylum procedures became competing priorities, often in the context of a lack of sufficient human and financial resources.

Against this background, frontline responders also needed to be able to identify and refer potential trafficked people among migrants and refugees in transit and new arrivals. In order to do this, relevant frontline responders needed specific capacity and knowledge on trafficking in human beings (THB) affecting asylum applicants and migrants in an irregular situation, and knowledge on their vulnerability to THB, yet this remained limited. Furthermore, particularly in destination countries, effective programmes for the long-term protection and rehabilitation of trafficked people among asylum applicants and migrants are needed, but are still lacking in several EU countries. This is particularly problematic for specific vulnerable groups, such as separated and unaccompanied children.

In order to contribute to addressing these issues, the project “Trafficking along Migration Routes (TRAM): Identification and Integration of Victims of Trafficking among Vulnerable Groups and Unaccompanied Children”, funded by the European Union (Asylum, Migration and Integration Fund - AMIF) and co-funded by the Austrian Federal Ministry for Europe, Integration and Foreign Affairs, is being implemented by the International Centre for Migration Policy Development (ICMPD), in partnership with Terre des hommes (Tdh); the Council of the Baltic Sea States Secretariat (CBSS); the Greek National Centre for Social Solidarity (EKKA); the Bulgarian National Commission to Combat Trafficking in Human Beings (NCCTHB); and La Strada International (LSI).

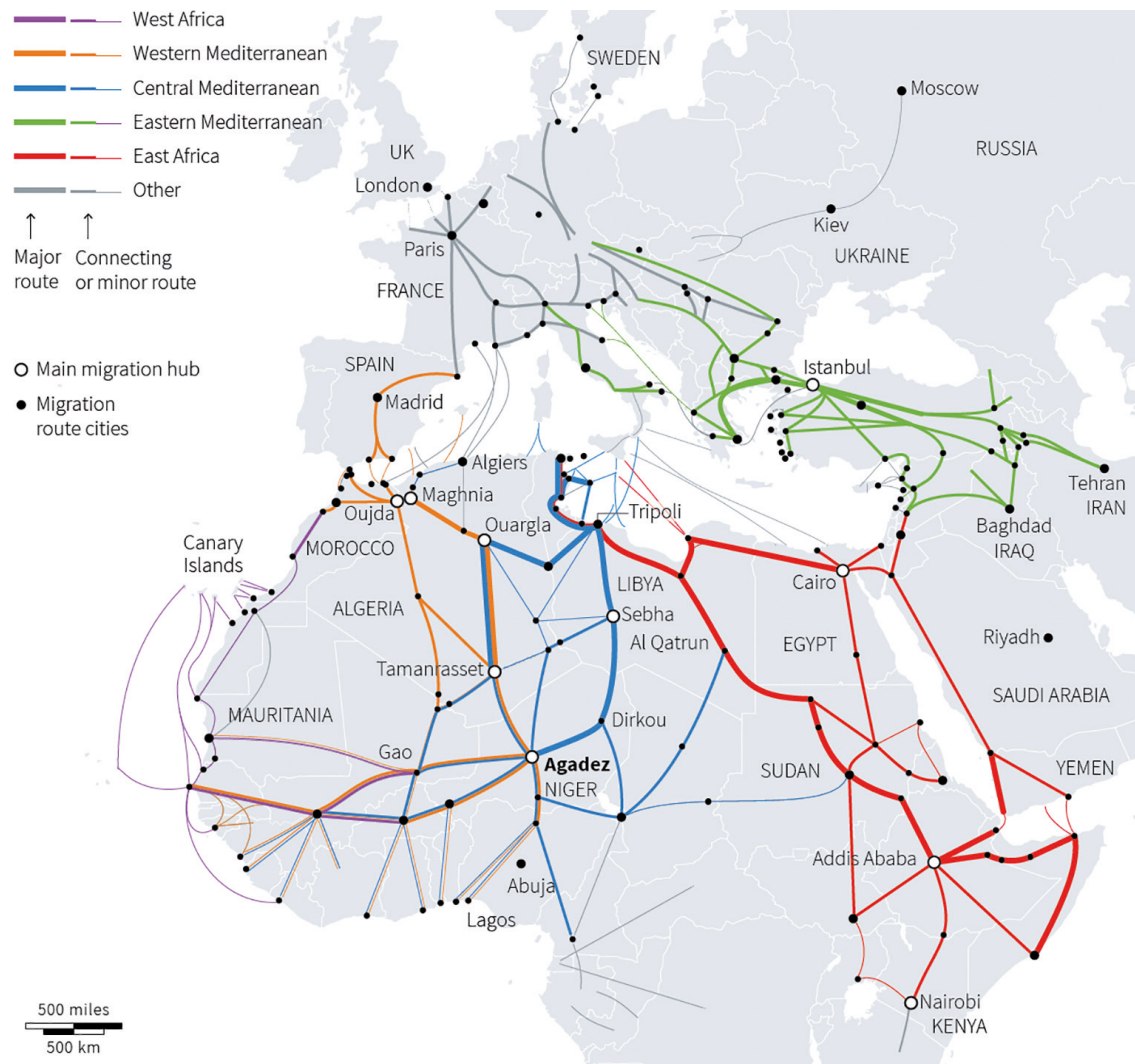


Figure 1: Main migration routes for irregular entry into the EU, 2015-2016

Source: Reuters Graphics (15.05.2014). Europe-Immigration/Niger Routes - Map showing migration routes from Africa to Europe. RTR3PB0F (SIN06).

1.1 Project objectives and research assessment

The main objective of the TRAM Project is to **support and enable the integration of victims of trafficking** among vulnerable migrants and refugees, including unaccompanied and separated children (UASC), by establishing a multidisciplinary and transnational approach for early identification, referral, service provision, protection and rehabilitation in the context of the current migration and asylum processes in transit and destination countries along the migration route, in particular Austria, Bulgaria, Finland, The former Yugoslav Republic of Macedonia, Germany, Greece, Serbia and Sweden.

The project is structured in **three Work Packages**:

Work Package 1: Enhancing the knowledge of migration, asylum and anti-trafficking stakeholders in the targeted countries by conducting an **assessment** (which will inform the activities of the other two Work Packages) on: a) the risk of exploitation and trafficking among vulnerable populations; b) gaps and needs analysis on stakeholder

capacity in intervention responses and related training needs; and c) analysis of the integration of trafficked people in destination countries;

Work Package 2: Strengthening the **capacity** of the relevant stakeholders and improving the exchange of experiences and good practices for early identification, referral, service provision and integration of trafficked people among migrants and refugees, by fostering innovative methods and activities, including the development of an e-learning module, two national trainings, and two webinars for practitioners in the participating countries and beyond;

Work Package 3: Enabling the integration of trafficked people in destination countries by developing local-level model strategic **plans for the integration** of victims of trafficking among vulnerable populations in selected destination countries (Germany, Finland and Sweden), as well as designing an integration road map targeting policy-makers.

This report presents and analyses the findings of the assessment under Work Package 1 on the three research topics in the eight countries covered by the research. The report also presents some selected practices in the field in the areas of identification and referral of trafficked people in this context (“In Focus”), policy-relevant conclusions, and action-orientated recommendations in relation to the three research areas:

- 1) Trafficking in human beings and risks of THB;
- 2) Identification and referral of victims of trafficking;
- 3) Protection and rehabilitation of trafficked people.

1.2 Research questions and methodology

This research assessment applied an interdisciplinary methodology, combining primary research in the field with secondary desk research and remote consultations, as well as analysing qualitative and quantitative sources.

The research questions that the assessment addressed are:

- What are the risks of exploitation and trafficking for vulnerable migrants and refugees along the ‘Balkan route,’ including unaccompanied and separated children?
- What are the gaps and training needs among frontline responders working along the route in identifying potential trafficking cases and responding appropriately?
- What are the gaps, needs and good practices in the protection and rehabilitation of trafficked people, including UASC?

This assessment applies the definition of “Trafficking in Human Beings” set out in Article 2 of the EU Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims. The research was carried out in the framework of the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016, particularly its first priority - *“Identifying, protecting and assisting victims of trafficking”* (European Commission, 2012b: 6) - and of the second priority of the European Commission’s Communication Reporting on the follow-up to the EU Strategy

towards the Eradication of Trafficking in Human Beings and identifying further concrete actions – *“Provide better access to and realise the rights for victims”* of THB (European Commission, 2017b: 4).

Desk-based research on relevant literature, reports, official documents and statistics was carried out in the countries under study, taking into account the relative reliability of different sources according to whether they were based on empirical research, official data, or other methods. This was then complemented by field research. Quantitative and qualitative data and information was obtained directly from national and local state authorities, international, national and local NGOs, researchers and other interlocutors identified as having relevant information. A higher number of potential informants were contacted than interviewed, as some of those contacted did not have relevant information or decided not to participate in the research, for lack of time or interest.

The direct involvement of, and consultation with, the population directly affected – i.e. children, women and men on the move along the Mediterranean and Balkan routes or in destination countries – was not envisaged as part of the field research, for a number of reasons. First, given the available timeframe and budgetary resources, it would not have been possible to ensure meaningful, safe and effective participation among the ultimate target groups, especially among children and young people. Secondly, it would have been difficult to select a sufficiently representative sample among migrants, asylum seekers and refugees, including presumed or identified trafficked people, in light of the high number of people concerned, and the mobile nature of this population. While this choice brings limitations to the assessment, it was not deemed to prevent the research from fulfilling its main objectives, though it should be taken as a caveat to the findings.

Due to the scope of the study and the resources available, neither the literature review nor the field research systematically reviewed and analysed the broad range of aspects relating to the protection of unaccompanied and separated children in general, and the gaps in protection (including identification as a separated child; care and placement; guardianship; best interests assessment and determination; return, resettlement or integration in the country of destination; etc.). Whilst these issues were to some extent covered by the assessment and are reflected in this report, they were reviewed only in the specific context of anti-trafficking prevention and protection measures. A systematic account of the overall protection measures available to UASC - as children temporarily or permanently deprived of parental care - is thus not provided in this report.

With the informed consent of participants, semi-structured interviews, according to a standard set of interview guidelines, were carried out in person, over the phone, on Skype and through email exchanges. A total of 159 interviews and meetings were conducted for this study, and are cited in what follows as [XXNN], whereby XX is the code of the country under study (Austria: AT; Bulgaria: BG; Finland: FI; The former Yugoslav Republic of Macedonia: MK; Germany: DE; Greece: EL; Serbia: RS; and Sweden: SE) and NN is the number of the interview. Interviewees were given the option of remaining completely anonymous; of being cited only with their organisation; or of being fully cited with their name, position and organisation. In every case, the wishes of the research

participants have been respected. These details, together with the interview codes as cited in this assessment, are included in Section H below.

Key informants and locations to be assessed in each country were sampled purposively. They were selected on the basis of their expertise on the topic of inquiry and/or their responsibility towards the affected populations. Locations to be assessed were selected on the basis of their strategic position in the country, for example, as key entry, transit or exit points, or accommodation facilities. Not all relevant stakeholders were interviewed, but the sample chosen was sufficiently representative to give an overview of the main issues covered in the research assessment.

There are obstacles to the collection and management of statistics in the countries covered by the assessment, particularly by various government bodies that face a lack of capacity, by bureaucratic complications and recent mass inflows, leading to delays and difficulties in acquiring information on a topic perceived as sensitive, and one which, at a global level, is usually under-reported. To address this limitation, available quantitative data were corroborated with primary qualitative field evidence facilitating the generation of more complete and up-to-date knowledge on trafficking in human beings and of the identification, referral, protection and rehabilitation procedures, than would have been possible through official statistics or set questionnaires. This did not exclude existing quantitative data, but rather treated it as a source that needed to be complemented with primary qualitative field evidence.

The country-level research findings, based on desk and field research for the eight countries, together with regional desk research, were compiled and analysed for this assessment. A draft report was completed in February 2018 and discussed and validated in March 2018 during a multi-stakeholder seminar by 60 participants from all eight countries covered by the research assessment. The participants included many of the stakeholders interviewed and other relevant anti-trafficking and migration actors.

The draft report was then finalised, taking into account the comments received during the validation seminar. Policy-relevant conclusions were drawn and action-orientated recommendations developed in relation to the three research areas: 1) trafficking and risks of THB in the countries under study; 2) gaps and needs in the identification and referral of victims of trafficking; 3) gaps, needs and good practices in the protection and rehabilitation of trafficked people.

Within the framework of the TRAM Project, the findings of the assessment will inform training materials, modules and activities for frontline workers in the countries covered by the assessment, with the aim of improving the capacity of frontline workers to appropriately identify and refer victims of trafficking. The findings on protection and rehabilitation services for trafficked people specifically will be discussed with policy-makers from selected countries in order to capitalise on existing good practices and reflect on and mitigate identified gaps and challenges. Furthermore, the assessment will be used to inform policy-making on anti-trafficking in the context of the Balkan route and in destination countries.

A note on terminology:

For the purposes of this assessment, all adults and children travelling along the Balkan route during the timeframe 2015-2017 are referred to as ‘**migrants**’, unless otherwise specified in the sources cited. The term ‘migrants’ is understood to include people on the move who are fleeing persecution in their countries of origin and those who have already applied for asylum in an EU country, as well as those who migrate for other reasons.

For the purposes of this assessment, “**frontline responders**” is used to describe anyone who may come into contact with presumed or potential trafficked persons, and would have the ability to assist or refer them. This might include: practitioners and specialists working at government agencies, anti-trafficking NGOs and international organisations, and others, such as shelter workers, case managers, psychologists, interpreters, intercultural mediators, lawyers, legal guardians for UASC, law enforcement officers and labour inspectors.

The study refers throughout to different aspects of the management of mixed migration flows, dividing them into three main areas: “**Migration**”, “**Asylum**” and “**Anti-Trafficking**”. By “**Migration**” we mean all procedures linked to border management and first reception of new arrivals, such as registration and identification procedures, vulnerability screening, accommodation and provision of basic services. By “**Asylum**” we mean all aspect linked to the lodging and examination of applications for international protection, including asylum interviews, the implementation of the concepts of “first country of asylum”, “safe country of origin” and “safe third country”¹, appeals and legal assistance and representation for asylum applicants. By “**Anti-Trafficking**” we mean all procedures linked to the identification and referral of potential and presumed victims of trafficking, as well as the provision of protection and rehabilitation services to identified victims. Since the research specifically examines anti-trafficking measures for non-EU nationals, issues linked to the granting of residence status to identified victims are particularly relevant.

In this report, “**potential victims**” is used to describe vulnerable people who may become victims of trafficking in human beings. “**Presumed victims**” is used to indicate people who show signs that they might have been trafficked and have been preliminarily identified by a frontline responder as people who could be victims of trafficking (ICMPD, 2009). “**Identified victims**” of trafficking are people who have been formally identified by the relevant government authorities as victims of trafficking. It is important to note, as recommended by the European Commission on the first EU Anti-Trafficking Day on 18 October 2007, that:

“A presumed trafficked person shall be considered and treated as a victim as soon as the competent authorities have an indication that she/he has been subject to the crime of trafficking. During the identification process the presumed trafficked person shall be treated as a victim and have access to assistance and support, regardless of whether

¹ See: 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 (recast), available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0032&from=en>, accessed 17.04.2018.

she/he is able or willing to testify. No expulsion order shall be enforced until the identification process has been completed by the competent authorities." (European Commission, 2007: 2).

In the context of this study, a **"child"** is understood as any person younger than 18 years, according to the 1989 UN Convention on the Rights of the Child. **"Youth"** are defined as people between the ages of 15 and 24 years.² **"Adolescence"** is defined as the period in human growth and development that occurs after childhood and before adulthood, from ages 10 to 19.³

"Unaccompanied children" (also referred to as unaccompanied minors) are children *"who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so"*. **"Separated children"** are children *"who have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members"*.⁴ The Separated Children in Europe programme defines separated children as all *"children under 18 years of age who are outside their country of origin and separated from both parents, or their legal/customary primary caregiver"*⁵.

The migration route through the Eastern Mediterranean and the Western Balkans is referred to throughout this assessment simply as the **"Balkan route"**.

A.2 Literature review

As set out above, in 2015, there was an unprecedented increase in the numbers of people travelling by sea and overland along migration routes to the EU. After March 2016, with intensified border controls adopted by several states along the Balkan route and the agreement between the EU and Turkey to adopt measures to reduce departures toward Greece, the number of migrants and refugees transiting dropped dramatically, though the migratory movement did not cease completely (Weber, 2017). Many migrants and refugees continued to move toward Northern and Western European countries, using the services of migrant smugglers, or found themselves stranded for shorter or longer periods in one or more countries along the journey to their intended destination. In such a situation, migrants are exposed to various risks, including exploitation and human trafficking.

The importance of the topic of trafficking and exploitation in the context of mixed migratory movements (see Box 1 below) has been acknowledged by several of the main

² UN standard definition, see: www.unesco.org/new/en/social-and-human-sciences/themes/youth/youth-definition/, accessed 14.03.2018.

³ WHO definition, see: www.who.int/maternal_child_adolescent/topics/adolescence/dev/en/, accessed 14.04.2018.

⁴ From: UN Committee on the Rights of the Child (1 September 2005). *General Comment No. 6: Treatment of Unaccompanied and Separated Children Outside their Country of Origin*, CRC/GC/2005/6, available at: www.refworld.org/docid/42dd174b4.html, accessed 05.03.2018.

⁵ See: www.separated-children-europe-programme.org/p/1/68/separated-children, accessed 05.03.2018. This definition – largely adopted by General Comment No. 6 of the UN Committee on the Rights of the Child – recognises that some children may appear 'accompanied,' but in practice the accompanying adult may be either unable or unsuitable to assume responsibility for their care.

anti-trafficking actors at European and global level. The Council of Europe Group of Experts on Trafficking (GRETA) dedicated a thematic section in its *5th General Report* to a number of issues related to the identification and protection of victims of trafficking among asylum seekers, refugees and migrants, with a particular focus on the Balkan route (GRETA, 2016). The thematic focus of the UN Office on Drugs and Crime (UNODC) *Global Report on Trafficking in Persons 2016* further investigated the relationship between human trafficking, migration and conflict, as well as migrants' and refugees' vulnerabilities to trafficking en route and at destination (UNODC, 2016).

The third *Issue Brief* of the Inter-Agency Coordination Group against Trafficking in Persons (ICAT) examined the challenges in identifying and providing international protection to victims of trafficking in the context of large movements of migrants and refugees (ICAT, 2017). In early 2018, the Office of the Special Representative and Co-ordinator for Combatting Trafficking in Human Beings of the Organization for Security and Co-operation in Europe (OSCE) published *From Reception to Recognition: Identifying and Protecting Human Trafficking Victims in Mixed Migration Flows*, focusing on the first identification of victims of trafficking in reception facilities for refugees and migrants in the OSCE Region (OSCE, 2017).

Box 1 Mixed migration

"The term 'mixed migration' came into use around the year 2000, as researchers and analysts recognised a blurring of, or continuum between, 'forced' and 'voluntary' migration. A range of factors contribute to mixed migration, including:

- *The links between poverty, economic dislocation, weak states, human rights abuse and conflict in countries of origin, which produce closely related causes of both forced and voluntary migration, with people moving for a combination of reasons that will often include persecution and violence, poor livelihood prospects and opportunities and personal circumstances.*
- *People's motivations change during the course of their journey, so that someone who may have started out as a 'voluntary' migrant may experience severe human rights abuse in a transit country, causing them to flee to another country to seek protection. This has been the case for many West African migrants detained in appalling conditions in Libya.*
- *As legal migration becomes more restricted, so both 'voluntary' and 'forced' migrants are driven to resort to agents and smugglers in order to cross borders, and so become intermingled".*

Source: Borton, J. and Collinson, S. (2017). Responses to mixed migration in Europe, Humanitarian Practice Network, p.4. Available at <https://odihpn.org/wp-content/uploads/2017/12/NP-81-web-file.pdf>, accessed 11.01.2018.

The particular vulnerability to trafficking and exploitation of children travelling as part of large migration flows, both accompanied and unaccompanied, has been recognised within the existing literature in general, as well as in relation to recent arrivals of refugees and migrants in Europe.

While acknowledging that many children, especially teenage children, display a high level of independence and decision-making capacity in undertaking long and dangerous migratory journeys, a report issued by IOM and UNICEF in 2017, entitled *Harrowing Journeys. Children and youth on the move across the Mediterranean Sea, at risk of trafficking and exploitation*, highlights the fact that children's and adolescents' capacities to take care of themselves and to make judgments about people and situations are still developing, a fact that places them at disadvantage – compared to adults – in assessing the different circumstances they may be confronted with along the journey, and the related risks. Their heightened exposure to abuse and exploitation persists even when a child turns 18 (commonly referred to as "ageing out"), *"and crosses the threshold into what most countries deem adulthood, [as] the needs, dependencies and vulnerabilities associated with childhood do not disappear"* (IOM & UNICEF, 2017: 22).

A study published by the European Commission in 2015 stated, with specific reference to UASC, that:

“The Syrian civil war and turmoil in the Middle East and parts of Africa are associated with a strong influx of unaccompanied children to especially Greece, Italy and Malta. Although these children might not be trafficked to Europe, unregulated status, lack of support structures and lack of financial resources render them at high risk of coming into contact with traffickers” (European Commission, 2015a: 8).

In the more recent proceedings of the Conference “Lost in Migration: Working together to protect children from disappearance” held in Malta on 26-27 January 2017, it was recognised that *“the cross-over between smuggling and trafficking represents a huge risk for all children”*, and that while they are outside the child protection system, children on the move in Europe *“may face situations of exploitation”* (Missing Children Europe, 2017: 13).

A recent report by the two United Nations (UN) Special Rapporteurs on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse materials, and on trafficking in persons, especially women and children, states that:

“in the absence of safe and regular migration channels, as well as permanent and accessible mechanisms for children and their families to access long-term regular migration status or residence permits, children are forced to search for precarious alternatives that increase their exposure to risks of sale, trafficking and other forms of exploitation” (UNGA, 2017: 8).

Concerning children in transit countries, the report stresses that the:

“threats faced by boys and girls do not end when they leave their home countries. As they travel onward, often paying their way through dangerous routes by using exploitative smuggling and trafficking networks, children are subject to further violence, abuse and exploitation”. The report further underlines that “by the time children arrive at their destination, they have acquired debts with exploiters who take away their documents and use threats or violence to subdue them into labour exploitation” (UNGA, 2017: 12).

The report also highlights that children who are unaccompanied or separated from their families are exposed to increased risks, both along the route and upon arrival in transit and destination countries.

However, despite the acknowledgement of the importance of trafficking and exploitation in the context of contemporary migration flows, information on forms of trafficking and exploitation along the Balkan route remains patchy and mostly anecdotal. The existing literature on the topic in the context of the Balkan route is limited to a small number of recent studies, mainly at country level. This section presents an overview of the existing literature on trafficking in human beings in the context of the Balkan route, according to different topics.

Incidence of exploitation in the context of the Balkan route

A report entitled *Vulnerability and Exploitation along the Balkans Route*, published by the Norwegian research centre FAFO in 2017, partially contributes to addressing

the information gap on the types of exploitation affecting people travelling along the Balkan route. On the basis of 32 potential cases of human trafficking collected by NGO staff and social workers in Serbia in 2015 and 2016, a number of forms of trafficking and exploitation were identified, including trafficking for sexual exploitation, trafficking for labour exploitation, trafficking for the removal of organs, trafficking for forced criminality and trafficking for forced marriage, as well as 'survival sex'⁶ (Brunovskis & Surtees, 2017).

Among the few other existing sources on trafficking along this route, in early 2016, the International Organization for Migration (IOM) published the findings of their *Human Trafficking and Exploitation Prevalence Indication Survey* on Croatia, Greece, Hungary, The former Yugoslav Republic of Macedonia, Serbia and Slovenia (IOM, 2016). 10% of 1,042 migrants interviewed answered 'yes' to at least one of five questions, intended to act as proxy indicators of trafficking and exploitation, with a further 1.2% responding that one or more indicators applied to a family member travelling with them. While these findings cannot be generalised to the entire population travelling along the Balkan route, the survey is an initial indication of the urgent need for in-depth research to allow for a comprehensive response (IOM, 2016).

A 2017 analysis published by IOM noted that children aged 14-17 travelling along the 'Eastern Mediterranean route' answered positively to at least one out of four questions related to trafficking and exploitation in 8% of cases. While this rate appears slightly lower compared to adults' answers (positive in 9% of cases), children comprised only 6% of the 2,560 interviewees in Bulgaria, Greece, Hungary, Serbia and The former Yugoslav Republic of Macedonia between mid-February and the end of May 2017 (IOM, 2017). Similarly, the abovementioned IOM and UNICEF report stated that, both in the case of UASC and of children travelling with families, "*a staggering proportion report experiences that suggest that they may have been trafficked or otherwise exploited*" (IOM & UNICEF, 2017: 11).

Vulnerabilities and risk factors

The FAFO report, as well as some other studies, also looked at the issue of trafficking and exploitation more broadly, investigating the risk factors and vulnerabilities that may render migrants travelling along the Balkan route more likely to be trafficked and exploited, which constitutes the first research question of this assessment.

The vulnerabilities experienced by people travelling along the Balkan route that were identified by FAFO include: lack of legal status; language barriers and inability to communicate with authorities along the route; lack of knowledge about rights and assistance; lack of resources; inadequacy or lack of humanitarian aid for some categories of migrants and refugees; risk of exploitation and abuse in work situations and threats to personal safety and exposure to violence and abuses within the family or community (Brunovskis & Surtees, 2017).

⁶ The authors of the report use the term 'survival sex' to refer to "*situations in which persons have been forced to sell sexual services to survive along the route (e.g. to pay for food and accommodation, to pay smugglers for the onward journey)*". They further clarify that, "[i]n some cases, 'survival sex' may constitute human trafficking – e.g. situations in which migrants/refugees were forcibly required by traffickers to provide sexual services" (Brunovskis & Surtees, 2017: 12-13).

The Mixed Migration Platform (MMP) report *Life in Limbo* also used the case of Serbia to explore the effects of “closed-border policies” on the vulnerability, needs and intentions of migrants travelling along the Balkan route, further illustrating how increasingly restrictive migration policies can affect people’s vulnerability to trafficking and exploitation. Focusing on stranded migrants, defined as people “*unwilling to stay where they are, yet with limited options to continue their journeys*”, the report illustrates how they were unable to continue their journey legally, exposing migrants to a rapid process of disempowerment which leaves them extremely vulnerable to trafficking and exploitation (MMP, 2017: 4).

The link between restrictive migration policies and migrants’ vulnerability to trafficking and exploitation has also been pointed out by other sources. The UNODC *Global Report on Trafficking in Persons 2016* notes that many trafficking cases “*start with people eager to migrate but with no other option than to rely on someone who they believe will facilitate their irregular migration into a better life*” (UNODC, 2016: 60). In particular, the Global Report notes that the lack of regular migration and family reunification channels leaves no other option for people fleeing conflict and persecution but to make “*dangerous migration decisions*”, often exposing them to the risk of being trafficked and exploited en route or in destination countries.

The OSCE report *From Reception to Recognition: Identifying and Protecting Human Trafficking Victims in Mixed Migration Flows*, on the basis of several visits conducted in “hotspots” in Italy and Greece,⁷ notes that identification procedures in hotspots are often undertaken by law enforcement officers, “*whose primary task is to differentiate between those in need of protection and those who should be returned to their countries of origin*”. The study argues that, as a result, “*no presumed victims of trafficking are identified at this stage, nor can they realistically be identified*” (OSCE, 2017: 34).

Weatherburn *et al.*, in their study on the impact of future socio-economic, political and criminal trends on human trafficking in the EU, carried out in the framework of the EU-funded project TRACE coordinated by Trilateral Research,⁸ argue that: “*there is a clear relationship between current and future trends in restrictive migration policies and THB. Restrictive measures fail to limit and prevent illegal migration and result, instead, in more people seeking irregular migration routes to enter and stay in a chosen destination country. This in turn can fuel demand for the services of traffickers*” (Weatherburn *et al.*, 2015: 43).

With specific reference to the vulnerability of children and young people to trafficking and exploitation, the IOM & UNICEF report recognises that “*many factors play into the likelihood that an individual migrant or refugee will fall prey to trafficking or exploitation*” (IOM & UNICEF, 2017: 16). However, according to this study, some specific factors render children and youth more acutely vulnerable to trafficking and exploitation, including: travelling alone; having a lower level of education; and how long they travel (the longer the journey, the more likely they are to suffer exploitation). Moreover, the report states that racism and xenophobia underpin some of the abuse

⁷ Other migration reception centres in Turkey, Bulgaria and Serbia were also visited in the framework of the OSCE study. On “hotspots,” see section B.2 below.

⁸ See: https://ec.europa.eu/anti-trafficking/eu-projects-and-funding/trafficking-criminal-enterprise-trace_en, accessed 05.03.2018.

that children and young people on the move face along their journey, and that the likelihood of being exploited depends also on their region of origin. Finally, the report concludes that *“the lack of safe and regular migration pathways heightens the risk of trafficking and exploitation for adolescents and young people on the move”* (IOM & UNICEF, 2017: 45).

A report published by the FXB Centre for Health and Human Rights and Harvard University, focusing on sexual exploitation and abuse of migrant children in Greece, identified specific risk factors increasing migrant children’s vulnerability to such exploitation. These include: severely limited capacity of care and accommodation (despite the considerable efforts of the State and other stakeholders); risky living conditions and failure to provide basic assistance; and delays in the asylum and relocation process. While an apparent correlation between all these variables and the occurrence of trafficking and exploitation can be deduced from the above-mentioned studies, there is a need for a more in-depth understanding of the complex interplay between risk (and conversely, resilience) factors for trafficking of children along the Balkan route (FXB Centre for Health and Human Rights & Harvard University, 2017).

As we will see below in Section D, this assessment also found similar risks and vulnerabilities to THB in the countries covered by the research to those identified by the literature reviewed here.

Challenges to the identification of trafficking, exploitation and vulnerability

Identification and referral of trafficked people is essential, in order to allow people to access their right to be protected as victims of trafficking, and these procedures are the focus of the second research question of this assessment, as set out above. As pointed out in the recent European Commission Communication of 4 December 2017, on the follow-up to the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016:

“identifying victims efficiently and at an early stage is the first step towards making sure they are treated as ‘rights holders’, have access to their rights and can exercise them effectively, which includes receiving appropriate assistance and protection” (European Commission, 2017b: 5).

Secondly, victim identification is also the very first step toward a better understanding and effective prosecution of human trafficking, as highlighted in the OSCE report:

“Victim identification is crucial to the successful investigation of trafficking in human beings. It is increasingly recognized that if victim identification procedures are not in place or do not reach the target group, the crime of human trafficking will not be documented or prosecuted” (OSCE, 2017: 16).

Given the various risk factors identified along the route and in destination countries, which are compounded by increasingly restrictive migration policies, the very low recorded number of identified cases of trafficking and exploitation among migrants using the Balkan route suggests that the identification and referral of presumed trafficking victims is problematic. Indeed, the 5th GRETA General Report found widespread gaps

in the identification and referral of victims of trafficking among asylum applicants, refugees and migrants (GRETA, 2016). In their reports on Serbia and The former Yugoslav Republic of Macedonia, for instance, while observing a dramatic increase in the number of asylum applications, GRETA experts noted that *“the Asylum Office lacked capacity to process these asylum applications and to detect possible victims of trafficking among asylum seekers”* (GRETA, 2016: 34).

Also the FAFO report concludes that the identification and referral of victims of trafficking travelling along the Balkan route since 2015 has proved challenging for frontline workers and authorities. The study argues that these challenges are linked to practical, institutional and personal obstacles to identification, such as lack of a common language, lack of trust, cultural barriers, settings that are not conducive to information sharing, fear of retaliation from traffickers and resistance to available assistance options. Both the FAFO and OSCE reports point out that challenges in the identification of trafficking victims are linked to standard operating procedures and trafficking indicators that may not be adapted to respond to the risk factors that have emerged in the asylum and migration context since 2015, or may not be used at all in the asylum and migration context (Brunovskis & Surtees, 2017; OSCE, 2017).

In addition, the Council of Europe’s (CoE) *Thematic Report on migrant and refugee children*, published in March 2017 by the Special Representative of the Secretary General on Migration and Refugees, noted that *“child trafficking is a concern on the migrant route to and through countries”*, and that the procedures in place *“do not always guarantee the effective identification of trafficking victims”* (CoE, 2017: 5). Reiterating that *“children, especially those who are unaccompanied, are ever more exposed to the risks of exploitation and child trafficking”*, in its Communication on the protection of children in migration, the European Commission indicates that *“necessary referrals to national child protection systems and/or anti-trafficking referral mechanisms are not always implemented, or not implemented promptly”* in the EU (European Commission, 2017a: 6).

Against this background, the OSCE report notes that more efforts are needed for an *“integrated approach to all anti-trafficking intervention”* and *“a coherent national strategy with a clear division of roles and responsibilities of competent stakeholders”*, crucially important in the context of mixed migration flows (OSCE, 2017: 34).

Among the few existing analyses of trafficking in destination countries in the context of the mixed migration flows via the Balkan route, a 2017 Policy Paper by the German NGO Network against Trafficking in Human Beings (K.O.K. e.V.), *Flucht & Menschenhandel – Betroffene erkennen, unterstützen, schützen (Refugees and Human Trafficking: Identifying, supporting and protecting those affected)*, provides a first important overview of the challenges to the identification of victims in destination countries in the EU.

Firstly, the Paper notes that in Germany very few victims of human trafficking have been identified among migrants who have travelled along the Balkan route since 2015. According to K.O.K., this could be caused by structural deficiencies in the identification and referral mechanisms for victims of trafficking in Germany, including the lack of

information on THB among newly-arrived migrants and presumed victims of trafficking, and the limited number of counselling centres for people vulnerable to trafficking and exploitation. Finally, the Policy Paper notes that asylum procedures are increasingly fast-tracked, leaving little time for identification, which can lead to trafficking victims going undetected. This particularly affects asylum applicants from designated “safe countries”, for whom current asylum procedures are even shorter (K.O.K., 2017).

Conflation and overlap between human trafficking and migrant smuggling

A final, cross-cutting issue that emerges from the existing literature on trafficking along migration routes is the confusion that exists in policy circles and in the media, as well as among frontline workers, between human trafficking and exploitation, on the one hand, and migrant smuggling, on the other.

The GRETA report notes that “*media coverage of the refugee and migrant crisis has used the terms “trafficking” and “smuggling” interchangeably*” (GRETA, 2016: 33). As pointed out by several authors, both in relation to the current migration context in the EU, and in general, this conflation is problematic and can jeopardise the proper identification and assistance of victims of trafficking, as government authorities may focus on the identification of smuggling offences at the expense of the identification and protection of victims of trafficking (Brunovskis & Surtees, 2017; Mircheva & Rajkovchevski, 2017; OSCE, 2017; Optimity Advisors, ICMPD & ECRE, 2015; Triandafyllidou & Maroukis, 2012).

Nevertheless, and while acknowledging the importance of the distinctions between the two phenomena, in practice the boundaries between smuggling and trafficking are often blurred. Dinan, for instance, writing a decade ago, pointed out that “*the two criminal industries are also, to large extent, influenced by the same political and socio-economic factors*” (Dinan, 2008: 70). This means that where smuggling occurs, it is very likely that human trafficking may occur as well. Furthermore, smuggling can lead to trafficking, especially when there are circumstances facilitating this process (Triandafyllidou & Maroukis, 2012; Optimity Advisors, ICMPD & ECRE, 2015; ICMPD, 2015; Vertella, 2017).

