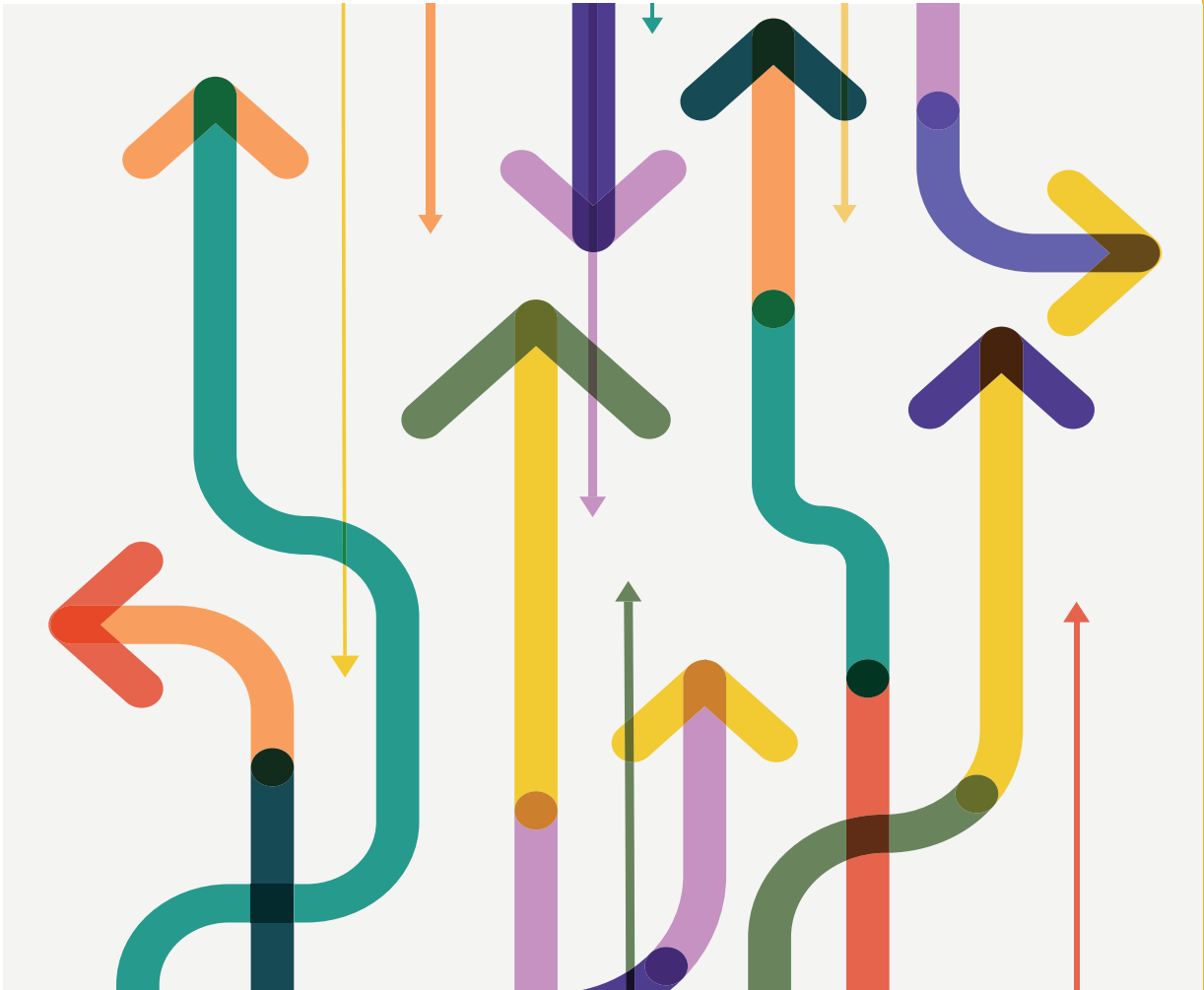




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Improving the Communication and Coordination among the NRM Actors in MARRI Participants Practical Guidance

Prepared by the International Centre for Migration Policy Development, Vienna – Austria within the frame of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) Regional project on Preventing and Combatting Trafficking in Human Beings in the Western Balkans – “PaCT”, Commissioned by the German Federal Ministry for Economic Cooperation and Development (BMZ)

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Author: Dr. Elena Petreska, ICMPD Anti-Trafficking Programme

ICMPD Team: Sanja Milenkovicj Bojadjieva, Melita Gruevska Graham, Ivanka Hainzl, Edgar Federzoni dos Santos, Elena Petreska.

GIZ Team: Michael Samec, Vesna Vujovic Prizmic, Svetlana Zdravkovska, Martin Hiebsch, Jan-Hendrik Dannheisig.

MARRI Team: Sashko Kocev, Aleksandar Todosiev.