According to Triandafyllidou and Maroukis, there are three ways in which smuggled migrants can become victims of trafficking and exploitation:

1. migrants are trafficked and exploited in destination countries, as they are obliged to repay the price of their trip;
2. migrants are trafficked for the purpose of sexual exploitation, forced labour or drug smuggling in transit, often by smugglers who became traffickers when restrictions made the border crossing more difficult; or
3. the need of migrants in transit, and particularly stranded migrants, to find ways to cover their basic needs and finance their onward journey may make them vulnerable to trafficking and exploitation, as migrants may chose voluntarily to work and only later realise that they are being exploited (Triandafyllidou & Maroukis, 2012).

Similarly, ICMPD’s study on trafficking in the context of the Syrian war and refugee

situation, published in late 2015, also identified an overlap between trafficking and smuggling in the region under study, and alerted to the use of migrant smugglers by refugees as a risk factor for human trafficking. The study noted that:

“the need to pay substantial sums of money - and possibly become indebted - to facilitators of internal movement and migrant smugglers in order to move further afield is causing people to resort to risky methods of obtaining that money, rendering them vulnerable to trafficking. For those who leave the countries under study in order to seek asylum in an EU country, there is no safe and regular method of travelling. [...] One major risk is that a situation of internal movement facilitation or migrant smuggling can develop into one of trafficking in persons” (ICMPD, 2015: 210).

In the context of the Balkan route, the above-mentioned TRACE report considers that there is *“a clear connection between smuggling of migrants and trafficking in persons, where the increase of the number of smuggled migrants in the context of restrictive EU migration policy also increases the size of the population vulnerable to trafficking”* (Weatherburn *et al.*, 2015: 7). Yet a more in-depth study of how smuggling and trafficking along the Balkan route are interconnected, and how responses along the route and in destination countries are shaped by a blurry understanding of these two distinct, albeit interlinked concepts, is currently lacking. As set out in Section D below, this interconnection also emerged as a key finding in this assessment.

Protection and rehabilitation of victims of trafficking

When it comes to the protection and rehabilitation of victims of trafficking among people who used the Balkan route - the third research question of this assessment - no relevant literature could be identified in the countries covered. This is likely due to the very low number of victims of trafficking formally identified in these countries and the ensuing knowledge gap on the topic (for more information on the current state of knowledge on trafficking as it affects migrants and asylum applicants in the countries covered, please see Section F below).

Finally, while a wide range of reports and other documents are available at national, European and international level concerning the protection of children on the move - particularly UASC - and the related gaps, these sources are not accounted for in this report, due to the specific focus on trafficking. However, it is worth mentioning, as recently noted by the UN Office of the High Commissioner for Human Rights (OHCHR), that the inadequacy of responses to ensure their protection at Europe’s borders *“have a particularly harmful impact on the human rights of migrant children [and] exacerbate their situation of vulnerability and increase the risk of exploitation and abuse”* (OHCHR, 2017: 34).

TRAM research assessment

The TRAM research assessment, which examines the incidence of trafficking in human beings and risk factors for trafficking in the context of the Balkan route and in destination countries, as well as analysing the gaps, needs, challenges and good practices in the identification, referral, protection and rehabilitation of victims of trafficking, aims to contribute to this emerging literature.

B. Regional and national migration context

B.1 Asylum and irregular migration in Europe, 2015-2017

The most important migration routes for irregular entry into the EU in 2015-2017 were:

- (a) the Eastern Mediterranean Route (Turkey to Greece and Turkey to Bulgaria), followed by the Western Balkans Route (Greece to The former Yugoslav Republic of Macedonia; Serbia to Croatia; and Serbia to Hungary); and
- (b) the Central Mediterranean Route (by sea to Italy).

As transit and destination countries for people seeking asylum and people migrating irregularly, several EU and Western Balkans countries experienced significant increases in the numbers of non-EU citizens crossing their sea and land borders in 2015. That year, the European Border and Coast Guard Agency (Frontex) detected over 885,000 people entering the EU irregularly along the Eastern Mediterranean Route, mostly from Turkey to the Greek islands of Lesbos, Chios, Samos, Leros and Kos. 90% of these people self-identified as Syrian, Afghani or Iraqi (Frontex, 2016). Most subsequently crossed the border between Greece and The former Yugoslav Republic of Macedonia and carried on along the Western Balkans Route to Western and Northern Europe.

IOM recorded an overall total of 384,527 people irregularly arriving by sea and land in Europe during 2016, as compared to 1,046,599 during 2015. According to a joint report released by UNHCR, UNICEF and IOM, during 2016, a total of over 100,000 children entered Europe via the Mediterranean and Western Balkans routes, of whom 33,800 (34%) were separated or unaccompanied. In all countries of arrival, the proportion of boys compared to girls was higher (among both accompanied children and UASC) (UNHCR, UNICEF & IOM, 2017).

The countries involved in the TRAM project are among the key transit countries, countries of first arrival in the EU and destination countries for people travelling along the overland migration route to and through the EU - countries where there is an urgent need to improve the anti-trafficking response in this context. Many of the countries covered are principally transit countries, although the denial of entry, fencing off and/or increased patrolling of borders in 2015-2017 left many people concentrated in specific areas in certain transit countries, such as Greece, The former Yugoslav Republic of Macedonia and Serbia, making them de facto destination countries.

The total number of stranded migrants in Greece as of 31 January 2018 was 54,225, with an additional 6,008 people stranded in Bulgaria, Croatia, The former Yugoslav Republic of Macedonia, Hungary, Serbia and Slovenia.⁹ According to UNICEF, as of early 2018, an estimated 21,500 children were stranded in Bulgaria, Greece, The former Yugoslav Republic of Macedonia, Serbia, Croatia and Slovenia (UNICEF, 2018).

The number of asylum applications lodged also reflects the increase and subsequent decrease in the numbers of people arriving during this period. According to Eurostat's database, 1,322,825 first-time asylum applications were lodged in EU Member States

⁹ <http://migration.iom.int/europe/>, accessed 02.02.2018.

in 2015, as compared to 626,960 in 2014. Also due to a significant backlog, 1,260,910 applications were lodged in 2016, with a substantial decrease during the first three quarters of 2017 to 479,615.¹⁰

According to Eurostat data, in 2015 a total of 96,500 asylum seekers registered in EU Member States were identified as ‘unaccompanied minors’:

*“While their number always stood between 11 000 and 13 000 in the EU over the period 2008-2013, it almost doubled in 2014 to reach slightly more than 23 000 persons, then nearly quadrupled in 2015”.*¹¹

In 2016, the overall number of ‘unaccompanied minors’ who applied for international protection in the EU fell to 63,300, one third less than the previous year, but still about five times higher than the annual average during the period 2008-2013.

According to the EU’s Fifteenth Report on Relocation and Resettlement, issued on 6 September 2017, a total of 27,700 people had been relocated by that date from Greece and Italy to other EU Member States, comprising 19,244 from Greece and 8,451 from Italy. Of these, a total of 10,273 people were relocated to Germany, 3,046 to Sweden, and 1,981 to Finland. 60 people were relocated to Bulgaria, and a total of 29 people were relocated from Italy to Austria. A further 2,800 people were still awaiting relocation from Greece. According to the above-mentioned report, as of 31 August 2017, a total of 420 ‘unaccompanied minors’ - out of the total 586 eligible - had been relocated from Greece, whilst 31 had been relocated from Italy (with one more case accepted, 59 more cases for which requests were sent to other EU Member States, and more than 80 additional cases ready for submission).¹²

By September 2017, a further 17,305 people had been resettled from Turkey, Jordan and Lebanon to 22 EU countries, including Germany, Austria, Finland and Sweden, a figure that includes 8,834 Syrians resettled from Turkey under the “1:1 scheme” of the EU-Turkey Statement.¹³ On the other hand, within the scope of the EU-Turkey Statement, 1,969 people were returned from Greece to Turkey,¹⁴ while as of 31 March 2017 a total of 59 children, all accompanied, had been returned to Turkey under the scheme.¹⁵

¹⁰ All data from Eurostat asylum database: http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyappctza&lang=en and http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyappctzm&lang=en, accessed 02.02.2018.

¹¹ Eurostat (2 May 2016). Press Release: Asylum applicants considered to be unaccompanied minors. <http://ec.europa.eu/eurostat/documents/2995521/7244677/3-02052016-AP-EN.pdf/19cfd8d1-330b-4080-8ff3-72ac7b7b67f6>, accessed 02.02.2018.

¹² European Commission (6 September 2017). *Fifteenth report on relocation and resettlement*. COM(2017) 465 final. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170906_fifteenth_report_on_relocation_and_resettlement_en.pdf, accessed 02.02.2018.

¹³ *Ibid.* The report does not include age-disaggregated data concerning resettlement.

¹⁴ European Commission (15 November 2017). *Progress report on the European Agenda on Migration*. SWD(2017) 372 final} COM(2017) 669 final. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20171114_progress_report_on_the_european_agenda_on_migration_en.pdf, accessed 02.02.2018.

¹⁵ UNICEF (18 April 2017). Refugee and migrant children in Greece (as of 31 March 2017). Available at: <http://data2.unhcr.org/en/documents/download/56000>, accessed 03.02.2018.

Some of these people who are relocated or resettled to the countries involved in the TRAM project may also have been trafficked or exploited, or may be especially vulnerable to trafficking. This circumstance also affects UASC, due to the lack of comprehensive procedures to determine their best interests in order to identify a durable solution for each individual child,¹⁶ including appropriate follow-up upon and after arrival in the destination country, in order to ensure that these children have not already been trafficked and that their vulnerability to trafficking is reduced.

B.2 Migration policies

The EU is working on the development of a common migration policy, aiming to: ensure the efficient management of migration flows; define the rights of third-country nationals legally residing in Member States; and prevent and fight against irregular immigration and trafficking in human beings. In this context, the EU has adopted legislative and operational measures in the field of regular migration, as well as in the area of irregular migration and return. On legal migration, EU legislation sets out the conditions governing entry into and legal residence in a Member State, and the rights of third-country nationals legally residing in a Member State.

The EU Agenda on Migration, adopted in May 2015, is the key framework document on developing a comprehensive response to migration in the EU. It defines immediate measures and adopts a strategic approach aiming to better manage migration, by creating a common asylum policy, establishing a new policy on legal migration and reducing incentives for irregular migration, and prioritising “*the fight against migrant smuggling*”. The immediate action set out in the Agenda covers: saving lives at sea; targeting criminal smuggling networks; relocation; resettlement; partnership with third countries; and “*hotspots and emergency funding for frontline Member States*”. The four pillars of its strategic approach are: reducing incentives for irregular migration (including the “*fight against smugglers and traffickers*”); border management – “*saving lives and securing external borders*”; a strong Common Asylum Policy; and a new policy on legal migration.¹⁷ According to the **Progress Report on the Agenda**, issued by the European Commission in November 2017, 11,698 people were returned during 2017 (up to 15 October) with the assistance of Frontex.¹⁸

In addition, the setting up of reception and identification centres in key areas of arrival (the “hotspot approach”) was proposed by the EU to provide operational support to Member States at EU external borders who were receiving disproportionately high numbers of people. At these “hotspots”, the European Asylum Support Office (EASO)

¹⁶ UNHCR (July 2017). *The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe*. Available at: www.refworld.org/docid/59633afc4.html, accessed 02.02.2018.

¹⁷ European Commission (13 May 2015). *A European Agenda on Migration*. COM (2015) 240 final. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf, accessed 02.02.2018.

¹⁸ European Commission (15 November 2017). *Progress report on the European Agenda on Migration*. SWD(2017) 372 final} COM (2017) 669 final. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20171114_progress_report_on_the_european_agenda_on_migration_en.pdf, accessed 02.02.2018.

assists with the registration of asylum applications, preparation of files and relocation of applicants. Frontex supports national authorities in identification, registration, fingerprinting and document checks. It also supports the return of migrants who are not considered to be in need of protection. The European Police Office (Europol) and the EU Judicial Cooperation Unit (Eurojust) assist with investigations to dismantle migrant smuggling and other organized crimes.

The hotspot approach is currently being implemented at 10 operational hotspots in Lampedusa (temporarily closed at the time of writing), Pozzallo, Taranto, Trapani and Messina in Italy (with a total capacity of 2,000) and Lesvos, Chios, Samos, Leros and Kos in Greece (with a total capacity of 5,450).¹⁹ It should be noted that the implementation of the hotspot approach remains primarily a responsibility of individual EU Member States, since this is not a fully-fledged EU instrument.

Linked to this approach, the temporary intra-EU emergency relocation scheme was approved in September 2015, with EU Member States committing to relocate 160,000 people “*in clear need of international protection*” from Italy and Greece by September 2017.

The EU-Turkey Statement was issued on 18 March 2016, with the preface:

“In order to break the business model of the smugglers and to offer migrants an alternative to putting their lives at risk, the EU and Turkey today decided to end the irregular migration from Turkey to the EU”.

Among the relevant measures set out in the Statement are the following:

- All new irregular migrants crossing from Turkey into Greek islands are to be returned to Turkey.
- For every Syrian returned to Turkey from Greek islands, another Syrian will be resettled from Turkey to the EU (“1:1”).
- Turkey to take any necessary measures to prevent new sea or land routes for illegal migration opening from Turkey to the EU.
- Once irregular crossings between Turkey and the EU are ending or at least have been substantially and sustainably reduced, a Voluntary Humanitarian Admission Scheme will be activated.²⁰

Another of the priorities identified by the EU Agenda on Migration is the “*the fight against migrant smuggling, to prevent the exploitation of migrants by criminal networks and reduce incentives to irregular migration*”. The key legal documents on migrant smuggling in the EU are the **2002 Directive on common definition of offence of facilitation of unauthorised entry, transit and residence** and the **2002 Framework Decision on penal framework to prevent the facilitation of unauthorised entry, transit**

¹⁹ Updated as of 18.12.2017. See: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_hotspots_en.pdf, accessed 01.02.2018.

²⁰ See: www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement, accessed 02.02.2018.

and residence. The **Action Plan against Migrant Smuggling** (2015-2020), adopted on 27 May 2015, sets out the specific actions necessary to implement the Agenda on Migration and the European Agenda on Security in this area:

1. *Enhanced police and judicial response;*
2. *Improved gathering and sharing of information;*
3. *Enhanced prevention of smuggling and assistance to vulnerable migrants, such as children and women;*
4. *Stronger cooperation with third countries to address the root causes of irregular migration."*

While the measures encompassed by the Agenda on Migration do not include noticeable child-specific provisions, a wide set of policy measures is relevant to the situation of children on the move to, through and within the EU, and particularly UASC. In May 2010, the European Commission adopted the **EU Action Plan on Unaccompanied Minors** (2010-2014) (see also Box 2 below – Special protection measures for UASC). Aiming to *"provide concrete responses to the challenges posed by the arrival of significant numbers of unaccompanied minors in the EU territory, while fully respecting the rights of the child"*,²¹ the Action Plan identified main strands for action, such as prevention, reception and identification of durable solutions, to be implemented by EU institutions and agencies, Member States and other relevant stakeholders. The Action Plan has been an important step *"in shaping a common, rights-based EU approach to this group of migrant children"*.²²

Although not specifically issued in the migration context, in its *Reflection Paper on "Coordination and cooperation in integrated child protection systems"*,²³ presented at the 9th European Forum on the Rights of the Child (3-4 June 2015), the European Commission stated that while EU Member States hold the primary responsibility for establishing comprehensive child protection systems, *"there are fields involving child protection where the EU has scope to act to reinforce protection, particularly in cross-border and transnational situations"*, and by promoting and supporting child protection systems outside the EU through its external relations role. The need to establish comprehensive and functional child protection systems to protect children on the move within and across countries is reiterated throughout the Reflection Paper, which provides several recommendations that specifically apply to children on the move in all the different situations in which they may find themselves and in relation to

²¹ European Commission (6 May 2010). *Communication from the Commission to the European Parliament and the Council - Action Plan on Unaccompanied Minors 2010 - 2014*. COM (2010) 213 final. Available at: www.ec.europa.eu/anti-trafficking/sites/antitrafficking/files/action_plan_on_unacompanied_minors_en_1.pdf, accessed 01.02.2018.

²² European Commission (28 September 2012). *Report from the Commission to the Council and the European Parliament*. Mid-term report on the implementation of the Action Plan on Unaccompanied Minors. {SWD(2012) 281 final}. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/docs/uam/uam_report_20120928_en.pdf, accessed 01.02.2018.

²³ European Commission (30 April 2015). *9th European Forum on the rights of the child, Coordination and cooperation in integrated child protection systems - Reflection Paper*. Available at: https://ec.europa.eu/anti-trafficking/eu-policy/coordination-and-cooperation-integrated-child-protection-systems-reflection-paper_en, accessed 02.02.2018.

various additional risks they may be exposed to as a result of the movement, including trafficking.

In April 2017, the European Commission issued the **Communication on the protection of children in migration** (European Commission, 2012a) to provide for coordinated and effective actions to reinforce the protection of refugee and migrant children arriving in Europe. In the Communication, the Commission proposes a series of actions for the EU and its Member in order to improve the protection of children in migration and ensure a closer link between the asylum and child protection services, with the support of the relevant EU agencies.

The priority areas proposed by the Commission are: addressing root causes and protecting children along migratory routes; swift and comprehensive identification and protection; providing adequate reception in the EU; ensuring swift and effective access to status determination procedures and implementation of procedural safeguards; and ensuring durable solutions, as well as a series of cross-cutting actions (respect of the child's best interests, data usage, research, training and funding). The above Communication, in its attempt to holistically address the situation, needs and vulnerabilities of children on the move in Europe, has been generally welcomed by civil society organisations.²⁴

²⁴ Among others: www.scepnetwork.org/p/1/220/european-commission-issues-communication-on-the-protection-of-children-in-migration-, accessed 05.02.2018.

Box 2 Special protection measures for UASC

The particularly vulnerable situation of **unaccompanied and separated children** has been widely recognised by the international community and in Europe for some time, including at the EU level. This is reflected – among others – by the number of legal and policy provisions aiming to grant special protection to this group of children on the move, including protection from trafficking and exploitation.

Article 20 of the UN Convention on the Rights of the Child (UN CRC) envisages that children temporarily or permanently deprived of parental care shall be entitled to special protection and assistance provided by the State.

The UN Committee on the Rights of the Child – composed of independent experts, in charge of monitoring the implementation of the Convention and providing authoritative guidance on the interpretation of its provisions – issued General Comment No. 6 in 2005 (UN Committee on the Rights of the Child, 2005), which draws States' attention to the particularly vulnerable situation of UASC, and provides guidance on protection, care and proper treatment based on UN CRC provisions and underlying principles.

Among other policy documents and reports, in 2007 the Council of Europe (CoE) issued a Recommendation on life projects for UASC, in consideration of the increasing number of these children who find themselves in situation of vulnerability in CoE Member States or at their borders, exposed to multiple risks.²⁵

Moreover, a number of international agencies and NGOs working in child protection and/or migration at European level have focused their attention on UASC and have developed targeted initiatives, such as – among others – the SCEP (Separated Children in Europe Programme)²⁶ and the Roadmap for action to improve the situation of refugee and migrant children arriving and staying in Europe without their parents or caregivers developed in 2017 by UNHCR, UNICEF and the International Rescue Committee.²⁷

The EU is also required to prevent and reduce irregular immigration, including by means of an effective return policy. The **2008 Return Directive** provides for common procedures and standards for the deportation of migrants in an irregular situation, detention pending deportation and re-entry bans accompanying return decisions. Though common rules are thereby set out, the rate of return varies greatly between EU Member States. The European Commission presented its renewed **Action Plan on Return** in March 2017 (building on a first action plan issued in September 2015)

²⁵ Council of Europe (12 July 2007). Life Projects for Unaccompanied Migrant Minors: Recommendation Rec (2007)9 and Explanatory Memorandum. Strasbourg: Council of Europe.

²⁶ See: www.separated-children-europe-programme.org, accessed 05.02.2018.

²⁷ See: https://data2.unhcr.org/en/documents/download/58434#_ga=2.25329597.1615639864.1519314428-1483691224.1518775231, accessed 05.02.2018.

It insisted on the need for stronger enforcement of the **Return Directive**, through increased operational cooperation with Frontex and increased use of detention.

Box 3 UN Convention on the rights of the child (UN CRC, 1989)

While children on the move find themselves in different situations, and although their rights are covered by specific international, regional and national legal instruments (which address them as child victims of trafficking, asylum seekers, Internally Displaced Persons, etc.), these children share common rights under the international human rights legal framework, primarily as set out in the UN CRC.

The UN CRC covers a wide range of civil, political, economic, social and cultural rights. It sets out general principles underpinning all measures covered by the Convention itself, including:

- The principle of non-discrimination (art. 2);
- The best interests of the child (art. 3);
- The child's right to participation (art. 12); and
- The child's right to life, survival and development (art. 6).

The UN CRC is a particularly important instrument for children in the context of trafficking and migration, as nearly all States in the world have ratified it, and are consequently obliged to respect and ensure all the rights it sets out for every child within their jurisdiction.

The UN CRC contains special protection provisions that apply to refugee children (art. 22), children deprived of parental care (art. 20), and children who are stateless or have not been registered at birth (art. 8). It also contains provisions that protect children who are victims of trafficking and exploitation (arts. 32, 34, 35, 36 and 39).

B.3 Asylum policies

In relation to refugees, all countries under study ratified both the **UN Convention Relating to the Status of Refugees** (1951) and its **Protocol Relating to the Status of Refugees** (1967).

The EU has been working to develop a common policy on asylum to ensure that applicants for international protection are treated equally, regardless of which Member State they apply in, to make the EU *"a single protection area for refugees, based on the full and inclusive application of the Geneva Convention and on the common humanitarian values shared by all MS"*.²⁸

²⁸ European Commission (2007). Green Paper on the future Common European Asylum System. COM/2007/0301 final. Available at: <http://eur-lex.europa.eu/legal-content/GA/ALL/?uri=celex%3A52007DC0301>

The main legal instruments of this **Common European Asylum System (CEAS)** are:

- the **Asylum Procedures Directive** setting out rules on the process of applying for asylum;
- the **Reception Conditions Directive** establishing common standards for reception conditions for asylum applicants, including legal grounds for the detention of asylum seekers;
- the **Qualification Directive** establishing common grounds for the qualification of applicants as refugees or as people in need of subsidiary protection;
- the **Dublin Regulation** determining the Member State of arrival responsible for an applicant seeking protection, effectively assigning the main responsibility to Member States situated at the EU's external borders; and
- the **EURODAC Regulation** establishing the fingerprints database of international protection applicants to ensure the functioning of the Dublin system.

The set of legal acts composing the CEAS also foresee a series of specific provisions for children and other vulnerable people.

The higher numbers of people arriving in Europe in 2015 exposed flaws in the CEAS and severely tested the capacity of EU Member States to respond to the situation. In this context, exceptional remedies were decided upon by EU institutions in order to progressively allow for a gradual return to the normal application of the CEAS and particularly the **Dublin Regulation**.

Alongside the emergency measures outlined in the previous section, in May and July 2016, the European Commission presented a set of legislative proposals to reform the instruments of the CEAS, including the Dublin IV Regulation, the recast Eurodac Regulation, and the Regulation for establishing a European Agency for Asylum (replacing EASO), as well as the Asylum Procedures Regulation, the recast Reception Conditions Directive, and the Qualification Regulation.

EU Member States should apply the “*safe third country*”, “*first country of asylum*” and “*safe country of origin*” concepts,²⁹ according to the CEAS, and may use accelerated procedures for such cases. Shorter time limits for the examination of accelerated procedures have also been introduced. Additional grounds for restrictions on freedom of movement for asylum seekers (e.g., designation of residence and reporting obligations) have also been introduced to ensure the swift processing of asylum claims and to prevent asylum seekers from leaving the Member State responsible for their application. In addition, a new ground for detention is proposed if these restrictions are not complied with and there is a continued risk of absconding.

In its fourth recommendation to Member States on the resumption of transfers to Greece under the **Dublin Regulation**, on 8 December 2016, the European Commission recommended that transfers to Greece should be partially resumed as of 15 March 2017, in order to return to the normal implementation of the CEAS. Following two judgments of the European Court of Human Rights and the Court of Justice of the EU in 2011, these transfers had been suspended because of deficiencies identified in the

²⁹ See: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/2_eu_safe_countries_of_origin_en.pdf, accessed 02.02.2018.

Greek asylum system. According to the European Commission, the situation in Greece had greatly improved and the resumption of transfers should encourage Member States' relocation efforts under the temporary intra-EU emergency relocation scheme. However, it should be noted that transfers were not to be applied retroactively (i.e., only migrants who entered Greece after the entry into force of the EU-Turkey Statement in March 2016 and travelled irregularly to other EU Member States would be returned to Greece). During the first half of 2017, requests were issued by other EU Member States for the transfer of just 257 people back to Greece under the Dublin Regulation, and none of these people were actually transferred.³⁰

³⁰ See: www.asylumineurope.org/sites/default/files/aida_halfyear2017update_dublin.pdf, accessed 02.02.2018.

C. Regional and national anti-trafficking legal, policy and institutional framework

This chapter briefly outlines the regional and national anti-trafficking legal, policy and institutional frameworks. It is organised as follows: first, a regional overview of the existing legal and policy framework will be set out, drawing mainly on EU anti-trafficking legislation and policies. Second, the national THB legal and policy frameworks of the eight countries covered by the research assessment will be presented. Thirdly, existing anti-trafficking procedures at country level will be analysed, according to the following structure:

- (1) Identification and Referral Procedures;
- (2) Protection and Rehabilitation Procedures;
- (3) Special Provisions for Children.

C.1 Regional legal and policy framework

According to the 2005 CoE **Convention on Action against Trafficking in Human Beings**, States have an obligation to identify and protect victims of trafficking. Also relevant to child victims of trafficking in particular, the CoE **Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse** (2007) is the first instrument to establish the various forms of sexual abuse of children as criminal offences, including abuse committed in the home or by family members, with the use of force, coercion or threats. The Convention also criminalises the solicitation of children for sexual purposes (“grooming”) and “sex tourism”.

Directive 2011/36/EU on preventing and combating Trafficking in Human Beings (EU Anti-Trafficking Directive)³¹ makes it explicit that the definition of trafficking also covers exploitation for forced begging, for criminal activities, for the removal of organs, for illegal adoption and for forced marriage. It also establishes specific safeguards for children in criminal proceedings related to trafficking cases, and requires Member States to take necessary measures to provide durable solutions for unaccompanied children who are victims of trafficking.³²

EU anti-trafficking policy priorities, set out in the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016 (European Commission, 2012b), as well as legislative provisions as per the **EU Anti-Trafficking Directive**, include:

- a) Identification, protection and assistance to trafficked people;
- b) Consolidating cooperation between key stakeholders and policy coherence; and
- c) Improving knowledge and effective responses to new concerns associated with

³¹ 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. Available at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/directive_thb_l_101_15_april_2011_1.pdf, accessed 03.01.2018.

³² Connect (2014). *Reference document on unaccompanied children. A compilation of relevant EU laws & policies*. Available at: www.connectproject.eu/PDF/CONNECT-EU_Reference.pdf, accessed 04.01.2018.

all forms of trafficking in human beings.

The recent **European Commission Communication of 4 December 2017**, on the follow-up to the EU Strategy towards the Eradication of Trafficking in Human Beings, building on the Strategy and taking stock of efforts to fully implement the Directive, proposes a further set of priorities:

- a) Disrupting the business model that trafficking in human beings depends on;
- b) Improving victims' access to rights; and
- c) Ensuring that EU internal and external actions provide a coordinated and consistent response.

Combating trafficking is also an integral part of the **European Agenda on Migration** and also of the **European Agenda on Security**, with links to policy areas within and outside the EU. The Second report on the implementation of the Action-Oriented Paper on Strengthening the EU External Dimension on Action against Trafficking in Human Beings includes a list of priority third countries and regions with which the EU should develop partnerships and specific areas of cooperation, including Turkey, and candidate and potential candidate countries from the Western Balkans.

All eight countries covered by the research assessment ratified the CoE **Convention Against Trafficking in Human Beings**, UN **Convention against Transnational Organised Crime** and its **Protocol to Prevent, Suppress and Punish Trafficking in Persons**, the UN **Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol**, the UN **Convention on the Rights of the Child** and its **Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography**. However, only Austria, Finland, The former Yugoslav Republic of Macedonia and Germany have ratified the third **Protocol on a Communications Procedure** supplementing the UN CRC.

All eight countries covered by the research assessment also ratified the following ILO Conventions: **Convention concerning Forced or Compulsory Labour** (no. 29), **Convention concerning the Abolition of Forced Labour** (no. 105) and **Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour** (no. 182). However, only Finland and Germany ratified the ILO **Domestic Workers Convention** (No. 189). With regard to the **2014 Protocol to the Forced Labour Convention, 1930**, Finland and Sweden are the only two countries under study that have ratified it. Finally, regarding the **International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families** (2003), Serbia is the only country under study that has taken any action and signed the convention.

C.2 National THB Legal, policy and institutional frameworks

2.1 Legal framework

Country	Criminalisation of trafficking in human beings
Austria	Section 104a of the Criminal Code as “trafficking in human beings”(GRETA, 2015/19). ³³
Bulgaria	Article 159a, paragraph 1 of the Criminal Code, where the basic offence of Trafficking in Human Beings is a combination of action and exploitative purpose, while the means are considered aggravating circumstances under Article 159(a), paragraph 2 (GRETA, 2015).
Finland	Criminalised in 2004 when amendments to the Criminal Code were adopted, introducing Section 3 (Trafficking in human beings) and Section 3a (Aggravated trafficking in human beings) under Chapter 25 (Offences against personal liberty).
The former Yugoslav Republic of Macedonia	Criminalised in 2002 with Article 418 (a) and (d) of the Criminal Code (“Trafficking in persons”). Articles 418 (a) and (d) prohibit all forms of trafficking (GRETA, 2017).
Germany	Criminalised in 2005 by three sections of the Penal Code: 232 (THB for sexual exploitation), 233 (THB for labour exploitation) and 233a (Assisting in human trafficking) (GRETA, 2015/10).
Greece	Criminalised in 2002 through Law 3064/2002 on “Combating trafficking in human beings, crimes against sexual freedom, child pornography and the financial exploitation of sexual life in general and the assistance to the victims of these acts”, as well as through Article 323A (trafficking in human beings) and Article 351 (trafficking in human beings for sexual exploitation) of the Criminal Code (GRETA, 2017/27). Protection and assistance to victims of crimes according to articles 323, 323A, 349, 351 and 351A of the Criminal Code referred to in Article 12 of Law 3064/2002.
Serbia	Criminalised in 2003. The revised Criminal Code, in force since 2006, separated the offence of THB (Article 388) from illegal crossing of the State border and people smuggling (Article 350) (GRETA, 2017/37).
Sweden	Trafficking for sexual exploitation criminalised in 2002. Subsequent amendments of the Penal Code in 2004 and 2010 criminalised trafficking for other forms of exploitation, such as forced labour and organ removal, as well as internal trafficking (GRETA, 2014/11).

³³ Throughout this section, the GRETA reports are referred to by the year of publication – e.g. 2015 - and the number of the report – e.g. /39. See bibliography in Section H below.

2.2 Institutional framework

Country	Institutional set-up/national rapporteurs and equivalent mechanisms (NREM)
Austria	<p>In Austria, the Task Force on Combatting Human Trafficking is also responsible for monitoring the anti-trafficking activities of State institutions.³⁴ Three working groups operate within the Task Force, on:</p> <ol style="list-style-type: none"> 1. Child trafficking; 2. Prostitution; 3. Trafficking for the purpose of labour exploitation (GRETA, 2015/19).
Bulgaria	<p>No independent National Rapporteur on THB in place (GRETA, 2015/32).</p> <p>Other institutions involved in action against THB:</p> <ol style="list-style-type: none"> 1. National co-ordinating body (National Commission for Combatting Trafficking in Human Beings - NCCTHB); 2. Local and regional authorities; 3. Expert working group set up under the NCCTHB.
Finland	<p>National Rapporteur set up in 2009 as part of the duties of the Finnish Non-Discrimination Ombudsman (GRETA, 2015/9).</p> <p>Other institutions involved in action against THB:</p> <ol style="list-style-type: none"> 1. National Anti-Trafficking Co-ordinator (as of 2014); 2. Immigration Service; 3. Law enforcement agencies; 4. Prosecution Service; 5. Occupational Safety and Health Service; 6. Local and regional authorities; 7. NGOs, other members of civil society and international organisations (GRETA, 2015/9).

³⁴ However, the GRETA report stressed that: “Article 29 of the Convention makes a clear distinction between National Co-ordination and National Rapporteur” and called upon Austrian authorities to “keep under review the effectiveness of the Task Force in fulfilling the role of a National Rapporteur, and examine the possibility of designating as a National Rapporteur a separate organisational entity or another independent mechanism for monitoring the anti-trafficking activities of State institutions” (GRETA, 2015/ 19: 12).

The former Yugoslav Republic of Macedonia	<p>New National Rapporteur (Head of Section for International Cooperation at Ministry of the Interior (Mol) appointed in 2016.</p> <p>Other institutions involved in action against THB:</p> <ol style="list-style-type: none"> 1. National Anti-Trafficking Coordinator (State Secretary of Mol); 2. National Commission for Combatting THB and Illegal Migration (inter-institutional body); 2. Office of the National Referral Mechanism (NRM) at the Ministry of Labour and Social Policy (2009); 3. Sub-group on child trafficking (2003); 4. Ombudsman established by The former Yugoslav Republic of Macedonia in 1997; 5. NGOs (GRETA, 2017).
Germany	<p>No NREM in place.</p> <p>Other institutions involved in action against THB:</p> <ol style="list-style-type: none"> 1. Federal Working Group on Trafficking in Human Beings (1997); 2. Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ); 3. Federal Ministry for Labour and Social Affairs (BMAS); 4. Federal Ministry of the Interior (BMI); 5. Federal and Länder Police Forces; 6. Prosecution Service; 7. Financial Monitoring Unit to Combat Illicit Employment (FKS); 8. Länder and local authorities; 9. Non-governmental organisations and other civil society actors (GRETA, 2015/10).
Greece	<p>National Rapporteur established in 2013, complemented with a Permanent Coordination Mechanism, composed of senior officials from relevant ministries and agencies and a Permanent Consultation Forum for exchange with representatives of specialised NGOs (GRETA, 2017/27).</p>

Serbia	<p>No independent NREM in place.</p> <p>Other institutions involved in action against THB:</p> <ol style="list-style-type: none"> 1. Council for Combatting Trafficking in Human Beings (established in 2004, renewed in 2015); 2. Republican Team for Combatting Trafficking in Human Beings (established in 2002, discontinued in 2013, pending the adoption of the new THB Strategy. Following the recent adoption of this strategy (in August 2017), the setting up of a new Strategy Implementation and Monitoring Working Group is underway; 3. National Coordinator for Combatting Trafficking in Human Beings (established in 2001), supported by a dedicated Office for Co-ordinating Action against THB (established in September 2017); 4. Centre for the Protection of Victims of Trafficking in Human Beings (established in 2012); 5. Police; 6. NGOs, other civil society actors and international organisations (GRETA, 2017/37).
Sweden	<p>National Rapporteur set up in 1997 under the authority of the National Police Board.</p> <p>Other institutions involved in action against THB:</p> <ol style="list-style-type: none"> 1. County Administrative Board of Stockholm;³⁵ 2. National Coordinator against Prostitution and Trafficking; 3. National Task Force against Prostitution and Trafficking; 4. Police; 5. Prosecution authority; 6. Swedish Migration Agency; 7. NGOs; 8. Intergovernmental organisations (GRETA, 2014/11).

³⁵ Note that as of the beginning of 2018, the Swedish National Coordinator's mandate has been assigned to the new Gender Equality Authority.

2.3 Policy framework

2.3.1 National referral mechanism (NRM)

Country	National referral mechanisms (NRMs) and standard operating procedures (SOPs)
Austria	Except for child trafficking, Austria does not have a formal national referral mechanism (NRM) for identification and referral of victims, but rather an informal established working practice between authorities and NGOs assigned to provide assistance to victims (EMN, 2014).
Bulgaria	NRM officially adopted by the Council of Ministers of the Republic of Bulgaria in July 2016 and involves the MoI, NCCTHB, State Agency for Child Protection (SACP), UNHCR and many others (GRETA, 2015/32).
Finland	No NRM or SOPs in place (GRETA, 2015/9). ³⁶
The former Yugoslav Republic of Macedonia	NRM first introduced in 2005 as part of a project implemented with the support of the OSCE Mission in Skopje. In 2009, the NRM was institutionalised through the setting up of the Office of the NRM within the Sector for Equal Opportunities of the Ministry of Labour and Social Policy. In 2010, the SOPs for the treatment of trafficked persons (including children) were revised and adopted by the Government with the support of ICMPD. In 2012 an updated, shorter version of the SOPs was developed and adopted by the Government. In July 2016, The former Yugoslav Republic of Macedonia authorities, in collaboration with UNHCR, developed SOPs for Processing Vulnerable Categories of Foreign Nationals, aiming at ensuring protection and assistance for vulnerable categories of foreigners in mixed migration flows, including victims of trafficking (GRETA, 2017). New SOPs for dealing with UASC were adopted in November 2015.
Germany	No NRM or SOPs in place (GRETA, 2015/10).
Greece	Government Decision No. 30,840 entitled “Establishment and operation of the national system of identification and referral of victims of trafficking in human beings” provided the legal basis for the formalisation of the NRM on 20 September 2016. NO SOPs in place (GRETA, 2017/27).

³⁶ The Finnish NRM is currently under development, and is to be launched in spring 2018.

Serbia	Coordination Office for protection of victims of trafficking within the Ministry of Labour, Employment, Veteran and Social Affairs (established in 2003 and working as of 2005) functioned as the NRM until 2011. Following the adoption of the new Law on Social Protection in 2011, a Centre for the Protection of Trafficking Victims was established in 2012, responsible for formal identification and referral of victims of trafficking. The Centre includes two organisational units: Reception and Service. SOPs for the identification and referral of THB victims adopted in 2009 between Ministries of the Interior, Justice, Health, Education, and Labour and Social Policy (GRETA, 2017/37).
Sweden	In 2016, Sweden established an NRM to improve referral as well as increase the protection and assistance of victims of trafficking with the support of ICMPD. The Regional Coordinators function as regional focal points and first points of contact for operational support in cases of trafficking (Länsstyrelsen Stockholm, 2016b).

2.3.2 National action plan/strategies

Country	Action Plan/strategies
Austria	Fourth National Action Plan for the period 2015-2017 adopted by the Federal Government on 21 April 2015.
Bulgaria	National Strategy for Combating Trafficking in Human Beings 2017–2021 officially adopted by the Council of Ministers in July 2017.
Finland	Most recent National Action Plan against Trafficking in Human Beings adopted for 2016-2017.
The former Yugoslav Republic of Macedonia	New National Strategy and National Action Plan for Combating THB and Illegal Migration 2017-2020 adopted on 22 March 2017.
Germany	No specific action plan or strategy on THB, but “ <i>the German authorities assert that it is addressed in the Second Action Plan of the Federal Government to Combat Violence Against Women (2007-2013) as well as in the 2011 Action Plan of the Federal Government for the Protection of Children and Young People from Sexual Violence and Exploitation</i> ” (GRETA, 2015/10).
Greece	No National Action Plan or Strategy for combating THB.
Serbia	On 4 August 2017, the Government adopted the Strategy for preventing and combating THB, especially women and children, for the period 2017-2022. The Strategy is accompanied by an Action Plan for the period 2017-2018.

Sweden	Sweden adopted a new National Action Plan on trafficking in human beings in February 2018 (Regeringen, 2018). In June 2016, the Swedish government also launched an updated action plan for the protection of children against trafficking, exploitation and sexual abuse for 2016-2018 (Regeringens Skrivelse, 2015/16).
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C.3 Existing anti-trafficking procedures

This section provides a general overview of existing procedures in the identification and referral, as well as protection and rehabilitation, of victims of trafficking, in the eight countries covered by the research assessment. It also briefly outlines existing special provisions for unaccompanied and separated children (UASC). The information presented here, country-by-country, is based on the findings of interviews with key stakeholders at national level, complemented by the existing literature. The aim of this section is not to provide a comprehensive or exhaustive description of existing procedures, but rather to contextualise the analysis of findings presented in Chapter D below.

3.1 Austria

Identification and referral procedures

There is no official National Referral Mechanism (NRM) for identification and referral to assistance of victims of trafficking in Austria (GRETA, 2015/19). Furthermore, there are no formalised procedures for identifying vulnerable people with special needs, including trafficked people, during the reception of asylum applicants. The Federal Basic Welfare Support Act (Article 2(1) GVG-B) states that consideration should be given to special needs when the asylum seeker is registered (Knapp, 2017).

In practice, because many social services, such as basic care and legal counselling, have been transferred to NGOs (e.g., Caritas, LEFÖ-IBF) or to private businesses (e.g., ORS), such organisations play a key role in the first-level identification and referral of victims of trafficking (AT10). NGOs are either a first point of contact for presumed trafficking victims or they are referred to them by other organisations. An NGO can refer a victim either to specific NGOs³⁷ or to the police. The NGO LEFÖ-IBF advises other NGOs to contact them in order to be able to support the procedure (AT15).

A referral procedure exists only for presumed victims among women and girls (aged 15 and above), regulated by an internal directive (Criminal Service Directive (Kriminaldienstrichtlinie, KDR) (AT8; AT14). The criminal police is obliged to refer cases of trafficked women and girls to LEFÖ-IBF and cases of trafficked children to the respective provincial children and youth services (and in Vienna to the Drehscheibe, a shelter run by the Viennese Children and Youth Service). The Federal Office for Immigration and Asylum (BFA) can refer a case to LEFÖ-IBF, with the consent of the victim (AT15). Trafficked men and boys are referred to the NGO MEN VIA (AT3; AT9).

³⁷ The NGO LEFÖ-IBF is formally assigned by the Austrian Federal Ministry of Interior and the Women's Department of the Federal Chancellery with the task of protecting and caring for trafficked women. The NGO MEN VIA receives funding from the Federal Ministry of Labour, Social Affairs and Consumer Protection (BMAS), but is not formally assigned like LEFÖ. The Drehscheibe is a section of the Child and Youth Welfare Service of the City of Vienna, responsible for child victims of trafficking in Vienna. In the other federal states there are no specialised services, and the children and youth authorities are responsible for providing support and protection.

Protection and rehabilitation procedures

The NGOs LEFÖ-IBF (for women), MEN VIA (for men) and Drehscheibe (for unaccompanied foreign children), situated in Vienna, provide assistance to trafficked people, regardless of their nationality and residence status. In Austria, only access to legal aid and protection is provided for by law, while the right of access to other services, like safe accommodation, is described in other policy measures and decrees (AT15).

The reflection period for presumed trafficked people is not regulated by law but by an internal decree of the Ministry of the Interior, and it is generally granted for a period of 30 days (GRETA 2015/19). A residence permit can be granted for one year and can be extended for another year if the proceedings are still ongoing (AT15).

A Special Protection Residence Permit, which is limited to one year and can be extended for a further year, is available to people who are involved in ongoing criminal or civil procedures as a victim or witness of human trafficking. It is intended to protect someone who is not persecuted in his or her country of origin and has no grounds for asylum, but has been trafficked or exploited in the country of destination. Reintegration assistance for victims of trafficking who choose to return to their country of origin is mainly provided by LEFÖ-IBF (for adult women) and IOM (AT15).

Special provisions for children

All non-Austrian children deprived of parental care aged 14 years old and older are accommodated in special accommodation facilities (AT4). In Vienna the Drehscheibe is a shelter that provides accommodation, psychological counselling, education, etc., for children. In the other federal states there are no specialised services, and the children and youth services in each state are responsible for presumed child victims of trafficking (AT3). LEFÖ-IBF is responsible for the care of all girls aged 15 and up and for legal assistance to all girls from 0 to 18 (AT15).

In Vienna, the number of unaccompanied asylum-seeking children has increased substantially in recent years. Children under 14 are referred to the Drehscheibe and usually distributed to other facilities of the children and youth welfare service where other Viennese children deprived of parental care are accommodated. Since the increase in the numbers of unaccompanied asylum-seeking children, many special facilities were set up, operated by Caritas. Children can stay on in these facilities after turning 14, except for those who want to change to another facility and those who are in police custody (having committed a crime) (AT16).

The BFA must cooperate in the asylum procedure with the children and youth authorities, because it is not allowed to interview a child without their legal guardian present (AT4). Special procedural rules exist for children, which have to be in line with the UN CRC. BFA case workers receive training for interviews with vulnerable groups as part of their standard training. The authority is also obliged to trace the family of a child. The procedure differs slightly, depending on whether the child is younger or older than 14 years (AT4).

3.2 Bulgaria

Identification and referral procedures

The National Commission for Combating Trafficking in Human Beings (NCCTHB) provides a formalised framework for the identification and assistance of victims of trafficking, including a description of the relevant procedures, the roles of stakeholders and necessary steps to be taken. First-level identification is done by public agencies and NGOs. A victim who has been informally identified as a presumed victim is entitled to immediate access to support programmes and services, which are detailed under the NRM. Formal identification is carried out *“by bodies responsible for the pre-trial proceedings, which is linked to the opening of an investigation”* (GRETA, 2015/32: 26).

Protection and rehabilitation procedures

Accommodation in a shelter is provided to victims of trafficking for a period of 10 days with an extension to 30 days or longer in case of a continuation of the criminal proceedings (ANIMUS, 2015). According to Article 26 of the 2003 Combating Trafficking in Human Beings Act (CTHBA),³⁸ *“the authorities involved in the conduct of pre-trial proceedings shall promptly inform victims of THB upon their identification about the possibility to receive special protection if within one month they declare their consent to collaborate with the investigation”*. In the case of child victims of trafficking the period can be extended to a total of two months. The reflection period starts upon the identification of the victim (of both internal and international trafficking), and throughout this period, victims are entitled to legal advice, safe accommodation, crisis intervention and psychological support.

However, Article 26 does not fully comply with the CoE Convention on Action against THB, which states that a recovery and reflection period should be granted based on concerns that a person is a trafficking victim, and the cooperation of the victim with the authorities investigating and prosecuting the case should not be a condition for granting it (GRETA, 2015/32). According to Article 25 of the CTHBA, trafficking victims who have declared their readiness to cooperate in the investigations are granted a residence permit for the duration of the criminal proceedings (GRETA, 2015/32).

Special provisions for children

In terms of special protection of trafficked children in Bulgaria, the CTHBA provides for a number of measures - children are: sheltered separately from adults (Art. 22); provided with access to education in public schools (Art. 23); appointed legal representatives in accordance with the Child Protection Act (Art. 24, para. 2 of the CTHBA); and given a longer reflection period – up to two months, at the recommendation of the State Agency for Child Protection (SACP).

The SACP is continuing to coordinate the implementation of national measures designed to combat trafficking in children, and plays a central role in the NRM, and

³⁸ Combating Trafficking in Human Beings Act (adopted – State Gazette No. 26 from 2003, last amended – State Gazette No. 79 from 2015).

in the protection and care of unaccompanied children and of child victims repatriated to Bulgaria. The SACP has also created methodological guidelines for the running of crisis centres and set up a working group in collaboration with the State Agency for Refugees regarding unaccompanied children (GRETA, 2015/32).

3.3 Finland

Identification and referral procedures

In Finland, the first-level identification of presumed trafficking victims can be carried out by anyone, but the procedures emphasise the links between migration governance and anti-trafficking structures. Anyone can refer a person they think might be a victim of trafficking to the National Assistance System for Victims of Trafficking, which is coordinated by the Joutseno Reception Centre for asylum applicants. The National Assistance System itself does not engage in outreach work, meaning that other actors do first-level identification (Joutsenon vastaanottokeskus, 2015).

The Aliens Act (388/2015) now includes provisions on the formal identification of a victim of trafficking, which can be undertaken by the pre-investigation authorities, the Finnish Immigration Service, but or the Joutseno Reception Centre (CBSS, 2016). This new provision enables the National Assistance System to also formally identify people subjected to exploitation abroad as victims of trafficking. This applies to cases where the pre-trial investigation authority or the prosecutor has declined to initiate or continue a pre-trial investigation in Finland, but where there are reasonable grounds to believe that the person admitted to the assistance system has been subjected to human trafficking (Finnish National Rapporteur, 2017).

Protection and rehabilitation procedures

In Finland, since 2006, the National Assistance System for Victims of Trafficking has coordinated assistance to all victims of trafficking identified in the country. Both adult and child victims receive support and services, including legal advice, psychological assistance, interpretation services, crisis support, social and health services, accommodation and subsistence support. When providing assistance to the victim, attention is paid to the victim's age, safety and special needs, such as his/her physical and mental state and vulnerable position. The assistance is offered irrespective of the person's nationality, ethnic background, religion, age, gender, sexuality or migration status (Joutsenon vastaanottokeskus, 2015).

If the victim has already been assigned to a "home municipality", it is the duty of the home municipality to organise assistance, in cooperation with the National Assistance System and cover the costs. If the victim does not have a home municipality – as in cases involving asylum seekers in reception centres – the state fully covers the costs of assistance. The Assistance System can purchase services for the victim from the municipalities, or from NGOs or other service providers. The National Assistance System does not provide assistance to victims who do not consent to assistance, unless the victim is a child and the Child Welfare Law supersedes the will of the child (Joutsenon vastaanottokeskus, 2015).

The National Assistance System can authorise a reflection period of a minimum of 30 days and a maximum of 6 months to people who are residing in the country irregularly. The reflection period is not dependent upon the victim's willingness to cooperate with the authorities and allows the person to recover and think about their next steps. However, the police are notified of its issuance right after the decision has been made (Joutsenon vastaanottokeskus, 2015).

It is also possible to issue a recovery period of 30 days to a presumed victim who is residing the country regularly, when there are reasonable grounds to believe that the person concerned is a victim of trafficking. The reflection period allows the person to recover and to make an informed decision on cooperating with the authorities. During this period the police and the prosecutor cannot contact the person without her/his permission. The reflection period can be extended by an additional 60 days, if needed (National Assistance System, 2017).

As far as labour exploitation is concerned, the Aliens Act (Section 52d) makes it possible to issue a temporary residence permit to a migrant in an irregular situation who has been exploited in a work situation in Finland or to a migrant child who has been working in Finland. In such cases, the person must remain in the country for reasons related to the criminal investigation or legal proceedings, cooperate with the authorities and cut all ties with the employer/exploiter. NGO representatives interviewed for this assessment noted that this has rarely been applied and cannot be granted in cases where the person has first worked legally (e.g., when they were an asylum seeker) and then worked irregularly in exploitative circumstances (FI9; FI11).

In 2006, certain grounds for issuing residence permits to trafficking victims were added to the Aliens Act (Section 52a). As a rule, a temporary permit is granted on the grounds of investigation or court proceedings. The deciding factor is whether the authority will obtain information relevant to the crime and whether this information can be effectively used in a criminal investigation. However, even if these conditions are not met, according to subsection 2, subject to certain conditions and after an overall consideration, a long-term residence permit may be issued if the victim is in "*a particularly vulnerable position*". In addition, under section 52 of the Aliens Act, victims of trafficking may also be issued a long-term residence permit on "*individual compassionate grounds*".

Victims of trafficking who receive a long-term or permanent residence permit are assigned to a home municipality. For trafficked asylum seekers who have been staying at reception centres, this means a move to their home municipality, which takes over the responsibility of organising assistance to victims, and bears the costs of such services. However, the National Assistance System can guide the municipalities in making sure that the assistance measures given to victims of trafficking are continued and meet the needs of the individual and her/his situation and circumstances (Joutsenon vastaanottokeskus, 2015).

Special provisions for children

If a trafficking victim is a child or if an adult victim has underage children, the National Assistance System cooperates closely with the child welfare authorities. Part of the assistance can include tracing the family or a guardian of the child if that is in their best interests (Joutsenon vastaanottokeskus, 2015). If a child has a home municipality, the child welfare services (part of the social services) of that municipality have a key role in providing assistance to him/her. In addition, the role of social workers and other staff in a group home or other facility where the child is placed is essential.

3.4 The former Yugoslav Republic of Macedonia

Identification and referral procedures

According to the SOPs for vulnerable categories of foreigners (VCFN), first-level identification of vulnerable groups in general, including victims of trafficking, should be conducted immediately upon initial contact with and reception of migrants entering the country, via either an official or informal border crossing. First-level identification should be carried out by trained professionals from the Ministry of Interior, Border Police representatives, Ministry of Labour and Social Policy (MLSP) representatives (social workers) or the responsible personnel of the transit centres or the Centre for Asylum Seekers. Outside reception facilities, identification can be carried out by anyone - an authorised officer of a state institution, a representative of a civil society or international organisation, or a citizen of The former Yugoslav Republic of Macedonia (The former Yugoslav Republic of Macedonia, 2016). NGO representatives coordinated by Open Gate also tried to identify potential trafficked people inside and outside two transit centres close to the borders with Serbia and Greece (in Tabanovce and Gevgelija).

Formal identification of vulnerable categories of people, according to the SOPs for VCFNs, is conducted either by the MLSP Centres for Social Work or trained professionals from the Border Police Directorate at the Ministry of Interior. The authority in charge of identification can, if necessary, recommend relevant service providers – e.g., healthcare, psychosocial support – or protection institutions to which the person is to be referred. Nevertheless, this procedure has rarely been applied in practice (MK12). The formal identification of trafficking cases among these vulnerable groups, according to the SOPs for the treatment of victims of human trafficking, is conducted by the Unit for Combating Human Trafficking and Smuggling of Migrants within Ministry of Interior or the Office of the NRM/Centre for Social Work (The former Yugoslav Republic of Macedonia, 2010).

Protection and rehabilitation procedures

The protection and rehabilitation of victims of trafficking is coordinated by the Office of the NRM, within the MLSP, in collaboration with Centres for Social Work and NGOs (GRETA, 2017). Regulated by Article 81 of the Law on Foreigners, the reflection and recovery period grants a presumed victim of THB a decision-making period that can last up to two months, with access to protection, assistance and recovery. However, the victim has to agree to co-operate throughout this period with the competent authorities

involved in the detection of the offenders, or return to their country of origin or legal residence. The decision-making period should be granted to both foreign and national victims of THB and can be terminated under specific conditions. According to Article 82 of the Law on Foreigners, once the decision-making period has expired, the victim can be granted a temporary residence permit, subject to a number of conditions. The permit issued is for a period no longer than six months, unless the circumstances persist (GRETA, 2017).

A team of state and non-state actors (social workers, representatives of the relevant ministries, NGOs and international organisations) are involved in developing individual long-term assistance plans for vulnerable foreigners, as well as for presumed trafficked persons among the migrant population. This includes provision of accommodation, psychological support, healthcare, legal support and education or vocational training (The former Yugoslav Republic of Macedonia, 2016).

Special provisions for children

The former Yugoslav Republic of Macedonia has SOPs in place for dealing with UASC. A vulnerable child can be identified by various actors, such as the mobile units of the Department for Border Affairs and Migration (DBAM), the police officers at the Border Affairs Regional Centre (BARC) and police officers at the Sector for Internal Affairs (SIA), amongst others. As soon as UASC or groups of adult migrants with children are detected, these actors should inform the competent BARC for further referral (The former Yugoslav Republic of Macedonia, 2015). UASC, in most cases, apply for asylum with the support of a guardian and get access to the Centre for Asylum Seekers (if they are older than 13 years), or the Jesuit Refugee Service (JRS) Safe House (where the youngest children are accommodated).

3.5 Germany

Identification and referral procedures

In the absence of national guidelines in Germany, the identification of victims is the responsibility of the authorities at *Land* or local level, with counselling centres often being involved. The informal identification procedure can be initiated in many ways, such as in the context of police investigations, through presumed victims contacting counselling centres or as a result of referral by hospital staff and or medical practitioners. Counselling centres refer cases to the police only with the consent of the presumed victim. Responsibility for formally identifying victims lies solely with the law enforcement authorities (GRETA, 2015/ 10).

Protection and rehabilitation procedures

According to the German Residence Act, a reflection and stabilisation period of at least 30 days is granted to foreign presumed victims of trafficking in an irregular situation. During these 30 days the presumed victim has to decide whether she/he wants to cooperate with law enforcement or to prepare for return to their country of origin or previous residence. During the three-month reflection period, foreign presumed

victims are entitled to benefits under the Asylum Seekers' Benefits Act, even if they are not asylum seekers or refugees. Assistance includes accommodation, and legal, medical and psycho-social assistance (GRETA 2015/10).

If the victim agrees to testify in court, a residence permit on humanitarian grounds will be granted according to section 25, paragraph 4a of the Residence Act, for the duration of the trial (GRETA, 2015/10).

Special provisions for children

The German Government included special measures to combat child trafficking in two earlier national action plans: *A Germany Fit for Children, 2005–2010* and *Action Plan 2011 For the Protection of Children and Young People from Sexual Violence and Exploitation*. Children also have special rights as witnesses in criminal proceedings and the best interests of the child must be a primary consideration in all cases involving children (European Commission, 2016).

3.6 Greece

Identification and referral procedures

Since 2016, a National Referral Mechanism has been in place in Greece, managed by the National Centre for Social Solidarity (EKKA). They are responsible for the standardisation of procedures, together with a series of other necessary instructions for the proper functioning of the NRM. First-level identification of a presumed victim of trafficking can be initiated by any public official, NGO or international organisation staff. The process of formal identification of a trafficking victim is set out in Article 1 of the Immigration and Social Integration Code (ISIC).³⁹ The Prosecutor's Office is the only competent authority that can grant official victim status (GRETA 2017/27).

Protection and rehabilitation procedures

A reflection period for presumed victims of trafficking is foreseen in Article 49 of the ISIC. A reflection period is granted to presumed victims of trafficking for three months to allow their recovery and for them to escape from perpetrators. During this period, the victim should make an informed decision as to whether they want to collaborate with the authorities. Throughout this period, deportation of victims of trafficking is not allowed (GRETA, 2017/27).

Pursuant to the ISIC, specifically Articles 52 and 53, a victim of trafficking is ensured long-term assistance and a residence permit if: *"the presence of the person in Greece facilitates the investigation or criminal proceedings, he/she has shown a clear intention to co-operate, and the person has broken off all contact with the perpetrator"* (GRETA, 2016). After a request has been made in person (or via a competent prosecutor), the Minister of Migration Policy can issue a decision granting a permit for one year, which can be renewed for the same period of time (GRETA, 2017/27).

³⁹ See: www.synigoros.gr/resources/docs/n4251_2014.pdf, accessed 03.01.2018.

According to article 19A of the ISIC, victims of trafficking from outside the EU can be granted a residence permit “for humanitarian reasons” for one year, even in the case of unwillingness to collaborate with the authorities. The residence permit grants access to healthcare and the labour market. The victim can renew the permit for up to two years each time, provided that the criminal proceedings are still ongoing (GRETA, 2017/27).

Long-term assistance and rehabilitation, which includes food, accommodation, healthcare, legal representation, psychological support and interpretation, is foreseen in Article 12 of the Anti-Trafficking Law 3064/2002 (GRETA, 2017/27).

Special provisions for children

As soon as an unaccompanied child is detected in Greece, the competent prosecutor should be immediately informed and acts as temporary guardian. As there is no formal guardianship system, in some vulnerable cases, the prosecutor appoints a member of the NGO METAdrasi’s Guardianship Network to cater for the child’s specific needs. At the same time, an accommodation request is sent to EKKA to find an appropriate shelter. However, as noted by GRETA, *“there is a shortage of shelter capacity and many children are being held for weeks, if not months, in police cells”* (GRETA, 2017/7: 41).

3.7 Serbia

Identification and referral procedures

In Serbia, first-level identification can be carried out by any institution or individual who comes into contact with presumed victims of trafficking, including the police, Centres for Social Work, NGOs, shelters for victims of domestic violence, centres for children deprived of parental care or other relevant structures. Following first-level identification, the Centre for the Protection of Victims of Trafficking (CPVT) should be immediately notified. As of 2012, the CPVT, set up by the Serbian Government, is in charge of the formal identification of victims of trafficking, as well as the organisation and coordination of victim protection and assistance (GRETA, 2017/37).

Protection and rehabilitation procedures

The initial assessment by the CPVT should last no longer than 7 days. During this period, the presumed victim is provided with basic assistance, including health and psychological services, as well as legal assistance. After the assessment is completed, the representatives of the CPVT develop an individual plan for the person and accommodate her/him in one of the available shelter facilities or safe houses in the country (run by NGOs). While a trafficking victim is staying in the shelter, the CPVT, in coordination with the shelter, conducts an additional assessment. The final decision on the status of the presumed victim of trafficking should be taken within 3 months of the first-level identification (RS13).

Serbian legislation does not foresee a reflection period for a victim of trafficking. The only protection granted is that of a temporary residence permit for victims of trafficking

for up to three months, based on humanitarian grounds. According to Article 28 of the Law on Foreigners, presumed victims of trafficking who agree to participate in the criminal proceedings can be granted a temporary residence permit for six months, which can be extended up to a maximum of one year (GRETA, 2017: 37).

The new Law on Foreigners entered into force on 3 April 2018, though its application has been postponed by 6 months. The Law introduced significant changes to the residence permit procedures and provides for a temporary residence permit to be granted to presumed or identified victims of trafficking, whenever the CPVT considers that the stay is necessary due to their personal situation.

Special provisions for children

In March 2016, the Serbian authorities adopted SOPs for the Protection of Refugee/Migrant Children. The SOPs provide the basis for coordinated action of all actors in the identification and support of particularly vulnerable refugee or migrant children. The SOPs define a model for organisational responses, the roles and responsibilities of all actors, and uniform criteria and procedures (GRETA, 2017: 37).

3.8 Sweden

Identification and referral procedures

In the Swedish system, first-level identification of victims of trafficking can be done by anyone. The Swedish NRM explicitly mentions that the following actors can detect a presumed victim of trafficking: the police, social services, the Swedish Migration Agency, NGOs, the customs agency, embassies or consulates, healthcare professionals, trade unions, the Swedish Work Environment Authority, the Tax Agency, transport personnel, family members, acquaintances or anyone else. According to the NRM, after an initial identification is made, the person who identifies the case should refer it to the County Administrative Board of Stockholm (CABS) hotline,⁴⁰ to the police or to the social services in the municipality in question (Länsstyrelsen, 2016b).

The Swedish Migration Agency is the key actor in identifying victims of trafficking among migrants. In recent years, the Agency has identified an increasing number of presumed victims of trafficking, mainly for sexual exploitation, but also for forced labour (see section D1 below). The Agency has appointed a trafficking coordinator as well as regional coordinators who are responsible for all trafficking-related issues, including training of staff and identifying victims of trafficking (GRETA, 2014/11). In the Swedish system, only the police and or prosecutor can formally identify a victim of trafficking after the court has confirmed a judgement on human trafficking (Länsstyrelsen, 2016b).

Protection and rehabilitation procedures

In Sweden, the responsibility for providing assistance to presumed victims of trafficking lies with the social services of the country's 290 municipalities. After initial identification

⁴⁰ As of 1 January 2018, the tasks of the CABS in relation to coordination of human trafficking efforts in Sweden were shifted to the newly-established Gender Equality Authority.

and referral to the social services for protection, the NRM outlines two procedures: First of all, the immediate basic needs of the victim, such as accommodation, food and healthcare, must be provided for. Second, the victim must be provided with information on all relevant protection services, such as counselling, access to legal aid and information on all aspects of the protection and rehabilitation pathway, such as: rights and duties as a presumed victim, the possibility of being granted a reflection period, available services – i.e. housing, counselling and any other available support -, the possibility of being granted legal counselling during the investigation and legal proceedings and the possibility of returning to the country of origin through the Return Programme place (Länsstyrelsen, 2016b).

No interrogation and no interview may be carried out before these two procedures have been completed and the presumed victim has been given the opportunity to agree or decline to cooperate with the legal authorities. Every individual is also entitled to decide whether she or he wants to receive support in the first place (Länsstyrelsen, 2016b).

Migrants who cannot access official assistance can still access services via the National Support Programme (NSP) run by the Swedish Civil Society Platform against Human Trafficking. The programme used to be funded by the CABS. After an informal 30-day reflection period, the programme allows people to receive a further 90 days of assistance, but the resources for this are quite limited (SE2).

The Aliens Act (2005:716) Chapter 5, Section 15 makes it possible to grant a reflection period of 30 days to a presumed victim of trafficking, so that they can recover from the crime they were subjected to and decide whether they want to collaborate with the authorities investigating the crime. Swedish law foresees temporary residence permits for at least six months for foreign victims of trafficking, to allow them to cooperate in the investigation and prosecution of their case, on the condition that they are no longer in contact with the suspected perpetrators (Länsstyrelsen, 2016b).

However, in some cases it may not be possible to carry out the investigations – e.g., when the crime occurred in the country of origin or in transit – and therefore the presumed victim may not qualify for temporary residence (SE1; SE2). In this case, a residence permit may be granted on humanitarian grounds (Länsstyrelsen, 2016b). Alternatively, according to representatives of NGOs interviewed in Sweden, if the victim is not granted asylum or subsidiary protection and the appeal is not successful, the only remaining option for the victim would be to apply for a work permit (SE2; SE10).

According to the Swedish NRM, long-term support and rehabilitation are provided to trafficking victims remaining in the country after the reflection period and after their temporary residence permit(s) have expired, or in the country of origin if the person is returned. Long-term support in Sweden is designed on the basis of an individual assessment and entails language training, educational activities, vocational and on-the-job training, professional guidance, reintegration measures for family/society and financial support. The individual treatment plan must be signed by the person who will receive the services or, if a child is involved, by their legal guardian. For children, the NRM states that the plan must be developed taking into account the child's perspective

and social services' evaluation of the best interests of the child (Länsstyrelsen, 2016b).

Special provisions for children

In June 2016, the Swedish government launched an updated Action Plan for the Protection of Children against Trafficking, Exploitation and Sexual Abuse for 2016-2018. The action plan contains 23 measures to prevent, protect and support children and create conditions for the effective prosecution of perpetrators (Regeringens skrivelse, 2015).

The Social Services Act (2001:453) contains provisions on the reception of children, which is based on consideration always being given to what is best for the child in decisions on housing and assistance for children in need of support. Regarding assistance for presumed child victims, the NRM outlines steps to be taken regarding asylum-seeking and non-asylum-seeking children. While close cooperation is maintained with the Swedish Migration Agency concerning asylum-seeking children, in cases where the child is not seeking asylum, contact must be established with the relevant embassy, which will then contact the responsible governmental authority in the country of origin (Länsstyrelsen Stockholm, 2016b).

D. Incidence of trafficking in human beings and risk factors

The analysis of the research findings presented here starts with section D, which focuses on the incidence of THB and the risk factors identified among migrants in the eight countries covered by the research assessment. Section E focuses on identification and referral procedures, while section F presents the findings on protection and rehabilitation procedures in the countries under study. The findings are organised thematically and not by country, in order to identify common themes and challenges across the region under study, rather than giving a detailed description of the challenges in country-by-country. Country-level cases are used as illustrative examples.

Given the limited scope of the assessment, which included 159 interviews with key stakeholders in eight countries, but did not foresee interviewees with migrants, asylum applicants or victims of trafficking, the aim is not to provide an exhaustive analysis of the research topics in all eight countries. The assessment aims rather to provide additional insight into issues previously highlighted by the existing literature, identify further issues of concern and related gaps and needs, determine regional trends and provide illustrative examples that will be useful for a better understanding of THB in the context of the Balkan route, and of the identification, referral, protection and rehabilitation of victims of trafficking among people using this route.

This section is structured in two sub-sections. The first sub-section examines indications of the extent of THB among migrants travelling along the Balkan route and in destination countries, with a particular focus on:

1. the challenges in determining the incidence of THB in the current context;
2. indications of the incidence of THB among migrants using the Balkan route by country; and
3. general characteristics of THB along the route and in destination countries.

In the second sub-section, the risk factors that make people vulnerable to THB in the region are presented, divided into risks:

1. related to the legal and policy framework; and
2. at the individual level.

D.1 Indications of the extent of THB among migrants travelling along the Balkan route and in destination countries

This section is divided as follows: it begins with an overview of the challenges in determining the incidence of THB in the context of the Balkan route, touching on the difficulties of understanding THB among 'transiting' migrants, insufficient evidence of THB and the lack of existing statistical data. Thereafter, the incidence of THB among migrants using the Balkans route as indicated by the sources covered in this assessment is presented for each of the eight countries covered. The third section analyses the

characteristics of THB along the Balkan route and in destination countries, focusing on three specific areas, namely: (a) trafficking related to the migrant smuggling process; (b) trafficking and exploitation in transit; and (c) the different forms of exploitation along the route.

1.1 Challenges in determining the incidence of THB in the context of the Balkan route

One of the most important reasons for the lack of evidence and identified cases of trafficking and exploitation both in transit along the Balkan route and in destination countries is the existing gaps and barriers to the identification and referral of victims of trafficking, which will be analysed in the next chapter (see also: GRETA, 2016; Brunovskis & Surtees, 2017; K.O.K., 2017). Where trafficked people are not identified and referred appropriately, as evident in all the countries covered by this assessment, albeit to differing extents, the evidence base for THB remains limited. For example, IOM offices in the Balkans reported to IOM Austria that it was very difficult to identify people (AT9; AT9a): *“Identification is one of the biggest challenges. Just because there have been no identified cases, it cannot be assumed that there are no cases”* (AT9a).

In addition to this, THB experts and other stakeholders in the countries covered highlighted some other aspects that may have contributed to such a low recorded number of victims of THB among non-EU migrants in general and specifically among those travelling along the Eastern Mediterranean/Western Balkans route.

→ The ‘transit country’ paradigm

In the context of the Balkan route, and particularly during autumn 2015 when tens of thousands of people travelled along the route every week, countries such as Bulgaria, Serbia and The former Yugoslav Republic of Macedonia were largely seen by migrants and authorities alike as ‘transit countries’ to be crossed in order to reach Northern and Western Europe (BG4; BG6; BG9; BG16; BG18; MK4; RS19; Serbian Government, 2017). As a result, some stakeholders in these countries did not acknowledge migrants as legal subjects residing on their territory with rights and obligations, but rather as people who were ‘only passing through’ and remained outside the legal framework. This is particularly evident in the policies implemented by The former Yugoslav Republic of Macedonia and Serbia during this period, allowing migrants to transit regularly, as long as they left the country within 72 hours.

For the majority of migrants stranded in so-called ‘transit countries’, the priority remains onward movement. As such, migrants may see possible identification as a victim of trafficking as reducing their chances of travelling onwards, making it unappealing for migrants to self-report as a trafficking victim (MK4).

On the part of the authorities, frontline responders were mainly focused on registration and the provision of basic services to transiting migrants and did not focus on their personal stories, or on possible indications of trafficking and exploitation. This situation was acknowledged in the recently adopted Serbian *“Strategy for preventing and combating trafficking in human beings, specifically women and children (2017-2022)”*:

“The intensive mixed migration flows from the Middle East, Asia and Africa towards the countries of the European Union across the territory of Serbia complicate the response of the state and society to the problem of trafficking in human beings” (Serbian Government, 2017).