International Centre for Migration Policy Development (ICMPD)
Gonzagagasse 1
A-1010 Vienna
Austria
www.icmpd.org

International Centre for Migration Policy Development

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List of Abbreviations

AIP	Information and Privacy Agency (Kosovo*)
AZLP	Agency for Personal Data Protection in Bosnia and Herzegovina
BiH	Bosnia and Herzegovina
BMZ	German Federal Ministry for Economic Cooperation and Development
CA	Civil Association
CoE	Council of Europe
EC	European Commission
EU	European Union
GIZ	German Corporation for International Cooperation
GO	Governmental Organisation
GRETA	Group of Experts on Action against Trafficking in Human Beings
ICJ	International Court of Justice
ICMPD	International Centre for Migration Policy Development
IM	Irregular Migration
KRAT	Regional Anti-Trafficking Committee (Albania)
MARRI	Migration, Asylum, Refugees Regional Initiative
NAP	Action Plan
NATC	Anti-Trafficking Coordinator
NATCB	Anti-Trafficking Coordination Body
NGO	Non-Governmental Organisation
NRM	Referral Mechanism (for trafficked persons)
ODIHR	OSCE Office for Democratic Institutions and Human Rights
OHCHR	United Nations Office of the High Commissioner for Human Rights
ONAC	Office of the Anti-Trafficking Coordinator (Albania)
OSCE	Organisation for Security and Cooperation in Europe
RMT	Regional Monitoring Team (BiH)
DPA	Personal Data Protection Agency (North Macedonia)
SEE	South-Eastern Europe
SOP	Standard Operating Procedures
TFITV	Team for Formal Identification of Trafficking Victims (Montenegro)
TIP	Trafficking in Persons
THB	Trafficking in Human Beings
TRM	Transnational Referral Mechanism
UN	United Nations
UN ESCAP	United Nations' Economic and Social Commission for Asia and the Pacific
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
VoT	Victim of Trafficking

* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

Background and Introduction

In order to ensure comprehensive and effective assistance and protection for trafficked persons, experience has shown that institutionalised cooperative frameworks, including all concerned governmental and non-governmental actors, are crucial. Such institutionalised cooperative frameworks should focus on the management of individual trafficking cases and cover the entire sequence of case measures, from identification, assistance and protection, participation and support during legal proceedings and legal redress, to return/resettlement and/or social inclusion of the victims. While institutionalised, these systems must at the same time be flexible to respond to the individual circumstances and needs of trafficked persons. As many of human trafficking cases are transnational, it is crucial that cross-border referral, assistance and support mechanisms are also in place, and that they pay due respect to the protection of personal data and privacy of victims.

In the course of the past two decades, the six Participants¹ of the Migration, Asylum, Refugees Regional Initiative (MARRI) - Albania, North Macedonia, Bosnia and Herzegovina (BiH), Serbia, Montenegro and Kosovo*, and have gradually introduced significant and positive changes in their general framework for countering trafficking in human beings (THB). Each MARRI Participant has developed wide-ranging and comprehensive anti-trafficking legislative and operational tools; including domestic Referral Mechanisms (NRMs) and Transnational Referral Mechanisms (TRMs) for identification, assistance and referral of trafficked persons. The NRMs in the MARRI Participants have been established in the past decade (Albania – 2005, North Macedonia – 2008, BiH – 2003, Serbia – 2001, Montenegro – 2007 and Kosovo* – 2008)², functioning as cooperative frameworks between all relevant actors.

Cooperation and coordination between the relevant anti-trafficking actors and information exchange among them is one of the guiding principles of NRM functioning. The *Guidelines for the Development of a TRM for Trafficked Persons in South-Eastern Europe (SEE)*³, developed in 2009 by the International Centre for Migration Policy Development (ICMPD) highlight that the **multidisciplinary and cross-sectoral⁴ approach** is very much required in handling trafficking cases, meaning that *“the knowledge and expertise of different disciplines as well as their respective methods are combined to ensure comprehensive support and assistance to the trafficking victims.”* Moreover, information exchange is listed among the cross-cutting issues in the Guidelines, highlighting that *“adequate information shall be exchanged in a timely manner between all relevant actors having as a primary consideration the safety, security and privacy of the victim.”*⁵

1 In accordance to the MARRI Communication rules, the term “Participants” is used instead of “national”. The term refers to MARRI Participant/s (i.e. Participants’ needs, Participants’ level, etc.).

* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

2 ICMPD (2012), *The Way Forward in Establishing Effective Transnational Referral Mechanisms. A Report Based on Experiences in Cases of Human Trafficking in South-Eastern Europe*. Vienna.