Nevertheless, some interlocutors in Bulgaria acknowledged that the situation is changing; with the EU-Turkey Statement, Bulgaria is becoming a country of destination rather than transit for an increasing number of migrants (BG5; BG13), yet the institutions have not yet acknowledged this new de facto reality, thereby falling short in adapting the anti-trafficking response (BG5). Similarly, the ‘closure’ of the migration route in March 2016 re-profiled Serbia from a transit country to a country of destination, at least temporarily, requiring a reorientation of the migration management approach from emergency response to longer-term support (RS19).

→ Insufficient evidence of THB

Another issue that is evident from the research, particularly in ‘transit countries’, is that there are many indications of abuses affecting migrants using the Balkan route, but it is not clear whether these cases actually constitute the THB crime. In Serbia, for instance, many interviewees reported abuses of both adults and children, but they were not sure whether these cases presented elements constituting trafficking (RS1; RS5; RS6; RS7; RS8; RS10; RS12; RS13; RS14; RS17). Some interviewees suspected that most trafficking cases remain hidden beneath the surface, since *“people usually don’t want to talk about what happened to them. They are afraid that they will remain stuck in Serbia or that they will lose contact with the group they are travelling with”* (RS8).

Also in The former Yugoslav Republic of Macedonia, many interviewees working directly with migrants reported many suspicious cases among this population, but since most of the people in question left the country shortly after detection, and frontline responders focused on the orderly registration and transit of migrants and not on their personal stories - as well as not being sufficiently trained to quickly spot the indicators -, such potential indications of trafficking and exploitation remain anecdotal (MK4; MK6; MK15; MK17). Frontline responders preferred to pay attention to other more “visible” vulnerabilities, such as children travelling alone, pregnant women, people in need of medical assistance and elderly people. The cases that were actually explored *“beneath the surface”* were insignificant in number (MK4).

Some responders also sometimes assumed that trafficking and exploitation are more likely to happen in destination rather than transit countries (BG4; BG6; BG9; BG16; BG18). In Greece, because the focus on THB among asylum seekers and migrants arriving across the sea and land borders is quite recent, there is much still to be done in terms of society’s awareness on issues related to prevention, identification and protection (EL6). Even though concrete data on THB affecting migrants and refugees in the context of recent migration flows is lacking, certain indicators suggest the extent of this phenomenon in Greece.

As mentioned by Brunovskis and Surtees, all these circumstances lead to THB within

the context of the migration flows being very difficult to identify and:

“it is very difficult for frontline responders to gain an immediate and thorough knowledge of each individual’s circumstances and vulnerabilities, including when these rise to the level of trafficking” (Brunovskis & Surtees, 2017: 5).

→ **Lack of statistical data**

Information on forms of trafficking and vulnerabilities to trafficking along the route is currently patchy and anecdotal. This knowledge gap has hampered efforts to address this issue, with the lack of reliable data considered to indicate a low incidence of rights violations. For example, according to Frontex’s Annual Risk Analysis for 2017, despite indications of widespread exploitation along migration routes on the way to Europe:

“So far, irregular migrants do not appear to be subject to systematic abuse once they reach the EU, even though individual cases were reported. For example, in December 2016, police in northern Greece freed two asylum seekers, a Syrian and an Iraqi man, who had been locked in a room for more than a week for failing to pay transit fees after being smuggled across the border from Turkey” (Frontex, 2016: 27).

The lack of statistical data is to a certain extent the result of a vicious circle, whereby if there is no evidence of trafficking cases among a certain group, the necessary resources are not mobilised to address THB and proactively identify cases, which in turn prevents the gathering of accurate statistics. As eloquently put by an NGO representative in Germany: *“One of the main problems is that we don’t know much. There is not enough data and information and that’s why politicians say there is no need to engage with the topic. This means no money and resources for identification (not enough staff, support and financial resources) – and the cycle repeats itself”* (DE7).

In relation to trafficking cases in general in Sweden, the existing literature further points out that a significant proportion of trafficking crimes reported to the police never proceed to court (e.g., Länsstyrelsen, 2017; SOU, 2016). The National Police Authority conducted a review concerning 67 reported offences of trafficking for the purpose of forced begging and forced labour in 2015. They found that in 38 of the 67 cases, there was no clearly identified suspect and there was very little concrete information on the perpetrator and their modus operandi (Polisen, 2017).

Also in Germany, Austria, Bulgaria and Greece, interviewees and the existing literature point to a systematic lack of data and research on human trafficking affecting migrants in the context of the Balkan route, which is a major challenge to a better understanding of the phenomenon (DE7; AT5; AT7; GRETA 2015/32; GRETA 2017/27).

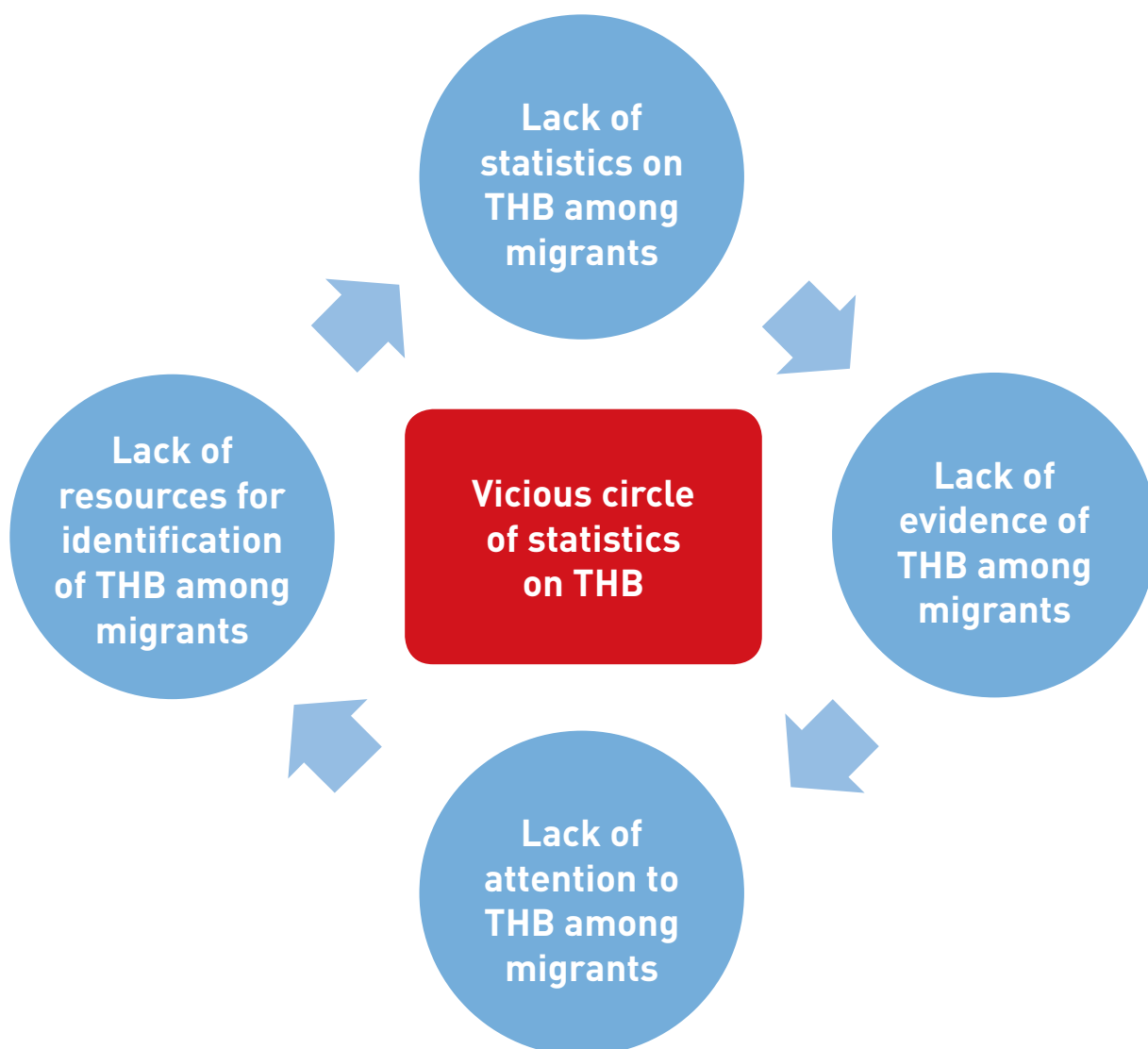


Figure 2: The vicious circle of statistics on THB among migrants

1.2 Incidence of THB among migrants using the Balkan route

The analysis of the existing official statistics on identified trafficking victims in the countries covered by this assessment revealed a significant lack of information on the

extent of THB along the Balkan route, as set out in the previous section. Only Sweden, Finland and Germany reported significant increases in cases of trafficked people identified among migrants and refugees using these routes, while the other countries covered by the assessment saw minimal numbers identified among this group. This is despite the fact that, as set out in the Literature Review in Section A.2 above, IOM's 2016 *Human Trafficking and Exploitation Prevalence Indication Survey*, which covered Greece, The former Yugoslav Republic of Macedonia and Serbia, among other countries, found that 10% of migrants interviewed answered 'yes' to at least one of 5 questions on trafficking and exploitation, with a further 1.2% responding that one or more proxy indicators applied to a family member travelling with them (IOM, 2016).

In **Sweden**, a growing number of potential victims of trafficking have been identified among migrants since 2015, due to the increased numbers of people arriving, as well as an increasing awareness of human trafficking and its different forms among Swedish actors (SE7; SE8). In 2016, the Swedish Migration Agency identified a total of 341 potential victims overall, including 91 children, while the National Coordinator's office identified 150 potential victims, 50 of them children.⁴¹ Also, the number of victims who were in contact with NGOs increased sharply in 2016, almost doubling from 36 victims in 2015 to 70 victims in 2016 (Swedish Civil Society Platform, 2017).

Nevertheless, the majority of the identified victims of trafficking in Sweden are from other EU countries, mainly Romania and Bulgaria, and Nigerian women are the biggest group identified among non-EU nationals. Only a very small number of cases were identified by the Swedish Migration Agency where the potential victim had been exploited in Greece, The former Yugoslav Republic of Macedonia or Serbia (SE7). In addition, some interviewees in Sweden had encountered a few cases where exploitation had taken place during transit in Turkey (SE4; SE12) or Iraq (SE2).

In **Finland**, the number of identified victims of trafficking has been increasing steadily since 2015. The number of new clients admitted into the National Assistance System for Victims of Trafficking doubled in 2016 as compared to 2015. 89 out of the 130 new clients admitted into the National Assistance System in 2016 (68%) were asylum seekers (National Assistance System, 2017a). The trend continued in the first half of 2017, as 41 out of the 55 new clients admitted into the National Assistance System (75%) were asylum seekers (Joutsenon vastaanottokeskus, 2017).

Yet within these figures, there is a higher proportion of people who used the Central Mediterranean route. Most of these people are Sub-Saharan Africans who experienced exploitation in their countries of origin, in Libya or in Southern Europe (FI2; FI3). Some migrant smuggling cases related to the Balkan route were investigated, especially in late 2015, but few indicators of trafficking were found (FI6; FI12). According to one interviewee, people paid different smugglers along the way, but did not accumulate debt to one major criminal organisation that could then use that debt as a means of controlling and exploiting them (FI12).

In **Germany**, the Federal Criminal Police Office (BKA) statistics for 2016 do not provide clear indications of trafficking among migrants using the Balkan route. As in Sweden, the most frequent countries of origin of identified THB victims are Bulgaria, Hungary and Romania, and non-EU victims are a small minority of the total number of reported cases: they represent only 15% of the 488 identified victims of sexual exploitation and 25% of the 48 identified victims of forced labour. The majority of the non-EU victims are from Sub-Saharan Africa – mostly Nigeria – and the countries of origin of the majority of asylum seekers and refugees travelling along the Eastern Mediterranean and Western Balkans routes (Syria, Iraq and Afghanistan) are not mentioned in the BKA Statistical Report, though there are 13 cases from "Asia" (BKA, 2016).

However, it is important to note that the BKA statistics refer only to criminal offences

⁴¹ See: www.lansstyrelsen.se/Stockholm/Sv/nyheter/2017/Sidor/antal-fall-av-misstankt-manniskohandel-okade-under-2016.aspx, accessed 16.10.2017.

and do not report information about people identified as presumed victims.

Also, according to the report, only 4% of the cases investigated were referred by counselling centres, despite the fact that counselling centres usually play a significant role in identifying potential THB cases. This illustrates that the number of cases that led to criminal proceedings is minor compared to the overall number of potential victims (BKA, 2016).

Indeed, a survey by K.O.K. e.V. of counselling centres working with trafficked people in Germany, about their experiences with recently arrived asylum seekers, refugees and migrants, including UASC, revealed an increase in cases of trafficked people within the asylum procedure. Nevertheless, asylum seekers from the main countries of origin, such as Syria, Afghanistan and Iraq, were not among the asylum seekers who asked for counselling and support (K.O.K., 2017), and data collected by these counselling centres show an increase in West African women, particularly Nigerians, approaching the counselling centres for advice and support.⁴²

In **Austria**, at the time of the field research (mid-2017) no victims of trafficking had been formally identified among non-EU migrants and asylum applicants using the Balkan route, and the overall number of presumed victims identified was low (AT3; AT4; AT7; AT8; AT9a). According to the Criminal Police, just one suspected case of an adult was reported in this context (AT8; AT9a). The NGO LEFÖ-IBF reported that almost none of the women they assisted came via the Balkan route. Only one or two of around 200 people assisted came via Greece, according to the Director of LEFÖ (AT15). Similarly, MEN VIA assists approximately 60 men and boys per year, most of them from Bulgaria, Romania and former Yugoslavian countries, with only a small share of non-EU nationals, and no one who had used the Balkan route was referred to MEN VIA (AT2).

In **Bulgaria**, the number of people identified as presumed and actual victims of trafficking among foreign nationals - including, but not limited to, asylum seekers, migrants in an irregular situation and recognised refugees - consists of a few individual cases that are known to most organisations working with victims of trafficking or migrants. No case of a trafficked migrant child (presumed or actual) was formally or informally identified during the period under study (BG3; BG20).

In **Greece**, according to the 2017 GRETA report, the number of identified victims of THB was 106 in 2013, 78 in 2014, 57 in 2015 and 46 in 2016. Most of the cases concerned sexual exploitation and, to a lesser extent, labour exploitation and begging. The most frequent countries of origin of identified THB victims were Bulgaria, Romania and Greece. According to the head of the police anti-trafficking unit in Greece, identified victims of trafficking are usually from Ukraine, Russia, Moldova, Romania, Albania and Bulgaria. Moreover, according to the same interviewee, Greece is mainly a transit country for Dominican and Nigerian women who are to be exploited in Spain (EL6).

The GRETA report notes that the existing figures:

“do not reflect the real scale of the phenomenon of THB in Greece, due to difficulties in the detection and identification of victims of trafficking and problems of data collection”

⁴² See: www.jadwiga-online.de/jahresberichte.php, accessed 16.01.2018.

(GRETA, 2017/27: 11). In addition, it is important to note that in Greece official data refers only to cases investigated by the police, and therefore does include information

about people identified as presumed victims. Most recently (January 2018), the Office of the National Rapporteur published the National Report of Greece on Combatting THB for 2015-2016, in which data on victims assisted by social protection services, NGOs and IOM are reported. According to the report, during the reporting period, 408 presumed victims of THB were assisted by agencies other than the police. Among those 408 victims, 228 (55.88%) were children (ONR Report, 2018).

In **Serbia**, the caseload of the Centre for the Protection of Victims of Trafficking (CPVT) went from three presumed victims in 2015 to 40 in 2016. Only two victims of trafficking were formally identified in 2016 (RS18). Both of them were female, one Afghani girl trafficked for labour exploitation and forced marriage, and one Nepalese woman trafficked for sexual exploitation (RS14). In 2017, 14 cases of presumed victims of trafficking among migrants were identified, of which only one was formally identified as trafficking case, an Afghani boy, victim of sexual exploitation.⁴³

As of 2015, **The former Yugoslav Republic of Macedonia** authorities had not formally identified any trafficked person among asylum seekers, migrants in an irregular situation and UASC. Two presumed trafficking victims, both unaccompanied boys from Syria, were identified among the migrant and refugee population (National Commission for Combating Trafficking in Human Beings and Illegal Migration, 2015). In 2016, probably as a result of their longer stay in The former Yugoslav Republic of Macedonia (MK4), and programmes funded by development assistance, a significantly higher number were identified: 120 presumed trafficked persons among migrants in an irregular situation, asylum seekers and UASC were identified (National Commission for Combating Trafficking in Human Beings and Illegal Migration, 2016).

According to data provided by the Unit for Combating Human Trafficking and Migrant Smuggling of the Ministry of Interior, a total of 34 presumed trafficked persons were identified by the police in 2016, most of whom (17 adults and 14 children) were detected during a police raid in the villages of Vaksince and Lojane, close to the Serbian border, in November 2016. Two girls, sisters from Afghanistan, also presumed trafficked children, were detected inside The former Yugoslav Republic of Macedonia territory, and one Nigerian girl was detected in the North of the country and assisted according to the SOPs for dealing with unaccompanied and separated children (2015).

In addition to these numbers, the International La Strada Association detected 86 presumed trafficked persons (61 adults and 25 children) at the Tabanovce and Gevgelija Transit Centres in 2016 (MK4; MK15). According to data provided by The former Yugoslav Republic of Macedonia Ministry of Interior, 32 presumed trafficked persons were identified among the migrant population in 2017, during another police raid in Vaksince and Lojane in July 2017 (MK9). There is no data available on how many of them were adults and how many children, nor on their countries of origin.

⁴³ See: www.centarzztlj.rs/images/stat/17/2017%20Statisticki%20izvestaj.pdf, accessed 03.01.2018.

1.3 Characteristics of THB along the Balkan route and in destination countries

Despite a lack of data on THB from existing statistics and official investigations, interviewees for this assessment in the eight countries covered reported a number of indications, mostly based on anecdotal evidence, which are helpful for a better understanding of recent and current dynamics along the Eastern Mediterranean/Western Balkans route and in destination countries, though the information should be taken with the caveat that it was not always possible to verify these indications with multiple sources. Nevertheless, the interviewees and the literature consulted point to two cross-cutting features of trafficking in this context: its links to migrant smuggling and the incidence of exploitation in transit. The indications that emerge point to the prevalence of forms of trafficking including sexual exploitation, labour exploitation and forced criminality, each of which are examined in turn.

→ Trafficking related to the migrant smuggling process

While migrant smuggling and human trafficking are distinct concepts and realities, in the context of the Balkan route, increasingly restrictive border control policies and the lack of legal alternatives for onward movement, explored in more detail in Section D.2 of this chapter below, play into the hands of unscrupulous groups and individuals who offer smuggling services and use this opportunity to also perpetrate trafficking and other forms of exploitation, taking advantage of the vulnerable situation of migrants (Optimity Advisors, ICMPD & ECRE, 2015; ICMPD, 2015; Triandafyllidou & Maroukis, 2012; Weatherburn et al., 2015). Most of the indications of trafficking and exploitation reported by interviewed stakeholders in all countries under study point to a connection between migrant smuggling services and trafficking and exploitation.

One of the main factors driving the overlap between migrant smuggling and human trafficking is debt (MK1; MK2; MK6; DE2; EL9; BG2; BG6; BG12; BG18; FI1; FI6; FI12; SE4; SE7; SE8; SE12; AT5; AT10; AT2; RS5; Polisen, 2016), also analysed in more detail in Section D.2 below. In a recent report, the Swedish Police Authority noted the links between smugglers and traffickers and the use of debt as a means of forcing people into prostitution, criminality or forced labour (Polisen, 2016). In The former Yugoslav Republic of Macedonia, debt is considered one of the key indicators for trafficking and exploitation. In some cases, smugglers separate families in order to extort additional funds, threatening to hurt the other members of the families if they do not pay the amounts they ask for. In many cases, there is sexual and psychological harassment by smugglers or other group members, specifically of women and UASC:

“There are anecdotal cases of extortion of money by the smugglers, especially in the villages Vaksince and Lojane. There are also stories of smugglers offering their services in exchange for sex with travelling women” (MK1).

In Germany it was also reported that there are cases of exploitation by smugglers based on debts (DE2). In certain cases, as reported by an NGO in Greece, people are forced by smugglers to take specific routes or are obliged to wait for many months because they are in debt to them. In these cases, migrants are often forced into labour, sexual or other types of exploitation (EL9). Migrants may also agree to accept a job arranged

by the smuggler, because they trust them or they have no other choice, and then they have to pay them a portion of the money (BG2).

In addition, ID documents may be withheld by smugglers as a means of control in the context of exploitation (DE2; BG6; MK6). In some cases, exploitation occurs when smugglers ask for more money than was previously agreed as a payment for the smuggling service, while migrants are still en route through the Balkans. This may make people more vulnerable to sexual or labour exploitation in order to obtain that money, and in some cases smugglers directly exploit migrants in this way (FI6; FI12; FI1; SE4; SE7; SE8; SE12; AT5; AT10; AT2; RS5).

Interviewees in Bulgaria also cited cases of intercepted migrants telling police officials that they needed to reach the final destination in order to work there and pay back the money that they owed for the trip (BG12; BG18). One interviewee said that nobody is free at the final destination, they are in a situation of exploitation for several years, and the salary they receive is not sufficient to pay for living expenses and repay the debt for the trip (BG4).

Unconfirmed cases were reported in The former Yugoslav Republic of Macedonia of: *“smugglers [who] separated a child from the family because of a debt for the smuggling services. The family continued, but the smugglers kept the child until the money was transferred to their accounts”* (MK2). One interviewee in Sweden reported a case of trafficking for sexual exploitation of two children in Turkey, a brother and a sister aged 14 and 16, by their smugglers (SE4). NGOs in Serbia reported that smugglers separated children from their family or their travel group in order to extort additional amounts of money for their services (RS5).

The forms of exploitation perpetrated in the context of smuggling include sexual exploitation, labour exploitation and kidnapping for extortion⁴⁴ (DE2; BG11; BG1; BG5; BG8; RS5; FI6; FI12; SE4; SE7; SE8; SE12; AT3; AT5; Polisen, 2016), and are examined in more detail below. Kidnapping and extortion are perpetrated in particular by smugglers (MK4; BG8; RS5). For example, in one case, a family was held against their will in Sofia, Bulgaria and one of the family members died, possibly due to lack of access to medical help (BG8). In some cases reported in Serbia, migrant women or children were locked in abandoned houses for days, while the smugglers tortured and raped them (RS5).

Another aspect of the connection between smuggling and trafficking is cases where migrants are forced to carry out smuggling activities, or exploited through this form of labour. According to one interviewee in Serbia, UASC were coerced into performing smuggling tasks, such as guiding migrants across the land border, transporting them from one place to another within the country, or even advertising the services of certain smugglers in reception facilities (RS5). Migrants told professionals in The former Yugoslav Republic of Macedonia that they were forced to participate in migrant

⁴⁴ Depending on the case, this may also constitute aggravated smuggling, as per Art. 6.3 of the 2000 UN Smuggling of Migrants Protocol: *“Each State Party shall adopt such legislative and other measures as may be necessary to establish as aggravating circumstances to [smuggling of migrants], circumstances: (a) That endanger, or are likely to endanger, the lives or safety of the migrants concerned; or (b) That entail inhuman or degrading treatment, including for exploitation, of such migrants”*.

smuggling activities when residing in camps along their journey:

“There was a young man coming from Iraq, who was residing in the centre for asylum seekers in Skopje for a longer period. We later realised that he was engaged in smuggling activities - as an intermediary between the asylum seekers and the smugglers” (MK14).

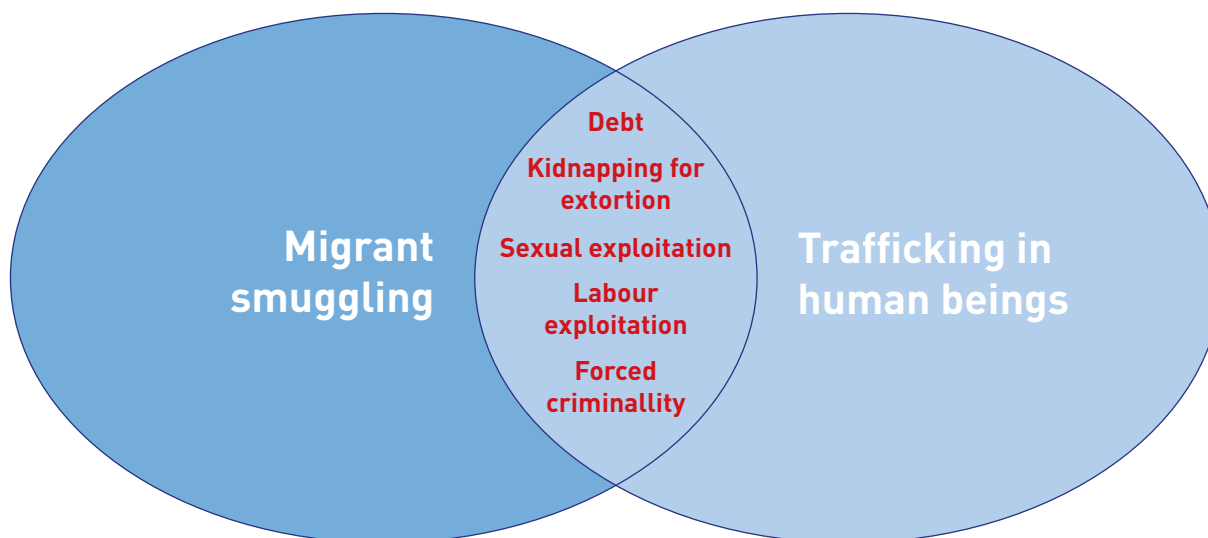


Figure 3: Relationship between migrant smuggling and trafficking in human beings

→ Trafficking and exploitation in transit and at origin

Many indications of potential trafficking and exploitation were reported by interviewees as having taken place either in transit or in the country of origin prior to departure. In Germany, Finland, Greece, The former Yugoslav Republic of Macedonia and Serbia, a number of interviewees indicated that cases of violence and exploitation affecting migrants in those countries had actually taken place outside of the EU, in the country of origin or during transit through non-EU and EU countries (DE2; DE7; DE13; D18; FI2; FI3; FI6; FI9; EL1; EL4; EL20; MK13; RS14). Indeed one interviewee in Germany considered that *“THB is mainly an issue for transit countries, not so much for Germany”* (DE4).

Counselling centres also reported that perpetrators had tried to continue in Germany the exploitation that had already taken place during transit, for example, in Italy or another European country (DE12; DE18). Also, according to several Finnish interviewees, the majority of asylum-seeking victims who have been accepted into the Assistance System were exploited in transit countries outside of Europe – such as Libya, Turkey and Yemen - or in their country of origin (FI2; FI3; FI9).

In Sweden, the law enforcement authority interviewed explained that very often there is not sufficient information to conduct a proper investigation, because the crime occurred abroad and the concrete details from the victim's story are lacking (SE8). Also in Finland, in most cases concerning asylum-seeking victims, the exploitation has taken place outside of Finland or even outside of Europe. It is also very challenging to investigate such cases or have the victims disclose such details (FI12; FI6; FI2).

In The former Yugoslav Republic of Macedonia, according to the Centre for Social Affairs of the Ministry of Labour, many migrants hosted at the centre reported that they were either exploited in the country of origin (sexual exploitation, domestic servitude, forced marriage), or in the country of transit, for example, labour exploitation in factories in Turkey or in seasonal work in Greece (MK13). Stakeholders in Greece also reported that trafficking networks coordinate with associates in Turkey, and that Turkey was where the victims were trafficked for the first time (EL1; EL4; EL20).

An interviewee from the Danish Refugee Council (DRC) in Greece mentioned that colleagues working on asylum in Germany, Sweden, or other destination countries, repeatedly report that family members who are supposed to arrive in those countries disappear. This is an issue that could be related to THB and has not been sufficiently explored (EL5).

→ Forms of exploitation

Sexual exploitation

In all the countries covered by the assessment, with the exception of Finland,⁴⁵ THB for sexual exploitation is the form of trafficking that is most commonly officially identified by the authorities in general (see Section D1.2 above), and in all the countries it is the form for which there are most indications of cases involving migrants and asylum applicants specifically (DE18; DE19; DE20; SE1; SE3, SE4; SE7; FI2; EL4; EL5; EL7; EL8; EL9; Brunovskis & Surtees, 2017).

Most of the indications given by interviewees of trafficking for sexual exploitation involved adult women. In Germany, for example, according to counselling centres and K.O.K. e.V., women aged 18-43 years, mainly from Sub-Saharan African countries, especially Nigeria, and from the Balkans and Eastern Europe, are particularly vulnerable to sexual exploitation (DE18; DE19; DE20). A recent case in Finland was referred to by two interviewees of an asylum-seeking woman sexually exploited in prostitution by her husband (FI2). Law enforcement representatives in Finland mentioned having received accounts of exploitative situations along the Balkan route, including reports of sexual exploitation in prostitution, though none led to a concrete investigation (FI12).

A number of migrant women travelling alone in Bulgaria were reported as trafficked for sexual exploitation, though it was not clear whether the exploitation had been planned in advance or whether it happened in a more opportunistic manner along the route (BG11). One specific case from 2016 involved a young Afghani woman who had been

⁴⁵ In Finland, labour exploitation has been the most commonly identified form of trafficking in recent years in general.

confined in an apartment in Sofia and sexually exploited in prostitution. She came to the attention of the authorities when she was seriously injured after jumping from the balcony of the apartment, in an apparent attempt to escape (BG7).

A number of indications of sex trafficking in various regions of Greece were reported by different interviewees. One case concerned a woman who was presumed to have been sexually abused and trafficked during 2016 by a fellow resident at the unofficial temporary accommodation centre of Elliniko, in the southern suburbs of Athens (EL5), and another two cases of sexual exploitation were reported by the NGO Arsis (EL9). Two presumed victims of sex trafficking were being supported by the first reception service in Evros in Northern Greece since 2015 (EL7) and one case of sex trafficking was reported by the NGO METAdrasi (EL4). A legal aid worker for Arsis in the Schisto temporary accommodation centre in the Attica region reported human trafficking in Moschato in an accommodation centre for UASC and single-parent families, also in the Attica region, as well as young women at the open accommodation centre in Thiva in Central Greece, mainly from African countries, who are victims of sex trafficking (EL8).

Specifically in relation to Berlin, however, a THB expert interviewed for this research, who works on sexual exploitation, reported that none of the sex workers on the streets were recently arrived asylum seekers, though this does not exclude the possibility of them working or being exploited in brothels or private apartments (DE1).

Some cases seem to involve what has been termed “survival sex” or “transactional sex”, rather than trafficking for sexual exploitation (DE2; DE7; DE13; DE20; EL2; EL5; EL8; Brunovskis & Surtees, 2017; FXB Centre for Health and Human Rights & Harvard University, 2017). Without further examination on a case-by-case basis, it is difficult to determine in each case whether this is a form of sex work or a form of sexual exploitation, and to determine the level of consent in each case. This may involve someone in a desperate situation either: (a) exchanging sex for a good or service; or (b) engaging in sex work due to a lack of alternatives.

According to research conducted by Oxfam, although cases of “survival sex” have not been reported to the authorities, several women in Serbia reported that they “were sexually exploited in the countries they crossed in return for shelter, food, or the continuation of their journey” (Oxfam, 2016: 8). The FAFO research in Serbia also found “situations in which persons have been forced to sell sexual services to survive along the route (e.g. to pay for food and accommodation, to pay smugglers for the onward journey)” (Brunovskis & Surtees, 2017: 12-13). Interviewees in Germany mentioned cases of security staff asking female asylum seekers for sexual acts in exchange for support with administrative issues (DE2; DE7; DE13; DE20).

In the accommodation centre of Elliniko in the Greek capital, a single mother whose husband was in Germany was reported as engaging in survival sex and being under the control of a man selling drugs in the camp (EL5). There were also reports of survival sex at the accommodation centre of Skaramagas near Piraeus Port, outside Athens, and among migrants in Athens in general, connected to drug use (EL8), as well as at the sea borders, and in Moria on Lesbos (involving women) and on the island of Lesbos in general (mainly involving young men and boys) (EL23). “Survival sex”, according to

the Greek National Rapporteur on THB, may be the only form of income or payment for services, including migrant smuggling, for some people (EL2).

A similar phenomenon was detailed in ICMPD's research on people displaced by the Syrian conflict in Syria, Turkey, Lebanon, Jordan and Iraq:

"the benefits received by traffickers or exploiters are not always in the form of money. Indeed in a number of cases observed, a child or adult was exploited in return for an in-kind transaction, such as: [...] authorisation to move out of a refugee camp; physical protection; in-kind assistance; cross-border migrant smuggling; facilitation of internal movement; passage through a security checkpoint; or accommodation. This situation of humanitarian emergency has also led to women and girls being involved in 'survival sex', whereby a person, usually a man, who controls access to something that the woman or girl needs, compels the woman or girl to have sex with him in order to gain this access" (ICMPD, 2015: 206).

Sexual exploitation also affects unaccompanied and separated children (SE3; SE4; SE7), especially Afghani asylum-seeking boys, as well as young men, exploited as "bacha bazi"⁴⁶ ("dancing boys") in Sweden and Finland and subjected to violence and threats (Migrationsverket, 2015; National Assistance System, 2017). Some cases in Austria also involve Afghani and Pakistani boys abused as bacha bazi in their countries of origin and then again by the same perpetrators in Austria (AT5; AT8; AT10). There are also reports in some Austrian federal states of the commercial sexual exploitation of Afghani boys (AT1; AT3), though investigations are still ongoing as to whether these are trafficking cases (AT1). According to a staff member of the Greek NGO Arsis, who provides psychosocial assistance in Schisto centre in Athens, Greece, survival sex may be post-traumatic and a form of self-harm, as seen in certain cases of young Afghanis (Focus Group EL8; see also: FXB Centre for Health and Human Rights & Harvard University, 2017).

In Lesbos, a number of boys from Congo and Sudan were reported as trafficked, having arrived aged under 18 but subsequently "ageing out". One was a boy from Congo whose trafficker had been his relative and who had been a victim of sexual abuse during the journey, though this case was never referred to the authorities as a trafficking case (EL15). In Fylakio, interviewees from both the RIS (hotspot) and UNHCR spoke of unaccompanied children in respect of whom there were indications of THB, however, no preliminary or formal identification took place and the indications may have related to smuggling rather than trafficking, although coercion was in evidence (EL10; EL11).

There were several allegations of trafficking taking place in Turkey and on the Greek islands of Samos and Chios, mostly involving unaccompanied girls aged 10-17 years from Algeria and other African countries trafficked for sexual exploitation (EL4; EL18; EL20). However, there is no information on further investigations conducted in relation to these allegations.

⁴⁶ "Bacha bazi" refers to a practice involving young boys, who are dressed in women's clothing and made to sing and dance at weddings and other parties in front of an all-male audience. The boys are often forced into sexual relations with older men. The practice occurs in Afghanistan and parts of Pakistan (Aronowitz, 2016).

In Sweden, an interviewee indicated that adult men may also be sexually exploited, but they are unlikely to report their experiences (SE4). Media reports in Finland also suggest that Finnish women and men are buying sex from asylum-seeking men.⁴⁷ Young Afghani men were reported as involved in prostitution in Austria (AT1; AT3). One interviewee in Austria also reported that the share of Afghani men in prostitution is higher compared to other nationalities, particularly in homosexual prostitution (AT8). One specific case in Bulgaria in 2015-2016 concerned a group of young Afghani men offering sexual services in the Lion's Bridge area in downtown Sofia, detected by the staff of a tuberculosis prevention programme, though it not could be determined whether they were being exploited as they were not willing to engage in conversation (BG2). Indeed it is difficult to determine whether or not there is exploitation and trafficking in all of these cases of men involved in prostitution.

Labour exploitation

Because asylum seekers and migrants may not have the legal right to work, and often have difficulties finding a job, working and earning money, they may be particularly vulnerable to false promises regarding job and livelihood opportunities (DE3; DE19; SE1; SE7; SE9; FI2; FI7; FI11; FI12; BG2; Brunovskis & Surtees, 2017). In Germany, victims of labour exploitation or forced labour are mainly men aged 25-30 years (DE3; DE19). Employers may take advantage of the dire economic situation of some migrants - they often have to pay back debts, or support their family back home, or need money to organise family reunification. In some cases, they do not have a work permit or an employment contract (see Section D.2.1 below on legal status as a risk factor), they work long hours under difficult conditions and they do not receive their salary (DE3). Many asylum seekers, undocumented migrants and even children may be exploited for work during transit and while they are in Sweden (SE1; SE7; SE9).

Also in Finland, several interviewed experts mentioned that regular labour migrants, asylum seekers and undocumented migrants are at risk of labour exploitation, especially in the cleaning and restaurant sectors and in agriculture (FI2; FI7; FI11; FI12; Ollus & Jokinen 2013; Ollus 2016). However, not many such cases concerning asylum seekers have been uncovered in Finland, perhaps partly because the work is carried out in remote locations or at night, and it is thus more difficult for labour inspectors or other authorities to identify (FI7). Commonly detected problems include issues with wages, working hours, mandatory health services and insurance. One interviewee in Bulgaria observed that in 2015-2016, the vulnerability of migrants to labour exploitation increased, because with a much higher number of migrants coming into the country and trying to find work, some employers could choose to pay less or not at all (BG2).

A case reported by the NGO Arsis in Athens involved a woman who had found a job in Greece through a recruitment agency in the Philippines, with a stipulation in the agency's contract with the employer that the woman had to work for that employer for

⁴⁷ Helsingin Sanomat (7 May 2017). "Irakilaismies vei HS:n toimittajan seksiluolaan, jossa suomalaiset miehet maksavat palveluista – moni turvapaikanhakija ja paperiton on päätynyt seksityöhön [An Iraqi man took the HS reporter to a sex dungeon where Finnish men are paying for services – many asylum seekers and undocumented migrants have ended up in sex work]", *Helsingin Sanomat*. Available at: www.hs.fi/sunnuntai/art-2000005198660.html, accessed 30.09.2017.

three years. The woman was a domestic worker in the house of a Lebanese couple in Athens, earning very little money and with no right to leave the family. She finally managed to escape. Although this was not someone who had used the Balkan route, according to Arsis, *“many such cases possibly exist among the backlog [asylum] cases; cases that have never been recognised as incidents of labour trafficking”* (EL9).

Migrants and asylum seekers may be exploited in various different sectors of the labour market. Some industries in Germany are more prone to labour exploitation, such as the hospitality industry, care, cleaning companies, private households, construction, sex work, meat processing, agriculture and transport services (DE3). In Sweden, migrants - especially those who are undocumented - are vulnerable to being exploited in the informal labour market, such as in restaurants, cleaning, agriculture, sales and domestic work (Länsstyrelsen, 2017). One NGO representative outlined how undocumented migrants are exploited in the informal labour market, working long hours, for example, in grocery shops, for 20SEK (c. 2 EUR) per hour. Young women in particular work in private houses, doing cleaning and other domestic chores. Other such jobs include shovelling snow from roofs during winter, washing dishes in restaurants and cleaning both for private households and for companies (SE2; SE9).

In Austria, asylum applicants are legally banned from most sectors of the labour market. They can only work self-employed, including in sex work and delivery of newspapers or marketing materials (AT2; AT6; AT9), and in some other occupations where there is an identified labour shortage (AT16). Some sectors are particularly prone to exploitative practices, though they may not necessarily constitute human trafficking, such as the hospitality sector (AT16).

Nevertheless, there is little awareness of forced labour in countries like Germany and Sweden (DE3; SE1; SE7; SE9) and many possible cases of labour exploitation are not further investigated because they are assumed not to be forced or the person does not have a residence permit or employment contract. In 2015, only 14 cases of labour exploitation were officially detected by the Federal Criminal Police (BKA) in Germany (DE3). There is also a lack of knowledge about the rights of migrants and asylum applicants and their legal situation in Germany. In Sweden, some interviewees from the authorities and NGOs suggested that this form of trafficking is particularly hidden and the official statistics are far from reflecting its actual extent (SE1; SE8).

Forced criminality

In Austria, Greece and Serbia, an increase in cases of THB for forced criminality was reported. This may include petty crime, drug dealing or larger criminal operations (SE3; SE4; SE8; SE9; SE12; AT1; AT2; AT5; AT7; AT9; AT10; AT16; EL2; EL8; Brunovskis & Surtees, 2017), or migrant smuggling, as described above. Migrants in an irregular situation may be particularly vulnerable to this form of exploitation, as well as unaccompanied and separated children.⁴⁸ In Greece in some cases, UASC are forced to become smugglers and to transfer their peers from Turkey to the Greek islands, in order to pay off their debt (EL4). In Sweden, it was reported that this form of exploitation particularly affects children, mainly North African boys (SE3; SE4; SE9; SE12), who are

⁴⁸ See: www.europol.europa.eu/socta/2017/conclusion.html, accessed 17.04.2018.

forced to sell drugs and commit petty crimes or property crimes (SE3; SE8; SE12).

Some of the interviewees also pointed out that the boys are often exploited for multiple purposes: *“Children might be selling drugs during the day or working and then they are exploited sexually in the evening”* (SE3).

In Austria, accommodation and care facilities and the children and youth service reported that there is anecdotal evidence that young men and boys are involved in drug dealing (AT1; AT2; AT5; AT9; AT10). Children who are below the age of criminal responsibility are targeted for this (AT1; AT7; AT9a), particularly Afghani children exploited by Afghani adults (AT16).

There were also reports of drug dealing in the accommodation centre of Skaramagas in Greece, though it is not clear whether this was forced. According to the Greek National Rapporteur on THB, desperation and survival strategies make migrants very vulnerable to recruitment by criminal networks, though this is not generally recognised as a form of trafficking. There is a need to further investigate these potential cases of forced criminality (EL2).

Other cases

In some reported cases, it was not clear what form of trafficking was taking place. A case was reported at Pikpa, an open, NGO-run camp for vulnerable migrants on the Greek island of Lesbos, where a Congolese woman, mother of two underage children, was reported by other residents as having disappeared, and was later found in Athens (EL17). An interviewee working at the centre in Fylakio in Evros reported a possible THB case involving a woman from Vietnam who was accompanied by two men, all of whom wished to return to Vietnam. However, they all disappeared, as procedures were taking a long time (EL10).

D.2 Risk factors

Almost all interviewees indicated that there were multiple vulnerabilities and risk factors for exploitation and trafficking affecting migrants travelling along the Balkan route and after reaching their intended destination, as also identified in recent research (e.g., Brunovskis & Surtees, 2017; MMP, 2017; UNODC, 2016). Some of these factors relate to the migration context and therefore affect all of those using the routes. Children, particularly UASC, and to some extent also older teenagers and young people, largely share the risk factors for trafficking and exploitation identified in relation to adults, but some factors are specific to children, exposing only them to the risk of trafficking and exploitation, or exposing them to a heightened risk compared to adults.

Besides a common set of risk factors shared by all migrants using the Balkan route, and the specific factors that UASC are affected by, the assessment identified some gender-specific risk factors, exposing mostly women and girls, but also in some instances men and boys, to increased risks of violence, abuse and exploitation, including trafficking. The risks identified are presented here in two sections:

- 1) Risks related to the legal and policy context; and
- 2) Risks at the individual level.

Many of the risk factors and vulnerabilities at the individual level – such as having experienced loss, trauma or hardship in the country of origin or during the migratory journey, before reaching Europe – cannot necessarily be prevented by the frontline authorities and other actors dealing directly with migrants in the transit and destination countries, though their effects could be mitigated. Other factors, however, relating to reception conditions, such as providing appropriate, safe accommodation for UASC, or ensuring basic financial support for adults, are within the mandate of receiving countries' institutions.

Addressing the systemic factors, such as providing access to legal status and the right to work, including through access to a speedy and fair asylum procedure, and channels for legal migration, as well as ensuring appropriate protection for all children within their jurisdiction and special protection measures for children deprived of parental care, is also within the mandate of national governments and EU-level policy-makers.

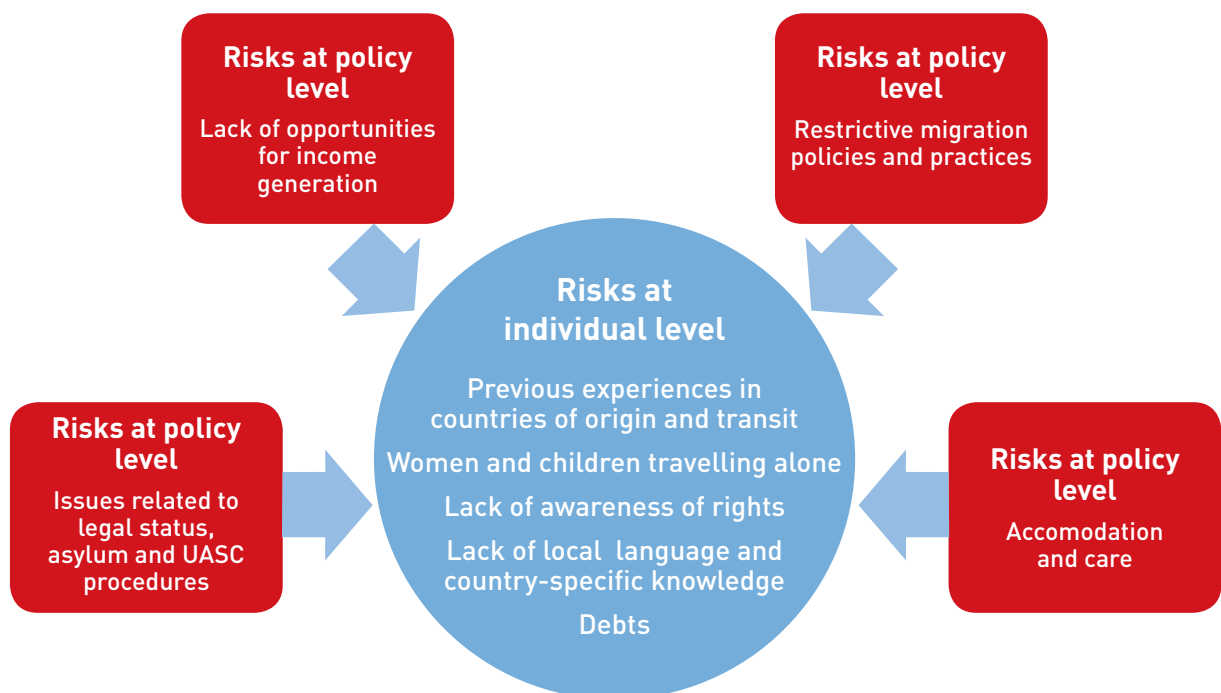


Figure 4: Risks factors for migrants travelling along the Balkan route and in destination countries

2.1 Risks related to the legal and policy context

→ Issues related to legal status and procedures

At the point at which asylum status is definitively refused, people are particularly vulnerable to trafficking and other abuses (SE6; SE9; SE13; F11; F13; F17; F18; F19; F13; AT2; BG11). Interviewees in Sweden considered that people whose asylum application

has been refused, and undocumented migrants, are extremely vulnerable to exploitation and trafficking. This is also particularly the case for young people whose application may be rejected after they turn 18 (“ageing out”) (SE9; SE13). Indeed, these young adults are in the same situation as adult asylum applicants who received a negative decision, but with the increased vulnerability of being very young and still in need of support.

Thousands of people whose asylum application was rejected stayed in Sweden as undocumented migrants after receiving the final negative decision in 2015 and 2016.⁴⁹ Thousands of these people also lost their right to accommodation and reception allowances, after the legal amendments in Sweden in 2016, including unaccompanied children who “aged out”. Some Swedish cities were reluctant to even provide them with emergency funds to pay for food, leaving them in a desperate situation and easy prey for exploiters (SE6; SE13). Reportedly, some UASC turned 18 while their status determination procedure was still pending. Faced with the obligation to move to reception centres for adults, they preferred to move to informal accommodation settings, thus losing contact with the authorities and most service providers (SE9; SE13).

In Austria, an interviewee from the NGO MEN VIA reported that people who receive a negative decision often fall victim to exploitation and there are no periodic regularisation programmes in Austria (AT2). Also in Finland, several interviewees pointed out that particularly those who have received a negative first decision on their asylum applications or a final deportation order are extremely vulnerable, especially after they lose the right to reception services and allowances 30 days after receiving the decision. This leaves them desperate for some kind of income and therefore more vulnerable to exploitation (FI1; FI3; FI7; FI8; FI9; FI3; Ollus & Jokinen, 2013).

The situation of desperation is exacerbated for people like young Afghani men who received negative asylum decisions in Finland after turning 18, but who consider returning to Afghanistan impossible, as many of them grew up in Iran and have never actually lived in Afghanistan:

“Those clients who have received negative asylum decisions absolutely do not want to return, they “cannot return”. Some say they might continue to another country. The whole process is extremely hard and long, they are disappointed and feel they have nothing to lose, they have already lost everything” (FI1).

In Bulgaria, rates of refugee recognition are very low for some nationalities – for instance, according to statistics provided by the State Agency for Refugees (SAR), in 2016, the refugee recognition rate was 9% for Iraqis, 1.8% for Afghans and 0.005% for Pakistanis, with a high recognition rate only among Syrians (94.3%). Due to their lack of regular legal status, people whose asylum application has been refused are very vulnerable to exploitation by smugglers, who continue to pressure them for additional payments, threatening them with reporting their irregular status to the authorities and not taking them to a final destination, as well as physical threats (BG11).

⁴⁹ *Sydsvenskan* (07.03.2017). “Police warns about growing shadow society”. www.sydsvenskan.se/2017-03-07/polisen-befarar-vaxande-skuggsamhalle, accessed 16.10.2017.

NGO representatives in Finland also pointed out that the atmosphere and public debate on undocumented migrants has become more restrictive since 2015. This has scared people and increased their vulnerability (FI9). According to the Office of the Finnish

National Rapporteur on THB, due to the high rejection rate of asylum applications, the number of undocumented migrants in Finland is increasing (FI3). Finding a job and applying for a work permit is the only remaining option in order to remain in Finland regularly, and unscrupulous employers can give misleading information on the chances of getting a work permit, even if it is not possible to get a work permit for that sector due to labour market restrictions. Some employers even demand that the person first works for free to demonstrate that they are a good worker, before any wages are paid or contracts are signed (FI1; FI3; FI7; FI8; FI9; FI3; Ollus & Jokinen, 2013).

Similarly, people in an irregular situation in Bulgaria cannot work with a regular employment contract and have limited avenues to seek redress for any exploitation occurring at the workplace; they would also be reluctant to turn to the authorities if they are victims of any crime or abuse, including trafficking, for fear of being arrested, detained and/or deported (BG11). Also in Austria, an NGO representative stated in this context that: *"If deportation is not feasible, this will be a future challenge"* (AT2). Migrants in Serbia who for various reasons did not apply for asylum remained outside of the protection system, which means that smuggling services is the only available way to continue their journey. This leads to different kinds of vulnerabilities, including the risk of being trafficked within Serbia or further along the journey (RS10).

Another significant risk factor for THB is longer waiting periods for receiving decisions within the asylum procedures. While people are waiting for interview appointments and decisions on asylum applications and appeals, they often cannot work or seek independent accommodation. This presents an opportunity for potential exploiters or traffickers to offer incentives such as residence permits, work permits or jobs in a context of exploitation or THB (DE1; AT2; AT16; EL8; EL12; UNHCR, 2015).

In Germany, for example, long waiting periods for an asylum interview at the Federal Agency for Migration and Refugees (BAMF) leave people vulnerable to such offers (DE1). Delays in the asylum process are also a concern in The former Yugoslav Republic of Macedonia and Serbia, according to Oxfam, which found: *"difficult access to the asylum procedure, delays in issuing adequate identification documents and problems regarding the processing and the quality of decision making when assessing asylum claims"* (Oxfam, 2017: 13). Also in Austria, vulnerability to labour exploitation was specifically mentioned as related to the duration of the asylum procedure, as well as the urgent wish of many migrants to start to work as early as possible once in the country (AT2; AT16):

"The waiting is very distressing, in particular, because they want to work. They don't speak about undocumented labour [...], but I believe that some of them try to find a job" (AT2).

Risk factors related to legal status in Greece depend on whether someone is at the land borders with Turkey, on the islands or on the mainland. Geographical restrictions on asylum applicants' freedom of movement within Greek territory were introduced

in the context of the EU-Turkey Statement (EL17). On the islands, the geographical restrictions remain in place until people have their first asylum interview and in some cases even until the appeal process is complete (EL12). In Schisto in Athens, a Focus Group participant reported that the asylum procedure is often delayed, which makes people desperate and leads them to seek irregular means for moving onwards (EL8). These long waiting periods render people vulnerable to exploitation and trafficking.

Irregular or unclear legal status along the route also leads to people being reluctant to seek support from the authorities, since they are afraid that they will be apprehended for illegal entry or that they will lose contact with the group they are travelling with, a situation that makes them vulnerable to abuses by smugglers and traffickers (MK4). Large numbers of people were and are in this irregular or unclear situation, according to an interviewee from the Macedonian Young Lawyers Association (MYLA):

“On top of that situation, there are the constant pushbacks to Greece, which means the return of a large number of migrants in an irregular situation without any formal procedure” (MK6).⁵⁰

For unaccompanied and separated children, the delay in family reunification procedures is a particular risk factor (EL8), exacerbating their vulnerability to exploitation and trafficking. Also, children often do not sufficiently understand the procedures that affect them, and the reasons for the long time needed to process their applications (UNICEF & REACH, 2017). As a result of long waiting times and lack of clarity around existing procedures, these children are at risk of finding irregular ways of reaching their destination more quickly (UNICEF & REACH, 2017). They see no other way than resorting to smugglers and traffickers in order to continue their journey to elsewhere in Europe (BG3; Save the Children, 2017). Left outside of any protection system, they may be also pushed to engage in ‘survival sex’ in order to support themselves (EL8; EL9).

Another specific risk factor for UASC is delays in the appointment of a guardian, and/or by the guardians’ insufficient capacity to appropriately care for each individual child (BG4; BG20; AT5; AT10; AT12; RS5; RS8). Besides being a gap in the general protection of UASC, this circumstance – evinced in most of the countries covered – appears to also aggravate the risk of these children being exposed to trafficking and exploitation. Cases of legal guardians who allegedly sexually exploited the children they were responsible for were also reported by some interviewees (DE14).

→ Lack of opportunities for income generation

Linked to problems of legal status is the lack of opportunities for income generation for many migrants, as another key risk factor for trafficking. Swedish interviewees emphasised poverty as the common denominator among the victims they encounter. In Sweden, Austria, Bulgaria and Greece, lack of money, a difficult financial situation and the desire to earn money as quickly as possible were mentioned as contributing

⁵⁰ See also : Oxfam, 2016: p13: “As of April 2016 an estimated 1579 irregular migrants were apprehended by the FYROM police and returned to Greece without the possibility to submit an asylum application, while in May it was reported that the figure was 3763.”

factors for many victims who ended up in situations of exploitation (SE10; SE11; SE12; AT2; AT16; BG2; BG6; BG7; BG17; BG19; EL2; EL4; EL5; EL9; EL15; EL17).

The money is needed for general subsistence, to pay debts for transport for migrants themselves or for relatives, or in order to send remittances (AT2; AT16). At the moment along the route when migrants run out of money or it is taken from them, they may be more likely to agree to an exploitative situation (BG6; BG7; BG17; BG19). Conversely, wealthier and more educated migrants travel under better conditions, and the risk of exploitation is lower (BG12; Optimity Advisors, ICMPD & ECRE, 2015).

Also in Austria it was reported that poor integration and being financially deprived puts people at risk. This includes not going to school, not having an apprenticeship, and having no employment (AT1). In Bulgaria, refugees and asylum seekers are accommodated and basic needs are covered but they do not receive any financial support from the state, and agreeing to exploitative situations may be the only way to survive during their procedure and after receiving international protection status (BG2). Also in The former Yugoslav Republic of Macedonia, a lack of resources makes migrants especially vulnerable to trafficking and exploitation (MK1; MK5). The lack of a possibility to find a job and make a decent living was also identified by a number of interviewees in Greece as a risk factor (EL2; EL4; EL5; EL9; EL15; EL17), as well as being a key aspect of protection and rehabilitation, as we will see below Section F.

→ Restrictive migration policies and practices

In several of the countries covered by the assessment, interviewees reported restrictive migration policies and practices as a major risk factor for THB (DE8; SE2; SE3; SE9; SE13; BG3; BG2), which is also confirmed by relevant literature, as examined in Section A.2 above (Brunovskis & Surtees, 2017; MMP, 2017; OSCE, 2017; UNODC, 2017; Weatherburn et al., 2015). As one interviewee in Germany put it:

“The biggest human rights violations and risk factors are the closed EU external borders, which violate the right to international protection and undermine the right to a proper asylum procedure” (DE8).

Restrictive changes in Sweden’s migration policies were considered to increase people’s vulnerability in general, especially changes concerning the termination of reception services after a final negative decision for adults - including young people aged 18-21, as we have seen in the previous section -, restrictions on the right to family reunification and the decision to designate parts of Afghanistan as safe for the purposes of return (SE2; SE3; SE9; SE13).

In The former Yugoslav Republic of Macedonia, the lack of legal channels for movement across borders is recognised as a primary factor exposing migrants, refugees and UASC travelling to Europe to various kinds of risks, including trafficking and exploitation (MK1; MK4; MK5; MK6). Also in Bulgaria, the closing of borders and moves towards more restrictive immigration policies lead to increased risks for migrants (BG3). The tightening of border controls at the Bulgarian-Turkish and Bulgarian-Serbian borders, and the “closure” of the Western Balkans Route led to a rise in the price charged by

smugglers for crossing into Bulgaria and travelling through the country without being fingerprinted. This makes people more vulnerable to exploitation and trafficking: as they are determined to reach their final destination, they are desperate to earn the money required – and migrant smuggling may become a trafficking situation (BG2), as we have seen above in Section D.1.3.

For UASC and migrant children more generally, restrictions along the Balkan route have led to more perilous situations, where children had to look for alternative routes, make repeated attempts to cross borders and risk pushbacks and alleged cases of violence (BG3). In general, the longer the journey, the greater the risk for migrants – primarily physical risks to their lives and wellbeing, but also in terms of being susceptible to abuse and exploitation (BG3; BG17; BG18). Due to restrictions on leaving the Greek islands, interviewees reported that women got pregnant specifically in order to be identified as vulnerable and moved to Athens (EL4; EL7; EL15; EL17; EL18; EL20).

In Bulgaria one interviewee observed the relative weakness of Bulgarian civil society in providing material support and a lack of a strong civic movement defending refugees' rights, as well as a generally hostile social attitude towards migrants, as additional vulnerability factors characteristic of the environment in which migrants find themselves (BG4).

→ Accommodation and care

The fact that, for certain periods, people who apply for asylum and/or enter a country irregularly are obliged to reside in overcrowded reception centres and RICs (“hotspots”) may also lead to risk factors for THB, particularly related to sexual and gender-based violence (SGBV) (EL5; EL8; EL9; EL12; EL15; DE2; DE7; DE13; DE20; SE3; RS1; RS19; MK16; BG1; BG2; BG3; BG4; BG7, RS1, RS12; RS19). Reception centres are often a tense environment with limited resources, particularly at times when larger numbers of people were arriving, and interviewees reported that in particular a perception of having limited choices may cause people to be vulnerable to THB. Sexual violence and exploitation are a particular concern, as well as the potential for involvement in migrant smuggling, drug use and drug dealing.

In Greece, the fact that large numbers of people are housed together in collective accommodation is a risk factor in itself. Smuggling networks are present inside accommodation centres and, according to an interviewee from the Danish Refugee Council (DRC), in comparison to smugglers, community workers in centres such as Elliniko may be seen as less trustworthy by people who feel stuck in a limbo:

“So much smuggling is going on that people could end up being trafficked. People have very little hope of moving somewhere else in Europe and very little chance of a life in dignity, as their chances of getting asylum here are very limited. The smugglers give hope to a system that doesn't do it for itself. The risks of trafficking during smuggling are high” (EL5).

Also in Germany, cases of physical violence, sexual violence, harassment and exploitation were reported at reception centres (BMFSFJ, 2017) and centres were seen as a place of recruitment for perpetrators (DE2, DE13). One interviewee in Germany indicated

that some traffickers may have themselves applied for asylum, and be accommodated together with their victims (DE2). According to several interviewees, there is also a risk of exploitation in reception centres by social workers, facility operators, translators, security staff or volunteers (DE2; DE7; DE13; DE20).

Issues such as overcrowding, mixed female and male accommodation, insufficient lighting and difficulties regarding women's access to the toilets (including the fear of rape), exacerbate the situation in centres such as those in Elliniko in Athens, in Moria on Lesbos and on Samos (EL5; EL9; EL12; EL15). Also in Serbia, there are reports of violence, specifically SGBV, as well as harassment of women, in the reception and transit facilities, though it was not clear whether exploitation or trafficking was involved. For example, male migrants threatened women as they were going to toilets at night (Oxfam, 2016). Sexual and physical violence is also perpetrated by husbands of migrant women, but *"in most of the cases the women do not report this. Even if they report, they usually go back to their husbands after a certain period of time"* (RS19).

In The former Yugoslav Republic of Macedonia, there were also reports of SGBV and domestic violence among the migrant population, though again it is not clear whether trafficking was involved. As in Serbia, there are reports of violence by abusive husbands in transit centres, where prolonged stays increased the levels of frustration, anxiety and aggression (MK16). When offered support by social workers, women often did not want to report these incidents, as they did not want to leave their husbands: *"They would speak to us and complain, but in the end most of them wanted to stay with their husbands since they were afraid of losing contact with their family"* (MK16).

Children and people with mental illnesses in centres like Elliniko in Greece sometimes do not receive proper care and many boys became involved in alcoholism, drug use, drug dealing and survival sex at this centre (EL5; E8; EL9). For example, according to Focus Group participants in Greece, in November 2016, a large group of Moroccan boys and young men aged 17-22 years old arrived in Elliniko, having been stranded in Idomeni after the closing of the borders. They had lost any hope of moving onwards to their intended destination, had very limited chances of getting regular status and no livelihood opportunities. This situation contributed to the use of drugs and involvement in drug dealing and violent acts, including sexual harassment (EL8; EL5).

A number of interviewees in Bulgaria had come across cases of sexual abuse of children, particularly of teenage Afghani boys, perpetrated while the boys were accommodated at Bulgarian reception or detention facilities for asylum applicants (BG1; BG3; BG7). Exploitative practices such as *bacha bazi* and forced marriages leave children deprived of adequate protection and (potentially or actually) subjected to violence and exploitation. These practices are sometimes perceived by service providers as 'cultural traditions' (BG1), and may therefore be tolerated by some Bulgarian officials and state employees, rather than being treated as protection concerns (BG4). In other cases, authorities within a country adopt differing approaches to child marriage, and the response is consequently not harmonised.

In 2015, a staff member of the UNICEF office in Bulgaria reported to the Bulgarian child protection authorities a case of suspected sexual abuse of an unaccompanied child

accommodated at a Registration and Reception Centre, which the person in question had received information about at a meeting.⁵¹ The response, according to the interviewee, was to establish stricter rules for NGOs for access to and working in the RRCs (BG3).

In addition, security at some reception centres is considered poor, with incidents of violence among residents, and security guards unable or unwilling to get involved (BG1). Some centres in Bulgaria are understaffed and there is no 24-hour supervision (BG15; BG20). This means that children are left alone at night, unguarded, on the same premises as adult men. There are accounts of children in reception centres being made to dance and to do domestic chores (e.g., shopping, cleaning rooms) for older migrants, in exchange for protection from the other adults at the centre (BG2; BG3; BG4). An interviewee in Sweden also reported that traffickers operate near reception facilities or homes where unaccompanied children live, selling drugs and recruiting the children for exploitation in forced criminality (SE3).

The findings across the countries covered in the assessment reveal that many UASC do not enjoy adequate care and placement. In many countries, UASC may be wrongly identified and treated as adults due to flawed age assessment procedures (AT8; BG4; BG16; RS5; RS14; RS15; RS21; MK2; MK3; MK4; MK5; MK15; EL1; EL8). In particular, these children risk being accommodated with unrelated adults. As it is the main entry point for accessing (or, conversely, being denied) a whole range of fundamental rights, incorrect age assessment constitutes a significant factor exposing these children to a wide range of risks, potentially including trafficking and exploitation (RS15; RS5; RS11).

Even those UASC who are identified as children are sometimes placed at unsuitable facilities. In Serbia, for instance, the situation is particularly worrying at the centre in Obrenovac, near Belgrade, where only boys and men, usually aged 14-30 years, are accommodated. One interviewee explained the vulnerability factors as follows: *“there is too much testosterone concentrated at one place there”*, and called for UASC to be accommodated in a separate facility in order to prevent sexual harassment and abuse (RS1). In Greece, the shortage of shelter places for UASC has led to many children being accommodated in Reception and Identification Centres for months, such as for instance in Fyllakio, Lesbos and Samos (EL1; EL11; EL12; EL13; EL14; EL15; EL18; EL19).

In addition to being accommodated with unrelated adults at reception facilities, UASC are sometimes placed in detention for migration-related reasons. In Greece, some UASC were placed in protective custody (detention) by the police for more than six months (EL11). In Bulgaria, UASC may be “attached” to an unrelated adult travelling with the same group by police officers and placed in detention. Allegedly, this practice appears to be driven at least in part by the limited availability of alternative care and placement options (BG3). In the detention centres, the UASC are believed to be exposed to many risks of abuse (BG3).

In virtually all countries assessed, a considerable number of UASC are reported as having left care (FI5; SE3; SE8; SE9; AT1; AT16; BG15; RS; BKA, 2017; UNICEF & REACH,

⁵¹ In accordance with the reporting obligations set out in Art.7(1) of the Child Protection Act to report any child in need of protection if they become aware of it (BG3).

2017). Being outside of the child protection system exposes these children to a range of risks of violence, abuse and exploitative situations. Interviewees stated that these children are especially vulnerable, as it is easier for exploiters to target them (FI5).

Box 4 UASC leaving care in the EU

In January 2016, Europol reported that at least 10,000 unaccompanied children who arrived in Europe had subsequently gone missing.⁵² According to Europol, this is an estimate, but it illustrates the scale and seriousness of the problem. The number of children who disappear from the protection system is believed to have increased as a result of the 'migrant and refugee crisis' (Missing Children Europe, 2016). As data on such missing children are not collected in a systematic and comparable way in the EU, exact figures are not available. However, various sources confirm the severity of the situation (Missing Children Europe & President's Foundation for the Wellbeing of Society, 2017).

While in many cases, information about the whereabouts of children who leave care is unavailable (Missing Children Europe, 2016), these children are believed to be at heightened risk of trafficking and exploitation, with some of them potentially having already been trafficked – as well as a broader range of violations of their rights. Recalling the **Communication on the protection of children in migration** (European Commission, 2017a), the report of the UN Special Rapporteurs on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse materials, and on trafficking in persons, especially women and children, noted that *“too often, cases of missing children who may be victims of trafficking, go unnoticed owing to a lack of reporting procedures”* (UNGA, 2017: 13).

According to an NGO representative in Sweden, UASC who disappear within 72 hours are likely to be the most vulnerable, as criminal networks are often involved in the disappearances. Although the whereabouts of these children are largely unknown, and trafficking or exploitation has not necessarily taken place, one Bulgarian interviewee referred some UASC making contact with organisations in the destination country that they arrived in after leaving care in Bulgaria, to say that they had made it and were doing well. However, these children reported that they had no money or income, so it is unclear how they paid for the trip (BG15), leading to suspicions of their being involved in trafficking.

2.2 Risks at the individual level

Adults and children are also vulnerable to THB due to risks at the individual level. These can include: previous experiences in countries of origin and transit; women and children travelling alone; lack of awareness of rights, of the local language and of country-specific knowledge; and debts.

⁵² See: www.theguardian.com/world/2016/jan/30/fears-for-missing-child-refugees, accessed 19.12.2017.

→ Previous experiences in countries of origin and transit

Previous experience of domestic violence is a risk factor identified by interviewees in many of the countries covered, particularly affecting women and girls. Due to an effective identification procedure, according to UNHCR, many single women accommodated in Moria on Lesbos in Greece were identified as having been victims of SGBV, both in their countries of origin and during the journey, including in Turkey. One girl who had left her husband in Germany was identified as a victim of domestic violence at Fylakio. A relative of her husband arrived at the centre and demanded to take her back to Germany, while the girl wished to go to Turkey to be with her parents (EL10).

In Serbia, interviewees mentioned that many people were exposed to violence, exploitation or trafficking in their countries of origin or in transit and so their vulnerability continues as they transit through or reside in Serbia. Interviewees had come across cases of domestic violence, SGBV, labour exploitation and different forms of trafficking affecting adults and children before arrival in Serbia (RS8; RS12; RS13).

Some women travelling with their families in The former Yugoslav Republic of Macedonia were reported as physically abused by their husbands. However, as set out above, they do not seek professional support and remain vulnerable, since *“they are afraid that they will be separated from their family or the group they are travelling with”* (MK4). Some people in The former Yugoslav Republic of Macedonia reported to interviewees that their reason for taking the migratory journey was to escape from a trafficking situation or other kind of exploitation or abuse in their country of origin (e.g., domestic violence, SGBV, labour exploitation). For example:

“There is an Afghani mother with two children aged 12 and 13 residing at Gevgelija Centre. She does not have anywhere to go, she has no relatives in Western European countries. She told us that she escaped from her husband, to whom she was married when she was still a child. He abused her physically and he was also violent towards the children. She is particularly vulnerable. We are working with her and her children so they can recover from the trauma” (MK16).

For others, previous experience of sexual abuse and family dysfunction were noted as risk factors. In Sweden, for instance, childhood sexual abuse and dysfunctional family life are risk factors for involvement in prostitution and sex trafficking:

“Many [of the women] experienced abandonment in their childhood and youth. They lacked social support, often also money. [...] They feel like they are worth nothing and prostitution is a way to get money” (SE10).

Also in Sweden, the previous experiences of Afghani boys subjected to the bacha bazi form of sexual exploitation were considered to be a risk factor (SE8).

According to two interviewees in Austria, having experienced precarious conditions in the country of origin may also impact subsequent vulnerability to trafficking and other forms of exploitation:

“Children often flee from very precarious circumstances that make them more vulnerable than people who had - at least partly in their lives - a secure social status and good social ties” (AT5); *“The main vulnerability factor is the subjective feeling of a hopeless situation due to the social situation in a country; the parents do not have enough money; the family has no financial basis because the parents died ...”* (AT15).

Many interviewees in Bulgaria mentioned that the traumatic experiences of many refugees and migrants in the past, such as conflict, persecution and loss in the country of origin, and hardship during the journey, may render them unable to take control of their lives, leaving them in a psychological “state of fundamental uncertainty” and exposing them to the risk of trafficking and exploitation (BG1). The hardship that they undergo along the route makes them even more vulnerable (BG19). Trafficking and exploitation may be seen as the least of many evils, not to be reported to the authorities, a temporary stage before reaching the desired final destination, without realising that it may continue in the long term (BG7; BG11). Violence and abuse along the route perpetrated mainly by border guards, military, police, other authorities and the coastguard, as well as incidents of rape in countries of origin, were also reported in Greece (EL9).

→ Women and children travelling alone

Girls and women are considered particularly vulnerable to exploitation during transit, especially when travelling without a husband/father or other adult male companion (DE2; BG3; BG11; BG12). Conversely, women and girls from certain nationalities, particularly Syrian and Iraqi, are considered less at risk because they rarely travel alone (BG9; BG13; BG16).

Children travelling completely alone have been widely recognised as one of the most at-risk groups of migrants and refugees, including for trafficking and exploitation. However, also children travelling in groups can face higher risks, as they may be subjected to exploitation by adult members of the group, as compensation for having allowed the child to join the group (BG16). According to a DRC interviewee in Greece, some Afghani families specifically send their children to Europe as UASC, so that the children can subsequently apply for family reunification. Similarly, women may make the journey alone as they may be considered to have better chances of getting to the final destination (EL5), and this increases their vulnerability.

Some children started their journey as unaccompanied or separated. Other children were separated during their trip, including upon identification by authorities: in Bulgaria, at times children are separated from their parents, who are arrested and detained for illegally crossing the border. Unless they are very young, these children are not allowed to go with their parents and are held in police custody separately (BG12).

→ Lack of awareness of rights, of the local language and of country-specific knowledge

Insufficient information or misinformation on conditions, asylum procedures, rights and entitlements in Bulgaria also contributes to migrants’ vulnerabilities, as well as the lack of general preparation for working and living in Bulgaria (BG7; BG8; BG11; BG13). Lack of access to sufficient and correct information is a particular risk factor for women, some of whom many never have worked outside the home (BG13). People may be given wrong or misleading information on purpose by people who want to profit from migrants (BG8). According to several interviewees in Bulgaria, for some people, low levels of education and skills contribute to difficulties in understanding procedures and

poor knowledge of the conditions on the route and at the destination, making migrants more vulnerable to exploitation and trafficking (BG3; BG4; BG16; BG17; BG19). In Austria, lack of awareness of rights, and in particular labour rights, was also reported as a risk factor for migrants (AT6; AT9). As one interviewee speculated:

“perhaps they think it is normal that you are picked up in the morning, that you receive 3€ per hour. Perhaps they don’t know that there is more protection for employees” (AT6).

Also in Serbia, according to an NGO working directly with migrants, “lack of knowledge about individual rights and possibilities for assistance is an important factor of vulnerability to trafficking” (RS10). Some migrants did not apply for asylum in Serbia because they were afraid that they would not subsequently be able to apply for asylum in other countries in Western Europe, or that they would be returned to their countries of origin or previous residence (RS10). Also in The former Yugoslav Republic of Macedonia, lack of knowledge about individual rights and possibilities for assistance was considered a risk factor, and people sometimes also do not apply for asylum because of future plans or fear of being returned. However, many of them are not aware of risks at their desired destination, including trafficking risks. One example was cited by frontline responders in The former Yugoslav Republic of Macedonia:

“A 12-year-old boy from Afghanistan, who was travelling together with a group of teenagers, told us that he is planning to go to Norway. He explained that there is a ‘good’ man there providing young boys like him with food, accommodation and work” (MK4).

In addition, a lack of linguistic and country-specific knowledge may make asylum seekers, refugees and newly-arrived migrants more vulnerable to exploitation. Interviewees in Bulgaria commented that not knowing the language and finding oneself in an unfamiliar environment, while also in a state of exhaustion and desperation, can make someone vulnerable to exploitation, compounded by the social isolation that ensues (BG8; BG13; BG14). According to one interviewee in Germany, *“they don’t speak the German language, are not familiar with the German system and don’t have information about their rights and access to resources or services”* (DE3).

→ Debts

Having significant debts to smugglers was mentioned in a report on Sweden as resulting in increased desperation and vulnerability (Polisen, 2016). In Finland, interviewees from pre-trial investigation authorities also pointed out that a migrant being in debt to smugglers is a major risk factor for human trafficking. Smugglers who want to create and maintain high debts, and demand more and more money along the way, often end up being exploiters or traffickers, including by offering exploitative ways of earning money to pay back the debt (FI6). Poverty and debts incurred along the journey, including payments for smuggling, were also mentioned as a risk factor by Austrian interviewees (AT1; AT5; AT8).

E. Identification and referral procedures

This section is divided into three main parts, which detail:

- (1) the gaps in the identification and referral of victims of trafficking among vulnerable migrants, including UASC, in the countries covered by the assessment;
- (2) the barriers affecting identification and referral procedures for trafficked migrants;
- (3) the training needs identified as part of the research assessment.

Part 1 focuses in particular on two types of gaps: gaps in the use of indicators and in integrating THB into the reception and asylum framework at country level; and gaps in the identification and referral of migrants in an irregular situation and asylum seekers living outside the reception system. Part 2 is divided into barriers encountered at individual level and barriers at the systemic level. The findings on identified training needs in Part 3 are divided according to the category of training beneficiary, namely frontline responders, including police officers, and asylum caseworkers.

Most of the gaps and barriers in identification as presumed or actual victims of trafficking and the training needs of professionals that relate to adults also apply to UASC. In addition, some gaps, barriers and training needs concerning UASC specifically, or affecting them to a heightened degree, have been identified.

E.1 Gaps and challenges in the identification and referral of victims of trafficking among vulnerable migrants, including UASC

Brunovskis and Surtees (2017) found that there were significant challenges to the identification of trafficked people in the context of the Balkan route in Serbia, which exacerbate the challenges to identification that exist in general for all trafficking victims. The particular challenges that they identified were:

“specific patterns in which vulnerability and exploitation become invisible or difficult to observe; gendered assumptions about vulnerability; heightened vulnerability for certain nationalities or ethnicities; overlapping vulnerability and exploitation; and a resistance to being identified as a victim in contexts where people’s priority is to move on to their desired destination” (Brunovskis & Surtees, 2017: 21).

The TRAM research assessment identified a number of gaps and challenges that hamper the effective and timely identification and referral of people who are vulnerable to trafficking and exploitation, and of presumed victims of trafficking. The identified gaps can be divided into three main categories:

- gaps linked to the knowledge and use of THB indicators in the context of mixed migration by frontline responders;
- gaps linked to the challenges in integrating the identification and referral of presumed trafficked people into the registration and reception processes (border management, reception and accommodation, asylum procedures) that were put in place in response to the increase in the numbers of migrants transiting and arriving in 2015 and 2016 in the countries covered by this assessment;
- gaps in the identification and referral of trafficked people among migrants in an

irregular situation, those who decided not to seek asylum in the countries under study and those who remained outside of the reception and accommodation system.

The identified gaps were found to pose a challenge in the identification and referral of different groups of people. While some identified gaps pose a challenge to the identification and referral of people who are vulnerable to trafficking and exploitation and of presumed victims of trafficking in general (both nationals and foreigners), other gaps are specific to the identification and referral of foreign nationals. Furthermore, some gaps are specific to the identification of people who travelled along the Balkan route during the timeframe 2015-2016. For each of the gaps identified below, it will be specified to which population group these apply.

1.1 Indicators

The recent OSCE Publication *From Reception to Recognition: Identifying and Protecting Human Trafficking Victims in Mixed Migration Flows* found significant gaps in frontline responders' knowledge and use of THB indicators in the context of mixed migration flows to Europe and recommended that:

“pre-identification actors should be diversified to shift the focus from a law enforcement perspective towards a more human rights-centred approach. They should also be sensitized to and trained in the early detection of human trafficking indicators. Such indicators should be specific to migrants' countries of origin as well as reflect a comprehensive range of forms of exploitation. Proper referral protocols should be in place in case such indicators have been detected” (OSCE, 2017: 34).

However, of the countries covered by the assessment, only The former Yugoslav Republic of Macedonia has developed specific “Indicators for Initial/Preliminary Identification of Presumed and Potential Victims of Trafficking in Human Beings in the Context of Mixed Migration Flows”.⁵³ The THB indicators developed by the Criminal Intelligence Service Austria (BK) for all forms of trafficking and exploitation were also adapted for the asylum procedure. This is the official list of indicators for all Austrian authorities, including asylum and immigration authorities (AT9). It is used in trainings as part of the IBEMA project (Identifying Potential Trafficked Persons in the Asylum Procedure) and was incorporated into the brochure *Human trafficking in the asylum procedure* (IOM, 2015a), distributed to the participants of the training course and is available on the intranet of the BFA (AT9). According to the Austrian Federal Office for Immigration and Asylum (BFA), indicators of trafficking are updated regularly (AT4).

Some of the other countries covered have nevertheless developed general THB indicators that are used to a greater or lesser extent for people using the Balkan route. The Swedish Migration Agency, for example, has developed questions to better identify exploitative experiences, especially among unaccompanied children. If a person does not know who paid for their trip, or if the person says that they had to work somewhere on the route in order to make more money to continue to Sweden, these are seen as “red flags” for THB (SE7). In Germany the THB indicators used by the BAMF are based on the IOM and ILO guidelines (DE10). In Serbia, the Centre for Protection of Victims of

Trafficking has developed several sets of THB indicators tailored for the various types

⁵³ Available at <https://rm.coe.int/16806ed5a5>, accessed 03.02.2018.

of professionals who might come into contact with trafficked people among the migrant population, including border police, social workers, medical staff and educational workers (RS18). Also in Finland, general indicators of trafficking are also applied by the Finnish Immigration Service. Information on THB indicators was not available for Bulgaria and Greece.

1.2 Gaps and challenges in the harmonisation and incorporation of THB identification procedures into the first reception and asylum frameworks

The gaps and challenges in integrating anti-trafficking into reception and asylum procedures at country level are mostly related to two specific issues in the countries covered by the assessment. Some gaps and challenges identified were due to a disconnect, or tensions, between the existing asylum framework and migration response on the one hand, and THB procedures on the other. Other gaps and challenges result from a lack of centralised SOPs for identification and referral at the national level. For each identified gap, the countries in which these gaps were identified are stated. Where appropriate, country-level cases are presented.

→ Disconnect or tensions between migration, asylum and THB

Many of the gaps and challenges in the identification and referral of people at risk of trafficking and exploitation and of presumed victims of trafficking among migrants in the countries covered were related to a disconnect between migration and asylum procedures – i.e., reception and identification, vulnerability screening, accommodation and asylum procedures – and the anti-trafficking framework – i.e., identification, referral, assistance and protection. In practice, this means that anti-trafficking procedures are not sufficiently integrated into the reception and asylum systems, leading to the limited ability of frontline responders to identify and refer people vulnerable to trafficking and exploitation and presumed victims of trafficking.

These types of gaps and challenges pertained specifically to the identification and referral of people who travelled along the Balkan route and/or applied for asylum in one of the countries covered by this assessment in 2015 and 2016 and they were identified in six of the eight countries under study (AT, BG, DE, EL, FI, SE). The first general remark, mentioned by several interviewees, was that in many countries the responsible authorities were ill-prepared for the exceptional arrival of tens of thousands of people in 2015 and 2016. As a result, the issue of THB among newly-arrived migrants took a backseat to other considerations, such as first reception, asylum procedures and the provision of basic services (AT9a; DE3; DE15; SE1; SE11). This resulted in the allocation of financial and human resources to the reception and integration of new arrivals and a concomitant limited availability of funds for the identification, referral, protection and rehabilitation of victims of trafficking (AT2; DE3; DE13; DE19; FI2; FI5; FI10).

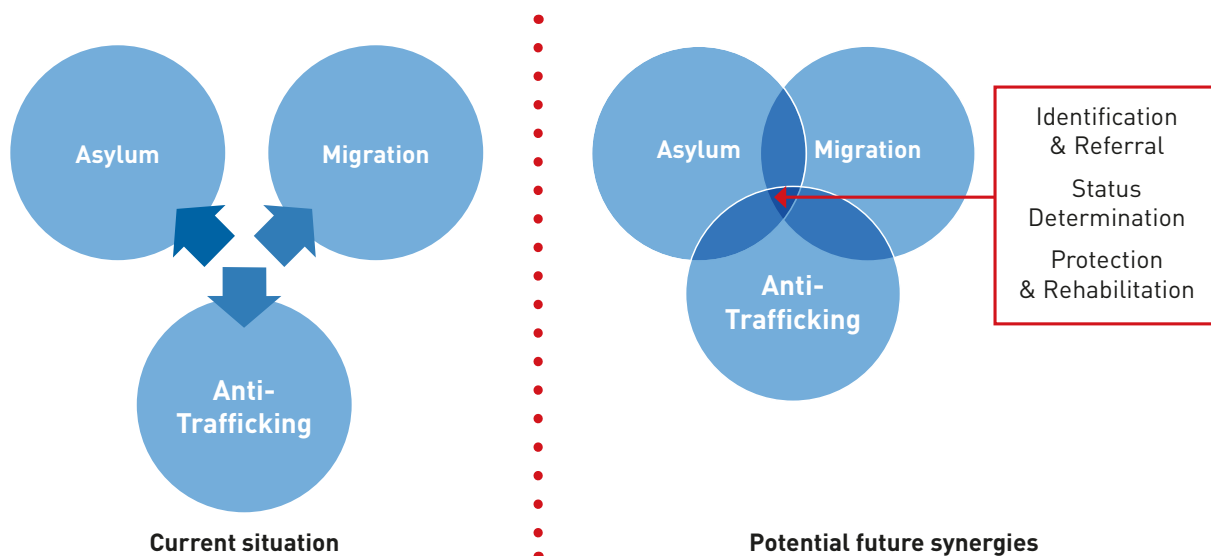


Figure 5: Disconnect between asylum, migration and anti-trafficking - a missed opportunity

In Germany, for instance, the country that received the highest number of asylum applicants in the EU in 2015 and 2016, a speaker for the Berlin Senate responsible for women in conflict situations, THB and anti-violence initiatives for migrant women reported that *“the topic of asylum overshadowed THB”* during 2015-2016 (DE19). Several other interviewees in Germany, Finland and Austria echoed this view, stressing that reception and asylum procedures are an ‘ideal set-up’ to identify victims of trafficking (AT2; DE19; FI2; FI5), and that the prioritisation of one issue over the other was therefore a missed opportunity in the identification and referral of presumed victims of trafficking among the newly-arrived migrant population (DE19; FI2; FI5; FI10).

More specifically, in six of the eight countries covered, interviewees reported that the limited time and resources that asylum authorities, NGOs and staff in accommodation centres have to deal with each individual case make it difficult to establish a relationship of trust (AT9; BG17; DE7; EL1; FI9; SE2). As indicated by numerous studies, one of the preconditions for victims of trafficking to self-identify as victims is that a sense of trust is established between them and the authorities in charge of identification (see, for instance, ICMPD, 2007; Brunovskis & Surtees, 2011; European Commission, 2007; OSCE, 2011). This lack of trust, coupled with a limited knowledge among new arrivals about the existing THB institutional landscape had and still has a clear negative impact on identification and referral:

“The main problem is that it takes time for victims of THB to speak out and hence become visible. They are also lacking information and a person or institutions that they can trust. It will take another two years at least until there will be more cases, particularly among asylum applicants and refugees, of people identified as victims of THB” (DE7).

Furthermore, the fast-track procedures introduced into the asylum procedures of several countries from 2015 onwards, aiming to expedite the asylum process, negatively impacted the authorities’ ability to identify victims of trafficking. This is of particular concern for those whose application for international protection is fast-tracked and rejected. They may therefore miss the opportunity to have their asylum application

considered specifically on the grounds of being a victim of trafficking, or to be identified as a victim of trafficking and have access to protection even though they are considered not to qualify for international protection.

In Finland, following a change in the asylum procedures in 2016, asylum investigations aiming to establish an applicant's identity and travel route, formerly carried out by the police and border guards, were transferred to the Finnish Immigration Service⁵⁴ in an attempt to speed up the overall procedure. However, several interviewees criticised this new procedure due to the short timeframe given for the asylum interview (on average 3½ hours) and the resulting limited likelihood of identifying victims of trafficking (FI1; FI9). In Germany this was reported to be of particular concern for certain nationalities, whose asylum applications are fast-tracked on the basis of their country of origin, such as for Moroccans (DE3); according to the "safe country of origin" principle (see Box 5 below).

Box 5 "Safe country of origin" concept

According to the European Parliament Research Service:

"As part of the European Agenda on Migration, the European Commission proposed a regulation on 9 September 2015 to establish a common EU list of safe countries of origin, initially comprising Albania, Bosnia and Herzegovina, The former Yugoslav Republic of Macedonia, Kosovo, Montenegro, Serbia and Turkey. The aim is "to fast-track asylum applications from citizens of these countries, which are considered 'safe' in full compliance with the criteria set out in the Asylum Procedures Directive 2013/32/EU and the principle of non-refoulement". Currently, lists are defined at national level and not coordinated, which can lead to different recognition rates of similar asylum applications, and thus create incentives for secondary movements and asylum-shopping" (European Parliament Research Service Blog, 2017).

According to the Asylum Information Database (AIDA), a project of the European Council on Refugees and Exiles (ECRE): *"the "safe country of origin" concept is used by EU Member States as a grounds for accelerating the examination of asylum claims as ostensibly unfounded". The "safe country of origin" notion presents substantial conceptual and procedural risks" and "remains an unsafe concept in asylum procedures" (AIDA, 2015).*

In its Opinion concerning an EU common list of safe countries of origin, the EU Agency for Fundamental Rights (FRA) states that:

"processing of asylum claims of unaccompanied children from countries on an EU common list of safe countries of origin through accelerated procedures should be expressly excluded. Such procedures do not provide sufficient time to assess the best interests of a child – a requirement that derives from the duty to give a primary consideration to the child's best interests set out in Article 24 of the Charter [of Fundamental Rights]" (FRA, 2016: 6).

⁵⁴ See: http://migri.fi/en/artikkeli/-/asset_publisher/turvapaikkatutkinta-siirtyy-poliisilta-maahanmuuttovirastolle-1-3-2016, accessed 20.2.2018.

Also, the “hotspot” approach (see section B.2 above) on the Aegean islands in Greece has been criticised as considerably decreasing the likelihood of identifying victims of trafficking among the migrant population on the Greek islands (EL12). Indeed, a joint study conducted by several NGOs in Greece (Dutch Council of Refugees et al., 2017) found that the exceptional border procedures, from which vulnerable applicants are theoretically excluded, in practice allow no time for the identification of vulnerabilities. The lack of adequate time to identify victims and potential victims of trafficking at hotspots has also been criticised by AIRE and ECRE (2016), KETHI (2016) and Ventrella (2017). The urgent need to mainstream fundamental rights aspects into hotspot procedures was highlighted, among others, by the European Parliament in a 2016 study on the hotspot approach. This aspect emerges from the study as *“especially important given the large number of children arriving in the EU”* (European Parliament, 2016: 31).

As well as the prioritisation of asylum over THB, interviewees in several countries reported the limited cooperation and exchange of information between law enforcement, migration authorities and anti-trafficking stakeholders and the lack of understanding of respective responsibilities as a challenge to the identification of victims of trafficking among migrants. In Austria, for instance, according to an IOM representative, there is confusion as to whether the asylum authorities can contact specialised protection agencies directly or whether they can only refer cases to the police (AT9). A Caritas representative also mentioned serious problems regarding the exchange of information: *“The Criminal Intelligence Service Austria (BK) and the Federal Office for Immigration and Asylum (BFA) do not always communicate. It is a big challenge that the various authorities are not aware of what the others are doing”* (AT10).

In Bulgaria, the asylum and reception system, on the one hand, and anti-trafficking procedures, on the other, are disconnected, as many staff of the respective authorities do not understand that their fields of work overlap and disregard the need for cooperation to appropriately identify and refer victims of trafficking. Organisations working in the field with migrants consider victims of trafficking to be outside of their target group (BG2), or not a priority, given their limited capacity (BG11). Conversely, organisations and institutions whose mandate is to work with victims of trafficking reportedly see migrants as a group that falls outside of their scope of work (BG14).

For instance, while the police interrogate a migrant found on Bulgarian territory to determine whether a possible smuggling offence has been committed and issue orders for deportation and detention, police officers interviewed did not believe that the identification of victims of trafficking falls under their responsibility (BG6; BG17). After this initial investigation, the vast majority of migrants are released from police custody and placed in a Special Home for the Temporary Accommodation of Foreigners, pre-removal detention centres run by the Ministry of Interior (Moi). There, the opportunity and responsibility for identification lies with Moi staff, as well as the few NGOs that have access to detention centres. However, according to a representative of the Busmantsi detention centre (the larger of the two pre-removal centres in Bulgaria, with a capacity of 400 people), no THB cases have been identified since 2015 (BG10).

Similarly to police officers, also the detention centre representatives reported that the time to assess vulnerability among detainees was too limited to conduct identification

of victims of trafficking and that human trafficking was outside of the competence of the Migration Directorate of the Mol (BG10). The purpose of the detention centre is seen solely as facilitating the deportation of irregular migrants and the transfer of asylum applicants to the open-type reception and registration centres of the State Agency for Refugees (SAR). However, once at the reception and registration centres, trafficking is also not specifically investigated (BG19).

In Focus: Regional coordinators against human trafficking in Sweden

In Sweden, Regional Coordinators against human trafficking have been appointed in six police regions. They assist the authorities, for example the police and social services, in human trafficking cases and referral of presumed cases to the appropriate authorities, and they function as regional experts with relevant competence on human trafficking. They also work towards ensuring the implementation of best practices across the regions through continuous contact with the CABS in Stockholm. All municipalities can receive support in trafficking cases from a Regional Coordinator located in their region (Länsstyrelsen, 2016b).

The profile and role of the Regional Coordinators differ depending on the region. Some regions have named several coordinators, who are responsible for different forms of trafficking (sexual and other forms, like in the Region West) or for adult and child victims (Stockholm region).⁵⁵ Their position is normally within local social services, but they can coordinate the efforts of all actors in a concrete manner to ensure that a presumed victim is referred to assistance and provided with the necessary support (SE11). The impact of this practice has not been officially evaluated, but interviewees emphasised that it has improved local coordination and has been found useful by many actors, especially at the local level (SE1; SE2; SE7; SE8; SE10; SE11).

→ Lack of centralised standard operating procedures (SOPs) for identification and referral

In five of the eight countries covered by the assessment, the lack of a formal national referral mechanism (NRM) or other centralised standard operating procedures (SOPs) is one of the main gaps in the identification and referral of people vulnerable to trafficking and exploitation and presumed victims of trafficking among migrants (AT; BG; DE; EL; RS). This was found to be either due to the lack of national guidelines and/or indicators on the identification and referral of people vulnerable to trafficking or exploitation or presumed victims of trafficking, or because existing SOPs were too difficult to understand and, as a result, not used by relevant authorities.

As a result of the lack of SOPs, interviewees in several countries reported that frontline responders did not know how to respond when they encountered people who they presumed to be victims of trafficking, nor whom to refer them to. In Germany, for instance, there is a general understanding in the relevant literature that the country lacks systematic and mandatory procedures for identifying victims of trafficking.

⁵⁵ See: <https://nmtsverige.se/om-oss/regionskoordinator>, accessed 30.09.2017.

There is no nationwide harmonised and standardised approach to the identification of victims of trafficking (Follmar-Otto & Rabe, 2009; FRA, 2017; GRETA, 2015/10). Indeed, the lack of standardised mechanisms and national guidelines or indicators for the identification and referral of presumed victims of trafficking, as well as the federalised structure, whereby each Land has its own identification and referral procedures, was reported as leading to confusion and lack of knowledge around who the relevant authorities are in cases of presumed victims of trafficking (DE18; DE19).

Lack of understanding on who to refer presumed victims of trafficking to was also reported in Greece and Bulgaria (BG1; BG2; BG8; EL2). In Greece, according to the National Rapporteur, certain frontline workers who encounter migrants do not have the proper expertise to deal with THB.

"I remember the comment of one frontline responder in the airport saying that, 'every day I see young girls full of fear accompanied by huge men and I say to myself: What can I do? How can I intervene? For what reason ... Even if you stop them you will find nothing... and it is very probable that these girls would also say I am OK'" (EL2).

The lack of a formal NRM, as reported in Austria, can also lead to confusion with regard to the interpretation of responsibilities and tasks during a referral (AT9b; AT10). This can be aggravated by the lack of SOPs within organisations working with migrants, as reported in Bulgaria in both governmental and non-governmental organisations (BG2; BG3; BG4; BG5; BG8; BG11; BG15; BG19).

However, even where NRMs are in place, they may not be appropriate to respond to THB among people who have used the Balkan route since 2015. In Bulgaria, for instance, interviewees reported that there is an NRM in place (BG1), but it was designed with Bulgarian victims in mind and, as a result, procedures for the identification and referral of foreign nationals are often not applied. In contrast, interviewees in The former Yugoslav Republic of Macedonia reported that SOPs exist on paper, but are not fully implemented in the field, as they are reportedly too difficult to understand (MK2; MK5; MK6; MK11). As explained by one frontline responder:

"Yes, we are aware about the SOPs, but they are so complicated. There are situations with migrants in an irregular situation, asylum applicants or UASC that simply do not match with the instructions in the SOPs, so we simply don't know what to do" (MK11).

In the context of the response to the increase in the number of people arriving in 2015 and 2016, the lack of formal nationwide SOPs led in some instances to Serbian government organisations 'outsourcing' the identification of presumed victims of trafficking to international organisations or NGOs (RS5). While this is not a problem in itself, it can be problematic when the links between such organisations and official anti-trafficking authorities are not formalised or well-established, thereby hampering the process of formal identification, protection and long-term assistance of presumed victims.

In Focus: Collaboration between the federal office for immigration and asylum and LEFÖ-IBF in Austria

In Austria, interviewees reported that referral and the exchange of data between the Federal Office for Immigration and Asylum (BFA) and the Intervention Centre for Migrant Women Affected by Human Trafficking (LEFÖ-IBF) works well (AT9; AT15). The role and responsibilities of LEFÖ-IBF, as a recognised victim protection organisation, are clearly established by law, which means that the police can share data with the NGO (AT9; AT9a; AT15).

1.3 Gaps and challenges in the identification and referral of trafficking victims among migrants outside the reception and asylum system

In four of the countries covered by the assessment, interviewees reported a number of gaps and challenges related to the identification of people vulnerable to trafficking and exploitation and presumed victims of trafficking outside the formal reception and asylum system (DE; EL; FI; SE). One major gap is the lack of, or insufficient use of, outreach activities to identify victims among migrants living outside the reception system. This particularly concerns people residing in a country irregularly and people whose asylum application has been refused, or who still have a pending asylum case, but are residing outside of the reception system. It also concerns stranded migrants (see section A.2 above) unable to continue their journey due to border restrictions put in place along the Balkan route after the EU-Turkey Statement in March 2016. These people may be particularly difficult to identify and refer as potential or presumed victims of trafficking because of their more limited interaction with authorities or, in some cases, unwillingness to be in contact with authorities.

In Sweden, NGO representatives reported that they actively engage in outreach activities that occasionally allow them to identify presumed victims of trafficking or people vulnerable to trafficking and exploitation (SE2; SE6; SE9; SE13), but NGO representatives in other countries, including Germany, Finland and Greece, reported that they have limited resources for such outreach, acknowledging that many migrants vulnerable to trafficking and exploitation and victims of trafficking may go undetected as a result (DE18; FI9; F11; EL9).

The identification of victims of trafficking among stranded migrants is particularly challenging. According to a recent Mixed Migration Platform (MMP) report and some media reports, migrants in transit countries along the Balkan route, notably Greece, Serbia and The former Yugoslav Republic of Macedonia, who are unable to continue their journey, are acutely vulnerable to trafficking and exploitation (MMP, 2017; Botic, 2016). Yet, as pointed out for instance by a UNHCR representative in Greece, these people are extremely difficult to identify and support, as they prefer to remain outside the reception system, hoping to continue their journey irregularly (EL15).

As mentioned in section D.2.1 above, in virtually all countries assessed, a considerable number of UASC were reported as having left care. Being outside the child protection system places them at high risk of suffering violence and abuse, including trafficking, and the identification of actual trafficking cases among these children is also extremely difficult. In Sweden, an NGO representative noted that girls may be more difficult to reach than boys. While boys tend to spend more time in the streets, girls tend to live in the suburbs, in private households, and some of them ran away when they were about to be forced into marriage. They are believed to be vulnerable to sexual exploitation, as well as to exploitation in domestic work and labour exploitation in general (SE9).

In Focus: Outreach activities and work with undocumented migrants in Finland

Several Finnish NGOs, such as Pro Counselling Centre, Victim Support Finland and MONIKA – Multicultural Women’s Association, do outreach work and offer services to people irrespective of their migration status.⁵⁶ The NGOs have also produced a series of animated videos on identification of victims of trafficking.⁵⁷ In addition, the NGO Refugee Aid Centre has been running a Project for Undocumented Migrants since 2012. The Project advises undocumented migrants and those who encounter them on the legal rights of undocumented migrants and on other related legal questions. The project also gathers information about the position of undocumented migrants in Finland and promotes respect for the human rights of undocumented migrants. The project staff is knowledgeable about human trafficking and also cooperates with other actors who could provide services to presumed victims of trafficking, even if the person decides that they do not want to be referred to the National Assistance System. The Project also promotes the rights of undocumented children, in order to ensure their right to healthcare and the right to free basic education regardless of their status. The Project for Undocumented Migrants is funded by the Funding Centre for Social Welfare and Health Organisations (STEA).⁵⁸

E.2 Barriers affecting migrants’ access to identification and referral procedures

The assessment identified a number of barriers that impede the identification and referral of presumed victims of trafficking and people vulnerable to trafficking and exploitation in the eight countries covered. Two main types of barriers were identified. First, barriers were identified that affect people at the individual level. This concerns aspects pertaining to the individual person, which may prevent them from being identified as a victim of trafficking. Second, a number of barriers were identified that relate more to the systemic level, whereby the response to the arrival of migrants, and migration governance in the country as a whole, hampers the identification and referral of presumed victims of trafficking and people vulnerable to trafficking and exploitation.

⁵⁶ <https://pro-tukipiste.fi/ihmiskauppa>; www.riku.fi/en/various+crimes/human+trafficking; <https://monikanaiset.fi/en/our-activities>, all accessed 16.10.2017.

⁵⁷ www.youtube.com/watch?v=jWK-vERSkvo; www.youtube.com/watch?v=VWiegR61fo, both accessed 02.11.2017.

⁵⁸ www.paperittomat.fi, accessed 16.10.2017.

2.1. Barriers at individual level

Four main barriers at individual level were identified, many of them applying to trafficking victims in general, not only in the context of the Balkan route:

- (1) Fear and mistrust of the authorities among people vulnerable to trafficking and exploitation or among presumed victims of trafficking;
- (2) Presumed victims of trafficking do not see themselves as THB victims or do not see the benefits of being identified as a THB victim;
- (3) Lack of viable alternatives; and
- (4) Lack of attention to vulnerable adult men and to forms of trafficking and exploitation other than sexual exploitation.

As in previous chapters, the findings are organised thematically, with all countries in which a finding was identified mentioned and country-level examples provided as relevant.

→ Fear and mistrust among people vulnerable to trafficking and exploitation or among presumed victims of trafficking

In six of the countries covered by the assessment, fear and mistrust of the authorities among migrants were cited by interviewees as one of the main barriers to the identification and referral of presumed victims of trafficking and people vulnerable to trafficking and exploitation. This was reported in destination countries, such as Germany, Finland and Sweden, and for migrants stranded or transiting through countries not intended as their final destination. While fear and mistrust toward authorities is a barrier that applies to many categories of potential and presumed victims of trafficking in general, as we will see, some elements, such as the fear of remaining “stranded” in case of any contact with the authorities, or an irregular or unclear legal status, can be considered as specific to this group and play a central role in influencing their relationship with state authorities and other frontline responders.

This fear often relates to possible criminal proceedings that would come with identification as a victim of trafficking (DE1; DE14; AT9a; AT13) and an overall sense of mistrust towards the police (SE11; FI9). This is also related to fear of the perpetrator(s) and traumatising criminal proceedings, as well as a perception that the benefits of being identified as a victim of trafficking would not outweigh the risks of the criminal procedure for the victim, or the risk of deportation (DE1).

Fear of coming forward as a victim of trafficking is particularly accentuated among migrants residing in a country in an irregular situation (BG5; BG19; EL9; FI9; RS21; SE11). For instance in Germany, a survey of counselling centres for trafficked people, carried out by the Federal Working Group on Trafficking in Human Beings (see Box 6 below) in 2015, showed that only a small proportion (14%) of non-EU nationals who had been assisted by these centres contacted the police and were thus counted in the official figures on THB (GRETA, 2015/10). In Sweden, interviewees reported that migrants in an irregular situation, while extremely wary of the police due to their irregular status, may also be distrustful of social services and NGOs, making the identification of victims of trafficking among migrants in an irregular situation extremely difficult (SE11; SE3; SE2; SE9).

Box 6 Counselling centres in Germany

The centres for specialised counselling in Germany are centres where NGOs offer advice, counselling and support for victims of trafficking, for example, in finding places at shelters or organising food and clothes. Many of their services are designed to support women and girls, because of their gender-specific mandates. However, in practice many of them also support men and boys, or at least can recommend an appropriate counselling centre. The counselling centres help to make clients aware of their rights. Counsellors work with professional discretion and treat all information confidentially. Depending on their concept and professional expertise, the centres generally offer support on the following issues:

- ✓ Crisis intervention, first conversation and continuous psychological counselling;
- ✓ Advice regarding social and residence rights;
- ✓ Advice and placement in accommodation, healthcare and education;
- ✓ Support in developing future prospects (e.g. looking for employment, training and qualifications);
- ✓ Organisation and support in case of departure.

Source: K.O.K e.V. See: www.kok-gegen-menschenhandel.de/en/member-organisations-counselling-centres, accessed 07.03.2018.

Lack of trust may be further exacerbated among the recently arrived migrant population and people who travelled along the Balkan route in 2015 and 2016, as they have had very limited contact with government authorities in any given country. In Sweden, for instance, one local authority representative mentioned that the municipality identified three or four adults during late 2015 among the migration flows whom they suspected were victims of trafficking. However, even though these people were given information on their rights and options as victims of trafficking, it was reportedly impossible to gain the necessary trust for them to talk about their experiences (SE11).

In Focus: the support hotline “Violence against women” in Germany

The Violence Against Women support hotline, run by the Federal Office for Family Affairs and Civil Society Functions since 2013, is available around the clock, 365 days a year and free of charge. It offers victims of violence a way to receive competent advice safely, anonymously and regardless of disability, whenever they need it. Callers to the hotline receive necessary assistance from qualified counsellors who provide support and guidance. In order to overcome language barriers, interpreters for 15 languages can be connected to the call. Counsellors provide women with confidential support and, if needed, can help them find appropriate local support options in their area. For many women, the hotline is the first step in achieving a more self-determined life.

The advisory service is available to anyone seeking help, irrespective of social and ethnic origin, religion, sexual orientation and gender identity, and includes lesbian, gay, bisexual, transgender, intersexual and queer people (LGBTIQ).

One key objective of the support hotline is to improve the overall level of support that women affected by violence receive by providing targeted referrals to specialised counselling centres, women’s shelters, healthcare providers, the police and other support services. Referrals only take place with the express consent of the victim. The Violence against Women support hotline is managed by its own advisory council and comprehensive yearly reviews and evaluations of the service are carried out by the German Federal Ministry for the Family, Seniors, Women’s and Youth Affairs (BMFSFJ).

Source: German federal office for family, senior, women’s and youth affairs (BMFSFJ). See: www.hilfetelefon.de/en.html, accessed 08.03.2018.

→ Presumed victims of trafficking do not see themselves as THB victims or do not see the benefits of being identified as a THB victim

In some countries, interviewees reported that people may not be aware of the rights that they are legally entitled to as victims of trafficking or may believe that, even if they were identified as victims of trafficking, their situation, in terms of legal status as well as access to protection and assistance, would not improve (AT9; BG1; BG10; EL6). Therefore, if they have the option, people often prefer to proceed with their asylum application, about which they generally have better information, rather than to be identified as a victim of trafficking.

In Austria, in addition, several interviewees reported that one barrier to identification is that victims do not view themselves as victims. According to IOM, male migrants in particular are often not aware that they are being exploited, such as those who suffer exploitative labour practices (AT9; AT9b): *“We need to empower the people who are in this situation to be able to come forward and talk about it”* (AT9b).

In Focus: collaboration between protection actors and law enforcement in Austria

In 2017, a young Nigerian woman was being interviewed by the Austrian Criminal Police in the framework of a trafficking criminal investigation. Considering her history of sexual exploitation in Austria while still a child and her unstable state of mental health including signs of PTSD and depression, the woman refused to continue to be interviewed by the criminal police, particularly when more details about her experience of exploitation were requested – i.e., the place of exploitation and confinement.

The police and some of the main protection actors in Vienna, such as the NGOs LEFÖ-IBF and Caritas, have developed a trusting relationship over the years. Therefore, the police informed a Caritas worker that under the circumstances it was likely that the investigations would be discontinued, and requested their support. According to the Federal Administrative Court, participation in criminal proceeding is a requirement for the granting of asylum to victims of trafficking and therefore, in the best interests of the victim, the Caritas worker offered to try to convince the woman to continue to speak to them. With the consent of the victim, Caritas staff continued to speak to her at Caritas premises. The different atmosphere and setting, the already established relationship of trust between the victim and the NGO representative (who was also representing her in her asylum case), as well as a very open and empathic way of talking with her about her experiences, contributed to her willingness to share more details about her exploitation.

With the woman's consent, the additional information was shared with the police, who were then able to continue the investigations. For the rest of the investigation, the Caritas representative participated in all interviews as legal support. Finally, on the basis of the information provided to the police based on conversations with the woman, the police were able to send a detailed report to the Public Prosecutor. The woman was then granted asylum by the Federal Administrative Court. This an example of fruitful "win-win" collaboration between law enforcement and protection actors, leading to access to refugee status, long-term protection and rehabilitation services for a victim of trafficking and the continuation of criminal investigations.

Möller, Marie-Luise (2017). Recognizing victims of trafficking in human beings as refugees according to the 1951 UN Geneva Refugee Convention. Impact of a witness statement of a victim of trafficking in human beings on Refugee Status Determination Procedures. Available at: <http://un-act.org/wp-content/uploads/2017/07/Recognizing-Victims-of-Trafficking-in-Human-Beings-as-Refugees-According-to-the-1951-UN-Geneva-Refugee-Convention.pdf>, accessed 06.03.2018.

→ Lack of viable alternatives

In Austria, some interviewees emphasised the importance of providing trafficked people with a viable alternative to their current situation, in terms of protection and long-term prospects, in order to facilitate identification and referral (AT9a; AT9b; AT15; AT16).

This would need to include protection from retaliation by traffickers; alternative means of earning a living (exiting prostitution, reducing dependency on a single employer, etc.) and long-term prospects in the country, including a residence permit (AT9). These measures are examined in more detail in the following chapter on Protection and Rehabilitation, but if they are lacking, they also present a problem in terms of the incentives for being identified as a trafficked person. Also in Germany, this lack of viable alternatives for identified victims of trafficking leads to a situation where, as noted by a representative of the German Integration Programme for Survivors of Trafficking (GIPST), people will have a far more secure residence status if they are recognised as a refugee than if they only receive a resident permit as a victim of trafficking (DE1).

→ **Lack of attention to vulnerable adult men and to forms of trafficking and exploitation other than sexual exploitation**

Adult men often still remain a blind spot in the identification and referral of victims of trafficking (see, for example: ICMPD, 2007; Friedman, 2013; Rosenberg, 2010; UNODC, 2016). The anti-trafficking response in many countries is frequently still focused on female victims, even though there is a growing literature and practice acknowledging that men can also be victims of trafficking and exploitation. In the context of the rise in arrivals of migrants in 2015 and 2016, interviewees reported that the identification and referral of adult male presumed victims of trafficking or men vulnerable to trafficking and exploitation was particularly difficult, as, if any attention was given to THB, it was mostly limited to women and children travelling alone (BG2; RS13; AT2). In Bulgaria, for instance, a Red Cross representative reported that men as a group often fall outside the attention of actors involved in the anti-trafficking response, as the focus is largely on women, children and other vulnerable groups (BG2).

This often goes hand-in-hand with the limited awareness of what constitutes trafficking other than sexual exploitation (RS13; AT2). In Serbia, for example, in many instances, there is a bias towards certain groups of victims (women and girls trafficked for sexual exploitation), and less awareness of and/or attention to other victims (men and boys), or to other forms of exploitation (trafficking for labour exploitation, exploitation in criminal activities, exploitation in begging and petty crime, forced marriage and organ removal) (RS 13). Similar dynamics were identified in the GRETA reports on Germany and Greece (GRETA, 2015/10; GRETA, 2017/27). Also, reports of 'survival sex' among young men and boys in Greece underline the susceptibility of this population group to trafficking and exploitation (see section D1 above).

In Focus: specialised counselling centre Ban Ying e.V. in Berlin

Counselling centres giving advice and support to potential, presumed and identified victims of trafficking play an important role in identifying vulnerable migrants and refugees. One example is the specialised counselling centre Ban Ying e.V. in Berlin, which campaigns for the rights of migrant women who have experienced violence, exploitation or human trafficking. Their work is based on the principle that no person is illegal, every person has a right to migrate, and every person must have access to justice, regardless of their status. Ban Ying e.V. offers advice and counselling services to migrant women and transgender people in Berlin and other parts of Germany. In exceptional circumstances, they also offer services to migrant men.

Ban Ying e.V. also supports victims during the phase of criminal investigation and during the reflection and recovery period, including through finding shelter accommodation, applying for subsistence benefits according to the Social Security Code and health insurance, and finding legal representation. Ban Ying e.V. does not differentiate between women affected by trafficking who are willing to testify and those who do not want to or cannot testify, providing counselling and psychosocial care to both groups of women.⁵⁹

2.2 Barriers at systemic level

At systemic level, three main types of barriers were identified. First, the assessment identified barriers due to people being in transit and not wanting to be identified as trafficking victims by the authorities, as we have seen in Section D.1.1 above. A second set of barriers is tied to the criminalisation of trafficking victims in the countries covered. The third type of barrier at systemic level is when public policy prioritised security and combating migrant smuggling, in some instances at the expense of anti-trafficking.

→ People are in transit and do not want to be identified

The 'transit country' paradigm, from the perspective of migrants, means that in the process of travelling onwards via the Balkan route, people were reluctant to be identified as victims of trafficking, fearing that it would frustrate their attempt to reach their intended destination (AT9; AT9a; MK5). In The former Yugoslav Republic of Macedonia, for instance, most presumed trafficked persons declined the referral and assistance offered by NGOs in 2015-2016, as their priority was to move onwards together with their relatives or the group they were travelling with (MK4).

This phenomenon was particularly accentuated in Greece both before and after the 'closure' of the Balkan route, when many migrants were transiting through the country in order to reach Northern and Western Europe (EL1; EL4; EL8; EL9; EL15; EL17). Before the border with The former Yugoslav Republic of Macedonia was closed, interviewees reported that migrants desperately wanted to move on and did not report instances of trafficking, as they believed reporting their situation would constitute an obstacle to their onward movement (EL1; EL22).

→ Criminalisation of victims of trafficking

Another factor that influenced the limited identification and referral of presumed victims of trafficking is the practice in some countries of holding victims of trafficking responsible for criminal or administrative offences, rather than considering them as victims, which is not in line with the non-punishment provisions of the EU Anti-Trafficking Directive and the CoE THB Convention. This leads to people not coming forward and deciding not to report a crime, as they fear that they themselves may be charged with a criminal or administrative offence. This is particularly the case among asylum applicants working in exploitative conditions without a work permit.

⁵⁹ See: www.ban-ying.de/en/node/60, accessed 08.03.2018.

A representative of the NGO MEN VIA in Austria reported that:

“The Criminal Intelligence Service Austria (BK) found a 17-year-old refugee child at a construction site. I don’t think that he was seen as a victim but as a refugee who worked without a work permit and that had a negative impact on his asylum application” (AT2).

→ **Priority given to security and combating migrant smuggling**

In the context of the rise in arrivals of migrants travelling along the Balkan route in 2015 and 2016 and governments’ responses, several interviewees commented that the response focused on managing the flows from a crime/security-focused perspective, rather than putting the protection of human rights at the centre. In this context, migration flows were largely managed on the basis of security considerations, which included an anti-smuggling focus, but only a very limited focus on anti-trafficking.

A growing body of literature evinces how a focus on security and anti-smuggling can be at the expense of anti-trafficking, both in term of funding and policy priorities (see, for instance: Mircheva, 2017; Brunovskis & Surtees, 2017; Optimity Advisors, ICMPD & ECRE, 2015; Triandafyllidou & Maroukis, 2012). In the context of the present assessment, this dynamic was apparent both in border police operations and during other police activities aiming to detect smuggling activities. In Bulgaria, for instance, according to a senior official from the Border Police, the priority in their operations at the border is security, with the police’s interactions with migrants focusing on detecting potential smugglers or terrorists among the intercepted groups, so as to stop further onward movement toward Northern and Western Europe (BG16). As a result, the Border Police tended to interview men, rather than women and children (BG12), thereby frustrating the chances of identifying presumed victims of trafficking and people vulnerable to trafficking and exploitation, particularly among women and children.

Similarly, in The former Yugoslav Republic of Macedonia, the police identify presumed victims of trafficking among migrants only as a side effect of counter-smuggling operations. According to the National Police, the police rely on raids against smugglers, such as in the villages of Lojane and Vaksince (close to the Serbian border, where many migrants and UASC reside) in order to identify presumed trafficking cases. While such raids do yield results, as evidenced by 32 presumed trafficking cases identified in 2016 and 12 cases in 2017, the result of a police raid organised in these two villages, they are organised only rarely, once or twice a year (MK9). In this context, the absence of a proactive approach, with the specific purpose of identifying victims of trafficking, remains a barrier to further identification.

→ **Barriers in identifying UASC as children**

Albeit to a limited extent – due to the specific focus of the research on trafficking –, a range of obstacles to the identification of UASC as children were identified across the countries assessed. As mentioned above (in section D.2.1), flawed age assessment procedures were highlighted as a risk factor for UASC. Incorrect identification of children as adults also contributes to hindering the identification of presumed trafficking cases among them, and it represents an obstacle to the referral of these children to child-appropriate assistance and protection.

E.3 Training needs

The need for anti-trafficking training on aspects such as the definitions of different forms of trafficking, and identification and referral procedures, as well as national and transnational referral mechanisms, was reported by several institutional and non-governmental key informants in all countries covered by the assessment.

3.1 Training for frontline responders, including police officers

Training for frontline responders on what constitutes THB, on trafficking indicators and on appropriate identification and referral procedures, was the most reported training need in the countries covered. Interviewees reported that a variety of trainings had been organised for social workers and reception centre staff in the past (AT10; AT9; FI2; FI4; FI5; SE1; SE7; SE13), but during 2015 and 2016 reception centres experienced a very high staff turnover, meaning that training did not occur often enough. Therefore, there is a need for regular training for frontline responders, including NGO staff and government officials (AT10; BG2; BG9; BG20; EL1; EL5; FI2; FI4; FI9; RS6; RS8; RS18; MK17). In Greece, several interviewees highlighted the importance of training police officers involved registration and identification at Reception and Identification Centres (RICs) on the Aegean islands and at the land borders with Turkey (EL4; EL11; EL10; EL19).

In some countries, interviewees reported specific anti-trafficking training needs for police officers, who often act as de facto frontline responders, as they did during 2015 and 2016 (FI3; FI9; SE1; SE2; SE8). In both Finland and Sweden, knowledge of THB differs in the different police stations, often depending on whether the region dealt with trafficking cases in the past (FI2; SE1; SE2). One interviewee in Finland commented that the police have limited knowledge on certain forms of trafficking, such as forced criminality and begging (FI2), or are unable to identify victims of trafficking among undocumented migrants during immigration controls (FI9). Several interviewees cited the lack of a specialised trafficking unit within the police as a severe gap in the Finnish anti-trafficking response (FI3; FI6; FI7). In Sweden, the available literature pointed to challenges related to investigations and recommended more specialisation among police and prosecution authorities in dealing with child victims of trafficking (Länsstyrelsen Stockholm, 2016a).

In Finland, a stakeholder pointed to the limited awareness among relevant professionals about specific forms of trafficking and exploitation that UASC may be particularly subjected to, especially for the purpose of begging or forced criminality (FI2). Similar considerations apply to potential cases of exploitation of children for forced marriage, where the lack of standardised procedures contributes to hampering identification. This was reported particularly in Sweden, where approaches to these cases apparently vary across the different municipalities, and no specific training is provided to professionals dealing with children who are married (Migrationsverket, 2016).

Limited awareness of the more subtle means of controlling child victims that traffickers resort to (psychological pressure) is a factor limiting the identification of cases of child trafficking, particularly in Finland and Austria (FI3; AT3; AT9a; AT9b; AT16).

In some countries, there is concern that even the very offence of child trafficking and its constituting elements (in particular, the fact that coercive or deceptive means of recruitment are not required for a child to be a victim of trafficking, as long as the act and exploitative purpose are in place) may not be clear to all professionals who are in a position to identify trafficked children (BG4; BG7; AT12).

Additional challenges, related to lack of awareness and/or capacity among specific groups of professionals, particularly within the child protection system, regarding the identification of trafficking cases among UASC, were also reported. In Finland, guardians, child welfare authorities, social workers and nurses are among the professionals whose awareness on child trafficking should be generally improved, in order to enhance effective identification (FI1; FI2; FI3; FI4; Sisäministeriö, 2016).

3.2 Training on how to identify THB during asylum interviews

Many interviewees considered asylum interviews as an ideal set-up to identify trafficked people among asylum applicants, and highlighted the need for well-trained asylum caseworkers.⁶⁰ In Germany, for instance, several interviewees agreed that special training of case workers from the Federal Office for Migration and Refugees (BAMF) on the identification and referral of victims of THB is a good initiative. However, there are too few specialised decision-makers at the Federal Office, the trainings have often not been sufficient and there are no clear procedures on when a trained decision-maker will be called to participate in an interview (DE4; DE18). A number of informants suggested that all case workers at the BAMF should be trained to identify victims of THB or people vulnerable to trafficking and exploitation (DE5; DE13; DE14).

In Finland, several interviewees were critical of the Finnish Immigration Service's "limited understanding" of what human trafficking is and what elements constitute trafficking (FI3; FI9; FI11). Interviewees reported particularly low levels of awareness of forms of trafficking other than sexual exploitation, such as forced marriage (FI2; FI3):

"They still see trafficking as something where force has been used, when it should be understood more in terms of psychological control. Similarly there's no need for an economic benefit to be gained from forced labour in order to fulfil the legal criteria of human trafficking" (FI3).

In Austria, one stakeholder highlighted that Federal Office for Immigration and Asylum (BFA) caseworkers are not always trained to deal with victims of trafficking. In particular, the lack of sufficient sensitivity and of appropriate support (namely, a female interpreter) during the asylum procedure to interview girls who may be victims of sexual exploitation was highlighted as a barrier to identifying trafficking cases, and more generally as resulting in a stressful situation for the children involved (AT16).

⁶⁰ The Italian Commission for Asylum, together with UNHCR, developed and adopted *Identification of Victims of Trafficking among Asylum-Seekers and Referral Procedures: Guidelines for the Territorial Commissions on Granting International Protection* (SOPs), available at: http://digitalialab.net/unhcr_linea_guida (in Italian), accessed 02.05.2018.

In Focus: the Swedish Migration Agency handbook

The Swedish Migration Agency has stepped up its work against human trafficking. The Agency developed an internal routine handbook on what should be done when a presumed victim is identified and how the case should be recorded and handled by the case officer (SE7).⁶¹ The Migration Agency has a trafficking coordinator who coordinates all anti-trafficking work within the organisation, including training, capacity building, external relations and cooperation with other authorities and NGOs, as well as representing the organisation in various platforms.

In Focus: IOM's HOIKU project in Finland

In Finland, IOM is implementing the HOIKU project during 2017-2018, aiming to improve early identification and referral of victims of trafficking by health and social services. The project is supported by the Funding Centre for Social Welfare and Health Organisations (STEA) and aims to improve the identification and referral of trafficked people of all nationalities, including Finnish citizens. In the first phase, guidelines on identification and referral were produced, in early 2018,⁶² while the second phase focuses on improving the target group's understanding of human trafficking and its consequences for victims' health and wellbeing.⁶³

In addition, it should be noted that people who are identified as presumed victims of trafficking and who may be entitled to international protection on the grounds of their trafficking experience should also be referred to the asylum process. This means that those working on trafficking should be trained in order to be aware of this possibility and able to refer the person to the appropriate system, as well as asylum caseworkers being trained on trafficking.

⁶¹ See also: www.migrationsverket.se/Om-Migrationsverket/Nyhetsarkiv/Nyhetsarkiv-2017/2017-09-04-Allt-fler-fall-av-misstankt-manniskohandel.html, accessed 04.09.2017.

⁶² The guidelines were launched in January 2018 in Finnish. See: http://iom.fi/sites/default/files/pictures/IOM_julkaisu_web.pdf, accessed 20.02.2018.

⁶³ See: www.iom.fi/en/node/112, accessed 16.10.2017.

F. Protection and rehabilitation

The desk and field research found significantly less information on the gaps, needs and good practices in the protection and rehabilitation of victims of trafficking among migrants travelling along the Balkan route, compared to the information on identification and referral procedures and on the risks of trafficking. This does not come as a surprise, since protection and rehabilitation systems for victims of trafficking among people using the Balkan route, and their potential gaps, can only be “tested” if a significant number of presumed trafficking victims are first identified and referred.

As presented above in Section D.1.2, it was only in Finland, Sweden and Germany that the increase in arrivals in 2015 and 2016 coincided with a rise in the number of presumed victims of trafficking identified among migrants, many of whom had not used the Balkan route. In Austria, while no victims of trafficking were formally identified during the period under study among migrants using the Balkan route, and the overall number of presumed victims identified remains low, a number of trafficking cases were identified among migrants who used the Central Mediterranean Route. Thus, in these four countries it was possible to gather information on gaps in the protection and rehabilitation procedures, as well as some of the main challenges faced by authorities and organisations in their implementation.

On the other hand, in Bulgaria, The former Yugoslav Republic of Macedonia, Greece and Serbia, the number of people identified as presumed victims of trafficking among foreign nationals – including but not limited to migrants in an irregular situation, asylum seekers and refugees – is very limited and only a few individual cases were formally identified. This is partially explained by the fact that in these countries the response to the dramatic increase in new arrivals in 2015 and 2016 was focused on providing for the basic needs of transiting and “stranded” migrants. The identification, protection and assistance of victims of trafficking was often not considered a priority by frontline responders. As a result, there are limited research findings in the area of protection and rehabilitation of identified trafficking victims in these countries. Nonetheless, based on the interviews, some general considerations about the experiences and efforts of state authorities and NGOs for the short-term protection of vulnerable migrants, which often included migrants vulnerable to trafficking and exploitation and presumed victims, can be made and will therefore be presented below.

Some stakeholders explicitly mentioned that providing adequate assistance and protection to presumed and actual victims of trafficking among children, as well as young people, proved to be particularly difficult, in terms of engaging with them and providing viable alternatives to the exploitative situation (AT9a; AT9b).

This chapter focuses on the gaps and challenges identified in the protection and rehabilitation procedures for victims of trafficking in the countries covered by the assessment. These procedures are described in detail in section C.3 above. The findings are presented in two main sub-sections: on the findings on the provision of short- and long-term protection and assistance services to presumed and formally identified victims of trafficking; and on the gaps and challenges linked to the granting of a reflection period and residence permits to presumed and formally identified victims.

While some of the findings are related to the protection and rehabilitation of migrants who travelled along the Central Mediterranean Route or other routes other than the Balkan route, the analysis is relevant for the purposes of this research, since similar gaps and challenges could affect the response to victims of trafficking identified in the future.

F.1 Gaps and challenges in the provision of short- and long-term protection and assistance services

The research assessment identified a number of gaps and challenges linked to the provision of both short- and long-term protection and assistance services to potential, presumed and formally identified victims of trafficking among transiting or recently arrived migrants. The findings can be divided into three categories: 1) Gaps and challenges linked to the lack of appropriate accommodation; 2) Gaps and challenges linked to the lack of appropriate long-term protection and assistance services; and 3) Gaps and challenges linked to the legal framework and/or coordination mechanisms.

1.1 Lack of appropriate accommodation

In the majority of the countries covered by the assessment, interviewees reported the lack of accommodation options in a protected environment as a key concern in the provision of protection and rehabilitation services to trafficking victims (BG1; BG8; EL1; EL5; MK12; RS18; SE10; SE11). In Bulgaria, for instance, the National Commission for Combatting Trafficking in Human Beings (NCCTHB) noted that the Animus Association's accommodation centre for vulnerable people, one of the biggest in the country, became full to capacity early in 2015, due to the high number of foreign nationals arriving (BG7). Similarly, in Greece, according to the Greek National Centre for Social Solidarity (EKKA), there are not enough shelters exclusively dedicated to the protection and assistance of victims of trafficking, and some of the previously existing ones, such as the NGO Praxis's shelter for trafficked children, recently closed due to lack of funding (EL1).

According to an NGO representative working at a reception centre in Athens, many of these centres are often seen by the responsible authorities as temporary solutions and therefore no medium- to long-term investments are made for the provision of effective protection and assistance services. For example, the Elliniko accommodation centre in Athens was operating for a year and a half without any psycho-social or child protection services. While these gaps affect all vulnerable migrants, they could have a particularly adverse impact on potential and presumed victims of trafficking, whose vulnerability to trafficking is often compounded, as we have seen in Chapter D, by protracted residence in accommodation facilities (EL5).

Similarly, in Serbia, there is no facility for emergency accommodation and provision of basic assistance to presumed trafficked people who are detected by frontline responders immediately upon entering the territory of Serbia or upon registration at the reception facilities. In these cases, while waiting for the Centre for Protection of

Victims of Trafficking⁶⁴ to conduct an assessment and decide whether a presumed trafficked person should be referred to a specialised shelter, the presumed victim stays accommodated at a general reception facility where all of the specialised services needed may not be available (RS18).

In Sweden, one of the regional anti-trafficking coordinators and a manager of a shelter for victims of trafficking pointed out that while accommodation is easier to organise if the victims are asylum seekers, as they may already have a place to stay at the reception centres or their accommodation is otherwise organised by the Swedish Migration Agency, for other migrants available places at existing shelters are limited (SE10; SE11).

These gaps with regards to the accommodation of victims of trafficking among migrants disproportionately affect men, particularly young men, as most of the existing shelters are for women or children only. Difficulties in finding suitable shelters for adult male victims of trafficking were reported in Sweden (SE1; SE2; SE8; SE11), The former Yugoslav Republic of Macedonia (MK4), Serbia (RS13), Germany (DE18), Greece (EL1; EL15; EL21) and Austria (AT2). The lack of shelters for adult male victims was also highlighted in a recent report on labour exploitation in Sweden (Länsstyrelsen, 2017) and in a report by the NGO Open Gate/La Strada on the *Social Protection of Refugees in Macedonia* (Ramova, 2016). The situation is particularly problematic on some of the Greek islands and in The former Yugoslav Republic of Macedonia, where single men in an irregular situation, regardless of their individual needs and vulnerabilities, are often denied access to accommodation and protection services for other vulnerable migrants (EL21; EL22; MK4; MK5).

Lack of appropriate accommodation is also a challenge to providing adequate protection to children. In Austria, few protected reception facilities are available, especially for child victims of trafficking, except for one specialised facility in Vienna (AT9a; AT9b). Similarly, some stakeholders interviewed in Germany stressed that if a child is identified as a victim of trafficking, accommodation in specialised shelters seems to be the exception rather than the rule. Besides a few specialised reception facilities offering appropriate accommodation for trafficked girls, most child victims are placed in large-scale reception centres, which cannot provide adequate assistance (DE1; DE4).

In a number of countries, the lack of appropriate care and placement options for UASC and the lack of sufficient places in existing dedicated reception facilities (discussed above in section D.2.1.) were underlined as broader structural challenges to the protection of presumed and actual victims of trafficking among this group. This problem is sometimes caused by limited capacity (RS21), complex administrative procedures and requirements for placement in existing facilities (BG11; BG16), lack of clarity concerning the roles and mandates of the different institutions concerned (BG11) or resistance from managers of existing reception facilities (BG3; BG12; BG16). The fact that many UASC leave care within a short period of time (a few days or weeks) after placement is also a major barrier hindering the protection of these children also in the context of trafficking and exploitation (AT9a; AT9b; MK4).

⁶⁴ The Centre for Protection of Victims of Trafficking in Serbia is responsible for initial assessment and referral after receiving a notification of a presumed trafficking case, as well as for conducting formal identification within 3 months of detection.

1.2 Lack of appropriate long-term protection and assistance services

Several interviewees reported that governmental institutions often lack sufficient, adequately trained staff and that often a lack of funding also limits the capacity of anti-trafficking organisations and other NGOs to provide complete services to vulnerable migrants, including victims of trafficking (EL13; EL14; EL15; EL18; RS8). In Germany, both NGO and government representatives also noted that the responsibility for financing long-term assistance, notably counselling centres, is not clearly regulated in the existing legal framework (DE1; DE13; DE19). As a result, even where according to the legislation, psycho-social, legal, educational, medical, financial and reintegration support is available to presumed and identified trafficked people amongst the migrant population, in practice there are few specialised programmes due to a lack of funding.

Other challenges include the lack of therapists trained to treat this particular group, long waiting times for appointments and difficulties with respect to mother tongue therapy (DE1; DE7; DE16).⁶⁵ Also in Greece, according to an NGO representative interviewed in Athens, psycho-social support is a major gap in the services offered to vulnerable migrants, including potential or presumed victims of trafficking (EL4). Such services are crucial for the long-term rehabilitation and integration of trafficking victims, as explained by the manager of a shelter for THB victims in Sweden: *“A holistic view on long-term individualised assistance and commitment is needed. [...] Also, the victim must have a safe space in order to focus on a long-term programme”* (SE10).

Difficulties in accessing services were referred to in some countries specifically in relation to child victims of trafficking. In Finland, a number of interviewees highlighted that the level of services provided at local level by different municipalities may differ (FI1; FI2; FI11), largely depending on the availability of resources. In Austria, a number of stakeholders considered the fact that there are no specialised protection services for child victims of trafficking outside Vienna as the main challenge in providing protection (AT3; AT5; AT9), related to the federal structure of the child protection system in the country (AT3; AT9a). Some specific groups of UASC, particularly teenagers, experience discrimination in accessing services that they are entitled to (MK18). In some countries, the inadequacy of the education system in integrating and retaining UASC (including presumed and actual victims of trafficking), by offering an attractive alternative and by providing a supportive environment, is a protection challenge (AT9b; BG8).⁶⁶

⁶⁵ On psychotherapeutic support for victims of trafficking, see, for example: Helen Bamber Foundation (2013). “Part II: Clinical Links Between Human Trafficking and Torture” in: OSCE. *Trafficking in Human Beings Amounting to Torture and other Forms of Ill-treatment*. Vienna: OSCE.

⁶⁶ See: <http://etmu.fi/yksintulleet-alaikaiset-pakolaiset-huolehditanko-heista-kuten-pitaisi>, accessed 10.03.2018.

In Focus: the German Integration Programme for Survivors of Trafficking (GIPST)

The German Integration Programme for Survivors of Trafficking (GIPST), financed by the EU's AMIF Fund and implemented by the association Together against Trafficking (Bündnis Gemeinsam gegen Menschenhandel e.V.) started in January 2017 and has three main objectives:

- To identify victims of trafficking and to inform potential victims (e.g., asylum seekers), as well as relatives, about the dangers of trafficking in human beings;
- To integrate identified trafficked people in Germany through a comprehensive programme including mentoring, life skills training and internships; and
- To accompany the voluntary return of people to their country of origin or another country and the further support provided by local partner organisations.

Source: GIPST: <https://gipst.eu/what-is-gipst/?lang=en>, accessed 08.03.2018.

1.3 Gaps and challenges linked to the legal framework and/or coordination mechanisms

Several interviewees noted that a number of challenges for the provision of protection and rehabilitation to victims of trafficking are linked to gaps in the legal framework and/or in the coordination mechanisms between the various stakeholders involved in the procedures. In Bulgaria and Serbia, for instance, several interviewees among both humanitarian organisations and state authorities identified the absence of standardised and mandatory procedures for the protection and rehabilitation of presumed and identified trafficked people among migrants in an irregular situation and asylum seekers (BG5; BG12; BG14; BG16; RS18). In Serbia, the competent authorities are currently developing SOPs for prevention and the protection of refugees and migrants from SGBV (also including trafficked people) (Serbian Government, 2017), but these procedures will not be mandatory. In addition, SOPs for the Protection of Refugee/Migrant Children exist and are in use as of 2016, but they are also not mandatory (RS18). Therefore, the official endorsement of the SOPs by state authorities and close monitoring of their effective implementation will be extremely important (RS8; RS11; RS13; RS18).

In Bulgaria, interviewees also highlighted how the lack of harmonisation between asylum laws and laws and regulations in the area of social assistance leads to potential victims of trafficking among migrants who are not entitled to international protection falling through the cracks (BG15). The lack of timely referral of UASC to child protection institutions and services - often for practical reasons, such as lack of transportation and limited staff capacity - was also highlighted in Bulgaria (BG10).

In some countries, the problem is due to the existing legal framework that applies to certain categories of migrants. In Germany, for instance, victims of trafficking among migrants in an irregular situation can only receive financial benefits according to the German Law on Benefits for Asylum Seekers, which cover basic needs but are generally not sufficient to fully meet the needs of this target group. While the situation

is different from one *Land* to the other, often such benefits do not cover, for instance, the costs of legal advice, or transportation to counselling centres or to German courses. In such cases, it falls to the often under-financed counselling centres to bear the costs, and they often cannot afford it. In addition, medical costs are only covered in case of emergency or acute diseases. The authorities often refuse the psychotherapeutic treatment necessary for traumatised victims, as it is not classified as an “acute emergency” (DE13).

As mentioned above in section D.2.1, issues concerning the effective functioning of the guardianship system for UASC were highlighted across several of the countries assessed. Delays in appointing a guardian (AT5; BG20), and the guardians’ limited capacity to adequately care for each child under their responsibility, in light of the high numbers of UASC each guardian is responsible for (BG20; RS11; RS12), are major shortcomings also in the protection of trafficked UASC. The issues related to guardianship identified in this assessment mirror those highlighted by the EU Agency for Fundamental Rights (FRA):

“The most common gaps and challenges in national guardianship systems are related to the lengthy appointment procedures, limited availability of independent and qualified guardians, lack of systematic training of guardians, lack of necessary support for the children and the guardians including in accessing legal advice” (FRA, 2018: 1).

F.2 Gaps and challenges in the granting of reflection period and residence permits

The research assessment identified a number of issues linked to the granting of reflection periods and residence permits to presumed and formally identified victims of trafficking among migrants in an irregular situation, asylum seekers and refugees.⁶⁷ These issues also apply more generally to all victims of trafficking in the countries covered who are non-EU citizens and do not have a regular immigration status. The findings can be divided into two categories: 1) Fear of contact with the authorities; and 2) the residence status is contingent upon participation in criminal proceedings.

⁶⁷ Reflection periods and residence permits for victims of trafficking in EU Member States are regulated by Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities. Article 6 of this Directive stipulates that victims should be “*granted a reflection period allowing them to recover and escape the influence of the perpetrators of the offences so that they can take an informed decision as to whether to cooperate with the competent authorities*” and Article 8 provides that: “*After the expiry of the reflection period, [...] Member States shall consider: (a) the opportunity presented by prolonging his/her stay on its territory for the investigations or the judicial proceedings, and (b) whether he/she has shown a clear intention to cooperate and (c) whether he/she has severed all relations with those suspected of acts that might be included among the offences*”. Piotrowicz states in relation to this Directive that “*there is little in the Directive that could be said to be motivated by a desire to support and assist trafficked people as victims of THB rather than as components of a prosecution case*” (Piotrowicz, 2017: 47). See also: European Commission, 2013: 10-11.

2.1 Fear of contact with the authorities

As highlighted above in Section E.2 with regard to identification and referral procedures, fear and mistrust of the authorities also negatively impacts the provision of protection

and rehabilitation services to victims of trafficking. Difficulties in gaining trust were also specifically highlighted in relation to UASC. Some of these children appear uninterested in escaping the exploitation, as they do not perceive that their situation would improve if they remained at the shelter (AT9a; AT9b). Moreover, they often do not perceive themselves as victims (AT9a). Language barriers and lack of a sufficient number of interpreters, also in dedicated facilities, further complicate the situation (BG1; BG2; BG8; BG13; BG15) by hampering communication between children and service-providers.

In Sweden and Germany, where, as outlined above in section C.3, the procedure for granting a reflection period can only be initiated by the police, migrants who entered the country irregularly and are still undocumented may prefer to avoid any contact with law enforcement, for fear of being prosecuted and deported for immigration offenses (DE18; DE19; SE1; SE2). Also in Finland, not all victims of trafficking wish to enter the National Assistance System for Victims of Trafficking, mainly because they may wish to avoid all contact with the authorities for a variety of reasons, such as fear, threats made to their families or irregular immigration status. However, NGOs provide assistance to presumed victims of trafficking who do not want to be referred to the National Assistance System, who have not been admitted to the system, or who have been removed from the system (FI9; FI11).

2.2 Residence status contingent upon participation in criminal proceedings

In many cases, a residence permit for victims of trafficking is tied to their cooperation in criminal proceedings. In this context, the OSCE recently specifically recommended that *“the provision of assistance to victims of trafficking should not be conditional on their willingness to co-operate in legal proceedings”* (OSCE, 2017: 37). Getting a residence permit is often the biggest concern for non-EU victims of trafficking and a major stress factor (AT15; AT9; AT9a; AT9b; AT5; FI11). The situation is particularly complicated for those victims who cannot obtain international protection or a residence permit, but cannot be returned either, as they find themselves in a limbo (SE2).

In addition, as noted for instance by the speaker of the Berlin Senate responsible for women in conflict situations and THB and a representative of the NGO K.O.K. e.V., high levels of uncertainty and insecurity among presumed victims with regard to the possibility of getting a residence permit at the end of the criminal proceedings push them to seek other ways to legalise their status instead of continuing their formal identification, such as asylum applications (DE18; DE19). As explained by the Director of the NGO LEFÖ-IBF in Austria, the current system can also be counter-productive for conducting anti-trafficking criminal investigations:

“In Europe, the right to residence is bound to the criminal proceedings. This is simply unrealistic. [...] The country where the women take the risk of opening up should be

responsible and safeguard all victims' rights, including residence. Otherwise organised crime will always win" (AT15).

In Finland, the 2017 report of the National Rapporteur on THB, on Nigerian women in Finland trafficked for sexual exploitation, raised a number of issues linked to the granting of residence permits. The report notes that the conditions for granting residence permits on the grounds of human trafficking are interpreted too narrowly: *"Key factors of human trafficking, such as the severity and length of exploitation, individual consequences and the victims' true abilities and opportunities to look after the growth and development of their children are not assessed to an adequate extent in the grounds for residence permit decisions" (National Rapporteur, 2017: 17).*

The National Rapporteur concluded that the Finnish Immigration Service lacks systematic guidelines on how being trafficked should be taken into consideration in asylum and residence permit processes. This narrow interpretation was also criticised by Finnish NGO representatives interviewed for the assessment (FI9; FI11): *"Being a victim is not enough, also aspects related to the health situation, circumstances and possible family in the home country have an impact. For example, in one Nigerian case they interpreted that having a sibling somewhere in Nigeria means that the person has a network in the home country" (FI9).*

It is worth noting here that the Finnish Immigration Service has acknowledged the criticism for setting the bar too high when evaluating whether a person is in a vulnerable or highly vulnerable position. However, according to the Service, the *"narrow interpretation is directly based on a government proposal, in other words, the will of the legislator, and legal practice has been confirmed by courts as being in accordance with the law".*⁶⁸ Also a migration authority representative interviewed for the assessment pointed out that all decisions on residence permits issued to victims of trafficking are based on an individual assessment, covering experiences of exploitation, whether the person has been accepted into the National Assistance System, their health status, whether they have children and other individual factors (FI10).

Finally, also in Finland, several interviewees mentioned a number of disappointing situations where victims' residence permits were not renewed after a successful conviction for human trafficking (FI2; FI9; FI11): *"In such a case it is very difficult to return to the home country, for example because the perpetrator has connections there and can make life difficult for a person who dared to complain or testify. If the perpetrator is a citizen of Finland, or sometimes even if they only hold permanent residence, they can stay after their prison sentence, while the victim might have to leave. In these cases, nobody can guarantee the victim's safety" (FI11).*

⁶⁸ See: www.migri.fi/for_the_media/bulletins/press_releases/press_releases/1/0/refusal-of-entry_decisions_are_based_on_law_the_will_of_the_legislature_and_the_legal_practice_confirmed_by_the_courts_69514, accessed 16.10.2017.

G. Conclusions and recommendations

The importance of the topic of trafficking and exploitation in the context of mixed migratory movements has been acknowledged by several of the main anti-trafficking actors at European and international level, as set out in the Introduction to this assessment. However, despite this acknowledgement, the existing literature on the topic remains limited to a small number of reports and studies, most of them focused on one country. As a result, there is little empirical evidence on the issue, particularly in relation to people travelling along the Balkan route to the EU since 2015.

Although limited, there is a consensus in the existing literature around concerns over the incidence of trafficking and exploitation among migrants⁶⁹ travelling along the Balkan route and in destination countries in the EU, as well as on a number of risk factors and vulnerabilities that may render migrants more prone to being trafficked and exploited. The link between restrictive migration policies and migrants' vulnerability to trafficking and exploitation was found to be a central element increasing people's vulnerability to trafficking and exploitation, particularly for certain categories of migrants, such as migrants in an irregular situation and 'stranded' migrants. Similarly, the increased vulnerability to trafficking and exploitation of children – especially unaccompanied and separated children (UASC) – travelling as part of large migration flows has been recognised in the existing literature, in general, as well as in relation to the recent migration along the Balkan route to the EU.

Another common concern highlighted in the existing literature is the challenges to the identification of trafficked people among migrants, often linked to a lack of clear national anti-trafficking guidelines or standard operating procedures in the context of first reception of new arrivals and transiting migrants, as well as in asylum procedures. Related to this, the conflation of migrant smuggling and human trafficking has also been highlighted by several authors as hampering a proper understanding of the phenomenon of trafficking and exploitation of migrants, thereby representing a major challenge to the effective identification and referral of potential and presumed victims.

Due to the very low number of victims of trafficking formally identified among migrants who used the Balkan route and in the destination countries covered by this assessment, the literature reviewed points to a significant knowledge gap particularly on the topic of the protection and rehabilitation of identified victims of trafficking.

The TRAM research assessment, which examined the incidence of trafficking in human beings (THB) and risk factors for THB in the context of the Balkan route and in destination countries, as well as the gaps, needs, challenges and good practices in the identification, referral, protection and rehabilitation of victims of trafficking among migrants using this route, aims to contribute to this emerging literature.

The conclusions and recommendations resulting from this research assessment, based

⁶⁹ Understood throughout this assessment as referring to all of those people who are on the move: asylum applicants, those who intend to apply for asylum, migrants (regardless of their status) and refugees, including adults, accompanied children and unaccompanied and separated children (UASC).

on the literature reviewed and the findings of 159 interviews conducted in the eight countries covered by the assessment, are presented here. Each of the three research questions is addressed in turn, with the conclusions relevant to that sub-topic, and the recommendations arising from those conclusions.

A. Incidence of trafficking in human beings and risk factors

In general, the countries covered by this assessment – Austria, Bulgaria, Finland, The former Yugoslav Republic of Macedonia, Germany, Greece, Serbia and Sweden – continue to mainly identify EU citizens and sub-Saharan Africans, particularly women, as trafficked persons. Very limited numbers of people who have used the Balkan route have been officially identified as victims of trafficking in human beings.

The main reasons why there are a very limited number of identified trafficking cases among people using the Balkan route are:

- **challenges to identification** due to the disconnect between asylum and migration actors and procedures, on the one hand, and anti-trafficking actors and procedures, on the other;
- in certain countries, the perception by migrants and authorities alike that the country in question is only a **country of transit** and therefore it does not make sense for migrants to seek, or stakeholders to provide, support services;
- the fact that there is **insufficient evidence** available in order to determine whether a case constitutes trafficking in human beings; and
- the **vicious circle of a lack of statistics**, meaning that little attention is paid to the phenomenon and therefore there is little effort to identify cases that would lead to statistical evidence.

In the context of the Balkan route, trafficking is often **related to the migrant smuggling process**, with exploitation occurring due to people being in debt to smugglers, and due to smugglers requesting increasing amounts of money for their services. In some cases, migrants are forced to carry out smuggling activities, which may constitute trafficking for the purpose of exploitation in forced criminality.

Many indications of trafficking and exploitation arising from the research concerned cases that had taken place **in the countries of origin or previous residence of the people concerned, or along the route**, and not in the countries covered by the assessment, which also means that it is more difficult for the authorities to officially identify cases and to investigate them.

The main forms of trafficking emerging from the research are:

- **Sexual exploitation**, mainly affecting women and girls, but also boys and men, particularly Afghans subjected to sexual exploitation as *bacha bazi*. ‘Survival sex’ also seems to be a prevalent phenomenon, with adults and children in a situation where they have no alternative but to exchange sex for goods or services, or to engage in prostitution. It is often unclear whether cases of ‘survival sex’ also constitute sexual exploitation or sex trafficking.

- **Labour exploitation**, whereby people are in a desperate situation and without financial resources, and in many cases do not have the legal right to work, and some of them therefore end up in a situation of labour exploitation. Labour exploitation takes place in many different sectors, yet there is little awareness of this form of trafficking among the stakeholders in most of the countries covered by the assessment.
- **Forced criminality** is a form of trafficking that is also evident from the research, though it does not appear in the official statistics. Cases include exploitation in petty crime, drug dealing and migrant smuggling.

The risk factors for trafficking in this context include factors at the **legal and policy levels**: legal status issues; related difficulties in income generation; restrictive migration policies; and risks related to residence at accommodation centres for migrants in the countries covered, as well as factors at the **individual level**: previous experience of violence and trauma; women and children travelling alone; lack of awareness of migrants' rights, of the local language and of country-specific knowledge; and incurring debts to smugglers.

Specific risk factors for THB related to **legal status and procedures** include: receiving a negative decision in the asylum or family reunification procedure; long waiting periods within the asylum procedure; having an undocumented immigration status; uncertain legal status during the journey; and – specifically for unaccompanied and separated children (UASC) – delays in the appointment of a guardian, and/or guardians' insufficient capacity to appropriately care for children. Related to these issues is the **lack of opportunities for income generation**, both en route and in-country.

Restrictive migration policies constitute a risk factor in terms of increased border controls and the restriction of legal channels for transiting, entering and residing in the countries covered by the assessment, and in terms of restrictions on the basic services provided to migrants.

While people are **residing in the various types of accommodation centres**, they are exposed to a number of risk factors, such as sexual and gender-based violence (SGBV), involvement in drug use and drug dealing, and contacts with migrant smugglers.

Many UASC are not provided with adequate care and placement, for a number of reasons, including flawed age assessment procedures and limited capacity in child reception facilities. A considerable number of UASC are reported as having disappeared from care and thus are outside the child protection system.

Previous experiences of violence and trauma in countries of origin and along the route also constitute a risk factor. Many adults and children have experienced domestic violence, SGBV, family dysfunction, and conflict and persecution, as well as hardships during the journey.

Recommendations

1. Improve understanding of trafficking and exploitation among State authorities and other anti-trafficking and migration actors in the context of migration flows along the Balkan route and in destination countries in the EU.
 - State authorities should invest the necessary time and resources in **identifying and investigating** cases of human trafficking and exploitation. The quantitative and qualitative information collected should be aggregated and analysed, so as to build the solid knowledge base needed to mobilise the necessary resources and inform an effective anti-trafficking response.
 - States should acknowledge **migrants as legal subjects**, with rights and obligations, in all circumstances, and take all necessary measures to provide protection and assistance to victims of trafficking, also among migrants “in transit”.
 - State authorities and all other duty-bearers should regard and treat children on the move as **children first and foremost**. In particular, unaccompanied and separated children should be provided with **special protection measures** as children temporarily or permanently deprived of parental care. As a priority, immediately upon identification, all UASC should be appointed a qualified and independent **guardian** to protect them and ensure their best interests are upheld in all decisions affecting them.
 - State authorities and other anti-trafficking and migration actors should enhance their understanding of the **difference between migrant smuggling and human trafficking**, which are often intertwined but are distinct typologies of crime.
 - State authorities should take all necessary steps to officially identify and investigate cases of trafficking that **occurred in countries of origin or during the journey**, also by strengthening international cooperation on criminal investigations. Protection should be provided to presumed victims of trafficking regardless of whether it is possible for law enforcement to investigate the case.
2. Mitigate the risk factors related to the legal and policy context and to the individual situation of migrants
 - Access to basic services, such as accommodation and healthcare, should be provided to **all migrants**, including asylum applicants, people who have not applied for asylum and people whose asylum application has been refused. **All migrant children** should be granted access to education, as well as vocational training opportunities for older children. Any barriers preventing access, or limiting access, to education for certain groups of children should be removed.
 - Legal access to opportunities for **regular work and other forms of income generation** should be granted to all migrants who remain in a country for a significant period of time, regardless of their status.
 - States should significantly expand **legal pathways**, including refugee re-

settlement, family reunification, and migration for employment and for studies.

- Accommodation at reception centres and other accommodation facilities should remain a **temporary measure** and all the necessary steps must be taken to improve safety, prevent physical and sexual violence and ensure the provision of basic services at such centres.
- Children should never be held in detention facilities on the basis of their immigration status. UASC must be properly protected with **suitable care placement** – with adequate standards of provision - as expeditiously as possible and preferably upon arrival/identification. Placement should be based on a careful and well-informed assessment of each child’s needs and should promote alternative care arrangements deemed most effective in integrating children, including those ageing out of care.
- State authorities and other anti-trafficking and migration stakeholders should organise **information campaigns** and awareness-raising on the risks of exploitation and THB and on the protection and assistance available for presumed and identified victims.

B. Identification and referral procedures

The main gaps and challenges in the identification and referral procedures for trafficking victims among people using the Balkan route identified by the research assessment are:

1. Gaps and challenges in the **harmonisation and incorporation of THB identification and referral procedures into the first reception and asylum systems** for new arrivals, leading to a disconnect between the two processes and, ultimately, to a general lack of centralised standard operating procedures for identification and referral of trafficked people. In practice this also means that reception and asylum systems are often not linked up with the National Referral Mechanisms (NRMs) for victims of trafficking, in countries that have an NRM.
2. Gaps and challenges specifically linked to the **identification and referral of migrants in an irregular situation and asylum seekers living outside the reception system, including UASC who have left care.**

The assessment also identified a number of specific barriers affecting migrants’ access to identification and referral, firstly, **barriers at individual level**, such as fear and mistrust of the authorities, presumed victims of trafficking not perceiving themselves as victims of trafficking or not seeing any advantage to being identified as such, lack of viable alternatives, and lack of attention given to vulnerable adult men and to forms of trafficking and exploitation other than sexual exploitation. Limited awareness of specific forms of exploitation affecting children – namely for exploitative begging, forced marriage and forced criminality - was also flagged as a barrier to identification. Secondly, **barriers at systemic level** are related to the response to the arrival of migrants and the migration governance system in place at country level. Such barriers include the challenges of dealing with migrants “in transit”, the criminalisation of some victims of trafficking, the incorrect identification of some UASC as adults, and

the prioritisation of security concerns and combating migrant smuggling over the protection of trafficked people.

While some of the barriers are already **well-known in the anti-trafficking sector** in general and may affect both national and foreign potential and presumed victims – e.g., trafficked people not perceiving themselves as victims, language barriers, fear and mistrust of the authorities, lack of attention to trafficking in adult men –, others are **specific to the Balkan route** and disproportionately affect certain categories of migrants, such as migrants in an irregular situation, the large proportion of migrants using this route who are young men, and certain nationalities, such as migrants coming from designated “safe countries of origin”.

As a general trend, the assessment found that **there is too much reliance on law enforcement and criminal justice to identify and refer victims of trafficking among migrants**. Protection actors, often better equipped to build a relationship of trust with presumed victims, only play a marginal role in such processes. The lack of involvement of protection actors has negative consequences both for victims’ access to long-term protection and rehabilitation services and for anti-trafficking criminal investigations.

As is the case for risk factors and vulnerabilities, also the findings on identification and referral highlighted **how fast-track procedures** aiming to speed up asylum applications and return procedures, as well as **restrictive migration policies**, affect the capacity of frontline responders to properly identify victims of trafficking among migrants travelling along the Balkan route and in destination countries.

The complexity of **differentiating between the two distinct phenomena of smuggling of migrants and trafficking in human beings** and of understanding the points of convergence also contribute to making identification and referral procedures more difficult.

On the topic of THB indicators, while many countries do have a set of general indicators of THB, **few countries covered by the assessment have specific indicators for use in the context of mixed migration flows**. On the other hand, according to interviewees, the main problem is not so much the lack of specific indicators but rather that anti-trafficking procedures, in general, are not implemented in the context of migration and asylum processes.

Linked to the identified gaps and challenges, interviewees identified a number of **training needs**, particularly for frontline responders, but also for stakeholders in charge of identification and referral in the context of asylum procedures.

Recommendations

3. Reconcile asylum, migration and anti-trafficking procedures

- Identification of trafficking cases should be **incorporated into asylum procedures** through proactive screening during registration and status determination interviews, including in the context of “fast-track procedures”.

- National **Standard Operating Procedures** for the identification and referral of trafficking cases in the context of mixed migration flows, clearly establishing the roles and responsibilities of all asylum, migration and anti-trafficking stakeholders in the identification, protection and assistance of victims of trafficking among migrants, should be adopted and applied.
 - All stakeholders working with asylum seekers, refugees and migrants, as well as law enforcement officials, should be **trained in the use of trafficking indicators**, adapted to the specific context of mixed migration flows if needed.
4. Remove, or mitigate, barriers to the identification and referral of victims of trafficking
- **Protection actors should be given a much more central role** in identifying victims and referring them to protection services, in collaboration with law enforcement authorities, but independently of criminal justice responses.
 - Competent state authorities and other anti-trafficking and migration stakeholders should pay more attention to the identification of victims of trafficking among **men and boys** and to **forms of trafficking other than trafficking for sexual exploitation**. Specific attention should be given to cases of exploitation for begging, forced criminality or forced marriage among children.
 - State authorities should **avoid the criminalisation or punishment** of victims of trafficking in all circumstances, particularly in the context of irregular employment situations, immigration violations and crimes committed as a consequence of being trafficked.
 - The competent state authorities, **in conducting anti-smuggling operations**, should always adopt a **victim-centred approach**, putting the protection and assistance of victims of trafficking – and of victims of other abuses in the migrant smuggling context - as a first priority.
 - In the context of the identification of UASC, **age assessment procedures** should be undertaken taking the best interests of the child as a primary consideration. Such procedures should adhere to the highest child rights' standards at international, European and national levels. In particular, before and during age assessment procedures, any person claiming or appearing to be under 18 years of age should be treated as a child, and they should be appointed a qualified and independent guardian as expeditiously as possible, and provided with suitable care and adequate placement.
 - Children **who left or were taken out of care** (or are otherwise outside the child protection system) should be proactively reached out to in the places where they live and/or work by qualified professionals, and be provided with viable and durable alternatives to their situation

C. Protection and rehabilitation procedures

The conclusions that can be drawn from the research findings in the area of protection and rehabilitation procedures are limited, due to the **limited experience of competent authorities and other anti-trafficking stakeholders in the protection and rehabilitation of trafficking victims identified among migrants** travelling along the Balkan route and in destination countries. As we have seen in the previous chapters, this is mostly due to the very limited number of formal identifications.

The main gaps and challenges faced by competent authorities and other anti-trafficking stakeholders in the protection and rehabilitation of trafficked people are:

1. **Gaps and challenges in the provision of short- and long-term protection and assistance services**, which include: lack of appropriate care and accommodation, including suitable reception facilities for child victims of trafficking and for UASC more generally; lack of appropriate long-term protection and assistance services, including the unpreparedness of the education system to successfully integrate UASC who are or may be victims of trafficking; and gaps and challenges linked to the legal framework and/or coordination mechanisms at national level; and
2. **Gaps and challenges in the granting of reflection periods and residence permits**, tied to: fear of contact with the authorities; and residence status being contingent upon participation in criminal proceedings.

As an overall trend, the assessment highlighted the challenges that **national anti-trafficking systems - still mostly geared towards responding to the needs of particular categories of victims**, - i.e., Europeans or Sub-Saharan Africans and adult women who are victims of sexual exploitation - face in accommodating and responding to the specific needs of THB victims with different profiles, such as migrants who have travelled along the Balkan route to the EU.

Issues concerning the effective functioning of the **guardianship system** for UASC, including delays in appointing a guardian, and guardians' limited capacity to adequately care for each child under their responsibility, are major shortcomings in the protection measures available for child victims of trafficking.

Obtaining a legal status is crucial for migrants travelling along the Balkan route. Too often, in the framework of protection and rehabilitation services for identified victims of trafficking, the **legal status of trafficking victims is uncertain and is linked to their cooperation in criminal proceedings**, discouraging presumed victims from seeking redress and hampering proper long-term rehabilitation for victims of trafficking.

Recommendations

5. Improve accommodation and provision of protection and assistance services
 - Competent state authorities and other anti-trafficking actors should ensure that there are **sufficient shelters available for victims of trafficking**, for the provision of

short-term protection and assistance services. Child victims of trafficking should be provided with suitable care and placement options, in line with their specific and individual needs, and preferably outside of an institutional environment.

- International protection, migration management, social assistance and anti-trafficking responses and coordination mechanisms **should be better harmonised**, so as to be able to offer effective protection and rehabilitation services to victims of trafficking among migrants, including migrants in an irregular situation, asylum applicants and refugees. All children, including presumed and identified victims of trafficking, should be promptly referred to the existing **child protection system** and authorities upon initial identification, particularly if they do not benefit from a nurturing family environment, such as UASC.

6. Improve access to residence permits for victims of trafficking

- State authorities and other anti-trafficking, migration and protection stakeholders should ensure that effective protection and assistance services are offered to presumed and identified victims of trafficking, including secure residence status and long-term rehabilitation services, **regardless of their willingness to participate in criminal proceedings** against the perpetrator(s).
- Children, whether they are trafficking victims, migrants in a regular or irregular situation, seeking asylum or not, unaccompanied or separated or accompanied, **should be treated as children first and foremost**, and exercise their rights on an equal basis with national citizen children.

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Interview codes

Austria (AT)

Code	Name	Position	Organisation	Date
AT1	Ewald Filler	Head of Department Family Policy and Children's Rights, Chair of the Working Group Child Trafficking	Federal Ministry of Families and Youth	07.09.2017
AT2	Markus Zingerle	Project coordinator MEN VIA	MEN VIA (Support for men who are affected by human trafficking)	26.07.2017
AT3	Georg Schnetzer	Minister Plenipotentiary - Head of the Unit Residency and Border Issues	Federal Ministry of Europe, Integration and Foreign Affairs	07.08.2017
AT4a	Nino Hartl	Head, Office of the Director - Federal Office for Immigration and Asylum	Federal Office for Immigration and Asylum	21.08.2017
AT4b	Thomas Fauland	Head, Office of the Director - Federal Office for Immigration and Asylum	Federal Office for Immigration and Asylum	21.08.2017
AT5	Astrid Winkler	Head of ECPAT Austria	ECPAT Austria	23.08.2017
AT6	Georg Zwerenz	International Social Policy, member of the Working Group against Trafficking for the Purpose of Labour Exploitation	Federal Ministry of Labour, Social Affairs and Consumer Protection	08.09.2017

AT7	Richard Melichar	Head of the Unit Human Rights Issues, member of the Task Force Against Human Trafficking	Federal Ministry of the Interior	14.09.2017
AT8	Gerald Tatzgern	Head of the Centre on Smuggling and Human Trafficking	Federal Criminal Intelligence Service	27.09.2017
AT9a	Katie Klaffenböck	Project manager Focal Point Counter-Trafficking	IOM Austria	27.09.2017
AT9b	Ionela Timofte	Project Coordinator, Counter-Trafficking	IOM Austria	27.09.2017
AT10	Marie-Luise Möller	Legal Advisor at Caritas	Caritas	11.10.2017
AT11	1 interviewee	-	ORS Service GmbH	12.10.2017
AT12	Christine Winkler-Kirchberger	Head of KiJA Upper Austria	Children and Youth Ombudsoffice Upper Austria	12.10.2017
AT13	Helmut Payer	Control Inspector	Police Detention Centre Eisenstadt	17.10.2017
AT14	Alfred Lachmann	Chief Inspector	Police Inspection Nickelsdorf AGM	17.10.2017
AT15	Evelyn Probst	Director LEFÖ-IBF	LEFÖ-IBF (Intervention Centre for Migrant Women Affected by Human Trafficking)	31.10.2017
AT16	Katharina Schmidt-Dengler	Head of MA11 Youth and Family, Unit Legal affairs, Department social-pedagogical facilities and representation in the asylum procedure	MA11 Youth and Family	10.11.2017

Bulgaria (BG)

Code	Name	Position	Organisation	Date
BG1	Reneta Velichkova	Psychologist	Animus Association	20.07.2017
BG2	Mariana Stoyanova	Programme Manager	Bulgarian Red Cross	27.07.2017
BG3	Ivanka Angelkova	Programme Officer	UNICEF - Bulgaria	28.07.2017
BG4	Milka Damjanovic	Emergency Relief Worker	-	28.07.2017
BG5	Mathijs Le Rutte	Representative	UNHCR - Bulgaria	31.07.2017
BG6	Georgi Doitchinov	Inspector	Sofia District Police (SDVR)	01.08.2017
BG7	Dobryana Petkova	Senior Expert	NCCTHB	03.08.2017
BG8	Diana Nedeva	Coordinator	Caritas - Sofia	04.08.2017
BG9	Petar Djigov	Senior Inspector	Border Police - Kalotina	07.08.2017
BG10	Nadia Argirova	Case Worker	Detention Centre Busmantsi	09.08.2017
BG11	Iliana Savova	Director, Refugee Department	Bulgarian Helsinki Committee	10.08.2017
BG12	2 interviewees	Officials	Border Police - Danube Bridge	14.08.2017
BG13	Deana Dimova	Director	Dinamica Crisis Centre -Ruse	14.08.2017
BG14	Albena Ivanova	Secretary	Local Anti-trafficking Commission - Ruse	15.08.2017
BG15	Denitsa Georgieva	Lawyer	Foundation Access to Rights (FAR)	16.08.2017
BG16	2 interviewees	Senior Officials	Border Police - Bregovo and Vidin	21.08.2017
BG17	Dimitar Gotchev / Ivailo Nikolov	Deputy Director/ Senior Inspector	Border Police - Burgas	23.08.2017

BG18	2 interviewees	Senior Officials	Border Police - Tsarevo	24.08.2017
BG 19	Ianita Manolova	Director, Social Activities and Adaptation	State Agency for the Refugees	14.09.2017
BG20	Ginka Shukleva	Expert	Child Protection Agency	15.09.2017

Finland (FI)

Code	Name	Position	Organisation	Date
FI1	1 interviewees	-	Oulu reception centre	10.07.2017
FI2	2 interviewees	-	Joutseno reception centre/National Assistance System for Victims of Trafficking	07.08.2017
FI3	Venla Roth	Senior Adviser	Non-discrimination Ombudsman/ National Rapporteur's Office	08.08.2017
FI4	1 interviewee	-	Finnish Immigration Service	08.08.2017
FI5	1 interviewee	-	Finnish Immigration Service	08.08.2017
FI6	1 interviewee	-	Itä-Uusimaa Prosecution unit	09.08.2017
FI7	1 interviewee	-	Labour inspectorate of Southern Finland	10.08.2017
FI8	2 interviewees	-	IOM Finland	10.08.2017

FI9	2 interviewees	-	NGO working with migrants	11.08.2017
FI10	1 interviewee	-	Finnish Immigration Service	15.08.2017
FI11	Pia Marttila	THB coordinator	Victim Support Finland (NGO)	23.08.2017
FI12	1 interviewee	-	Gulf of Finland Coast Guard District of Border Guard	01.09.2017

The former Yugoslav Republic of Macedonia (MK)

Code	Name	Position	Organisation	Date
MK1	1 interviewee	-	UNHRC	31.07.2017
MK2	1 interviewee	-	UNICEF	31.07.2017
MK3	1 interviewee	-	IOM	28.07.2017
MK4	1 interviewee	-	Open Gate La Strada Macedonia	26.07.2017
MK5	Sandra Tomovska	Coordinator of the Red Cross Mobile Team	Macedonian Red Cross	09.08.2017
MK6	1 interviewee	-	Macedonian Young Lawyers Association (MYLA)	27.07.2017
MK7	1 interviewee	-	Macedonian Asylum Services	27.07.2017
MK8	1 interviewee	-	National Commission for Combating THB and Illegal Migration	31.07.2017
MK9	1 interviewee	-	National Police - Unit for Combating THB and Migrant Smuggling	31.07.2017

MK10	1 interviewee	-	National Police - Department for Border Affairs and Migration -Sector for Border Operations	31.07.2017
MK11	1 interviewee	-	Ministry of Labour and Social Policy - Department for Migration, Integration of Refugees and Foreigners and Humanitarian Affairs	24.07.2017
MK12	1 interviewee	-	Ministry of Labour and Social Policy - National Referral Mechanism Office	26.07.2017
MK13	1 interviewee	-	Ministry of Labour and Social Policy - Centre for Social Affairs	26.07.2017
MK14	1 interviewee	-	Reception Centre for Asylum Applicants, Vizbegovo	25.07.2017
MK15	1 interviewee	-	Jesuit Refugee Service (JRS)	25.07.2017
MK16	1 interviewee	-	Transit Centre Vinojug, Gevgelija	08.08.2017
MK17	1 interviewee	-	Transit Centre Tabanovce	07.08.2017
MK18	1 interviewee	-	-	07.08.2017

Germany (DE)

Code	Name	Position	Organisation	Date
DE1	Andrea Kern	Public Relation Manager for Network against THB; Return Coordinator for GIPST; Volunteer for Neustart e.V.	Network against THB; German Integration Program for Survivors of Trafficking (GIPST); Neustart e.V.	26.06.2017
DE2	Abir Alhaj Mawas	Policy specialist women's refugee rights	Terres des Femmes	26.06.2017
DE3	Philipp Schwertmann	Coordinator	"Migration and Work" -Federation of German Trade Unions (DGB)	27.06.2017
DE4	Frank Heinrich	Director and member of the German Federal Parliament	Association Against Human Trafficking	27.06.2017
DE5	Meike Riebau	Advocacy Manager, Coordinator Migration	Save the Children	27.06.2017
DE6	Timo Herrmann	-	Support for Children and Youth	06.07.2017
DE7	Andrea Tivig	Spokesperson, THB of women and prostitution	Terre des Femmes	06.07.2017
DE8	Bärbel Heide Uhl	Spokesperson	K.O.K. e.V./ datAct	28.06.2017
DE9	Jürgen Thomas	Member of Labour and Social Affairs Ministry and responsible for labour exploitation	Labour and Social Affairs Ministry	20.06.2017

DE10	Angelika Schmitt	Spokesperson - responsible for special decision-makers for THB	Federal Office for Migration and Refugees (BAMF)	21.07.2017
DE11	Joachim Renzikowski	Professor for Criminal Law	University of Halle	13.07.2017
DE12	Swantje Tuch	Representative Manager	Reception Centre for Particular Vulnerable Asylum Seekers and Refugees	21.07.2017
DE13	Anna-Lena Reiferscheid	Social Worker	German Integration Program for Survivors of Trafficking (GIPST)	20.07.2017
DE14	Dorothea Czarnecki	Responsible for THB and child protection	ECPAT International Network to End Child Prostitution, Child Pornography & Trafficking of Children for Sexual Purposes	20.07.2017
DE15	Ralf Rötten	Managing director	Help for Boys	20.07.2017
DE16	Ewa Sienkiewicz-Hippler	Psychologist	Counselling centre for victims of trafficking - Frankfurt an der Oder	25.07.2017
DE17	Antje Wunderlich	Spokesperson Protection of Women against Violence	Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ)	20.07.2017
DE18	Pia Roth and Eva Küblbeck	Project Managers for project "Asylum and THB"	K.O.K. e.V.	27.07.2017

DE19	Malin Schmidt-Hijazi	Speaker for the Berlin Senate, responsible for women in conflict situations and THB, anti-violence initiatives for migrant women	Berlin Senate	27.07.2017
DE20	Annette Huland	Anti-trafficking researcher and author	-	08.08.2017

Greece (EL)

Code	Name	Position	Organisation	Date
EL1	1 interviewee	Housing management service for asylum seekers and unaccompanied minors	National Centre of Social Solidarity (EKKA)	05.07.2017
EL2	Iraklis Moskoff	National Rapporteur on Trafficking in Human beings/ Ministry of foreign affairs	National Rapporteur	19.09.2017
EL3	1 interviewee	General Secretary of Transparency and Human Rights	Ministry of Justice Transparency and Human Rights	20.09.2017
EL4	2 interviewees	1. Protection officer UASC and SGBV 2. Project Manager	METAdrasi	22.09.2017
EL5	1 interviewee	Protection Monitoring Advisor	Danish Refugee Council (DRC)	25.09.2017
EL6	1 interviewee	Head of Combating Human Trafficking Department	Hellenic Police (HP)	26.09.2017

EL7	2 interviewees	Head of Coordination - Department of Communication, International and European Cooperation	Reception and Identification Service (RIS) Athens	28.09.2017
EL8 (focus group)	3 interviewees	1. Reception and Identification Services (RIS) representative 2. Legal Aid official 3. Psychologist	1. Reception and Identification Service (RIS) Schisto 2. & 3. ARSIS	02.10.2017
EL9	2 interviewees	Social Workers	ARSIS	03.10.2017
EL10	1 interviewee	Head of the Reception and Identification Centre (RIC)	Reception and Identification Service (RIS) Fylakio	09.10.2017
EL11	1 interviewee	Protection Officer	UNHCR Fylakio	09.10.2017
EL12 (focus group)	2 interviewees	1. RIS representative 2. Policy Officer, Migration Management Support	1. Reception and Identification Service (RIS) Moria 2. EU Commission	10.10.2017
EL13	1 interviewee	Representative of the secretariat for the unaccompanied minors	Secretariat for the Unaccompanied Minors	10.10.2017
EL14	1 interviewee	Representative of the RIS	Reception and Identification Service (RIS) Moria	10.10.2017
EL15	2 interviewees	1. Senior Protection Assistant (Moria) 2. Senior Protection Assistant (Kara tepe)	UNHCR Lesvos	11.10.2017

EL16	1 interviewee	Representative of the accommodation shelter for unaccompanied children	METAdrasi Lesvos	11.10.2017
EL17	Volunteer	Volunteer	Pikpa Lesvos	11.10.2017
EL18	2 interviewees	Senior Protection Assistants	UNHCR Samos	12.10.2017
EL19	1 interviewee	Head of the Reception and Identification Centre (RIC)	Reception and Identification Service (RIS) Samos	13.10.2017
EL20	1 interviewee	Head and representatives of the Metadrasi accommodation Shelter for Unaccompanied Children	METAdrasi Samos	13.10.2017
EL21	2 interviewees	1. Volunteer 2. Project coordinator	Samos Volunteers	13.10.2017
EL22	1 interviewee	-	Samos activists	13.10.2017
EL 23	Informal informant	-	Legal expert on THB	17.11.2017

Serbia (RS)

Code	Name	Position	Organisation	Date
RS1	1 interviewee	-	UNHCR	05.09.2017
RS2	1 interviewee	-	UNICEF	07.09.2017
RS4	1 interviewee	-	International Rescue Committee	06.09.2017
RS5	1 interviewee	-	Save the Children	05.09.2017
RS6	1 interviewee	-	Belgrade Centre for Human Rights	05.09.2017
RS7	1 interviewee	-	Red Cross Serbia	07.09.2017

RS8	1 interviewee	-	ATINA NGO	06.09.2017
RS9	1 interviewee	-	MSF (Doctors Without Borders)	06.09.2017
RS10	Stevan Tatalovic	Information Manager, Info Park	Info park	04.09.2017
RS11	1 interviewee	-	Group 484	05.09.2017
RS12	1 interviewee	-	Centre for Youth Integration (CYI)	08.09.2017
RS13	1 interviewee	-	ASTRA NGO	08.09.2017
RS14	1 interviewee	-	Border Police, Ministry of Internal Affairs	06.09.2017
RS15	1 interviewee	-	Border Police	18.09.2017
RS16	1 interviewee	-	Commissariat for Refugees and Migration (KIRS)	04.09.2017
RS17	1 interviewee	-	Anti-Trafficking Authority	07.09.2017
RS18	1 interviewee	-	Centre for Protection of Victims of Trafficking, Serbia	08.09.2017
RS19	1 interviewee	-	Centre for Social Work, Presevo	18.09.2017
RS20	1 interviewee	-	Ministry of Labour, Employment, Veteran and Social Affairs	18.09.2017
RS21	1 interviewee	-	Reception Centre for Migrants and Refugees, Obrenovac	07.09.2017
RS22	1 interviewee	-	Reception Centre for Migrants and Refugees, Bujanovac	18.09.2017

Sweden (SE)

Code	Name	Position	Organisation	Date
SE1	2 Interviewees	-	County Administrative Board of Stockholm (CABS)	26.06.2017
SE2	Ninna Mörner	-	Swedish Civil Society Platform against THB (NGO)	27.06.2017
SE3	1 interviewee	-	Save the children Sweden (NGO)	04.07.2017
SE4	George Joseph	Head of migration work	Caritas Sweden (NGO)	04.07.2017
SE5	1 prosecutor	-	International Prosecution Office Stockholm	06.07.2017
SE6	Madeleine Sundell	THB coordinator/ social justice secretary	Salvation Army Sweden (NGO)	11.07.2017
SE7	1 interviewee	-	Swedish Migration Agency	16.08.2017
SE8	Per Englund	Detective Inspector	National Police Authority (NOA)	21.08.2017
SE9	1 interviewee	-	NGO working with migrants	22.08.2017
SE10	1 interviewee	-	NGO Talita	31.08.2017
SE11	Lisa Green	Regional coordinator	City of Malmö/ County Administrative Board of Skåne	06.09.2017
SE12	1 interviewee	-	County Administrative Board of Stockholm	07.09.2017
SE13	Ida Hellrup	Lawyer working with unaccompanied children	Children's rights bureau NGO	08.09.2017

Trafficking along Migration Routes to Europe

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