3 ICMPD (2009), *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons: South-Eastern Europe*. Vienna.

4 The term “cross-sectoral” means that *“interventions should be designed and implemented in a way that they include all relevant sectors of society (e.g. law enforcement, judiciary, social services, NGOs, service providers, etc.).*

5 Ibid.

After more than a decade of establishing the NRMs and TRMs in the MARRI region, a need for **improving the existing communication and coordination channels among the relevant actors** has been identified. The assessment findings of the 2020 report *Analysis and mapping of Referral Mechanisms to protect victims of trafficking in human beings in the six MARRI Participants*⁶, as well as the survey conducted by ICMPD in 2021 in the region revealed that the communication and coordination between the relevant NRM actors working on trafficking cases needs to be enhanced. Moreover, it has been revealed that the NRM work is not properly documented, thus resulting in gaps in data collection on trafficking cases and information exchange/management accordingly.

The Approach presented in this document should serve the anti-trafficking actors in the MARRI Participants to fill in the coordination and communication gaps and respond to the identified challenges. It includes practical guidance (instructions/tools) aimed to improve and standardize the communication and coordination among all NRM actors (both internally and at transnational level) as well as enable them to exchange experiences and use the lessons learned in their daily work.

The document is part of series of **practical Approaches** developed by the Anti-Trafficking Programme (ATP) of ICMPD within the framework of the project “*Developing Approaches for Enhancing the Functionality of the Referral Mechanisms (NRMs) in the MARRI Participants*”:

- ▶ Approach 1: Practical guidance on inclusion/participation of the trafficking survivors as advisors in the policy development process;
- ▶ Approach 2: Practical guidance on inclusion/participation of the trafficking survivors as advisors in the operational response;
- ▶ Approach 3: **Instructions/guidance on improving the communication and coordination channels among the relevant NRM actors (both internally and at international level);** and
- ▶ Approach 4: Criteria for reaffirmation of the civil society participation within the NRMs in the MARRI region, based on their active role within these mechanisms.

The project is implemented in partnership with MARRI, as action under the regional project “*Preventing and Combating Trafficking in Human Beings in the Western Balkans*”, commissioned by the German Federal Ministry for Economic Cooperation and Development (BMZ) and implemented by the German International Cooperation (GIZ).

6 Different & Equal (2020), *Analysis and mapping of Referral Mechanisms to protect victims of trafficking in human beings in the six MARRI Participants*.

About the Approach

The objective of this Approach is to provide the MARRI Participants with streamlined methods, instructions, tools and good practices for improving the existing communication and coordination channels among the NRM professionals, both internally and at transnational level.

What is it?

It is a practical document that offers instructions, tools, tips, guidance, self-study exercises and good practices for improving the existing communication and coordination channels among the NRM practitioners dealing with trafficking cases and professionals involved in combating trafficking phenomenon. The Approach builds upon the existing policies and established procedures for cooperation between the relevant NRM actors (e.g. Standard Operating Procedures for trafficked persons in the MARRI Participants). It also integrates the international experiences and efforts in this regard, contained in the *OSCE/ODIHR Practical Handbook*⁷ on NRM, the *ICMPD Practitioners' Guide on developing and monitoring Anti-Trafficking response*⁸, the NEXUS Institute *Practitioner Guides*⁹ on trafficking victim protection etc. The **Approach does not consist of comprehensive methods and tools** for improving the communication and coordination channels among the anti-trafficking actors, but focuses only on the needs identified/procedures where need for improvement was specified in the above mentioned Assessment and survey.

Who is it for?

The document is dedicated to the anti-trafficking professionals and practitioners in the MARRI region and beyond, particularly the NRM members: social workers, law-enforcement officers, healthcare practitioners, psychologists and counsellors, child protection specialists, lawyers etc. Indirectly, it targets the stakeholders who are not official NRM members, but cooperate with the NRMs, such as teachers and school administrators, vocational trainers, job counsellors etc. Finally, the Approach might be also useful for the policy makers and the members of the anti-trafficking coordination structures, which cooperate with the NRMs due to the nature of their work.

How to use it?

This is a non-obligatory document and the professionals may use it in their daily work by implementing one or more of the presented methods, instructions, tools and good practices, pending on their interest and needs. It provides overview

7 OSCE/ODIHR (2022). National Referral Mechanism. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook. Second Edition. Warsaw, Poland. <https://www.osce.org/odihr/510014>

8 ICMPD (2021), Developing and Monitoring National Anti-Trafficking Response. A Practitioner's Guide. <https://www.icmpd.org/our-work/capacity-building/anti-trafficking-programme>

9 In May 2021, The NEXUS Institute and the Regional Support Office of the Bali Process (RSO) published a Practitioner Guide Series on trafficking victim protection to support the work of anti-trafficking practitioners in Asia. Available: <https://nexusinstitute.net/past-projects/practitionerguideseries/>

of the key issues and the structural and institutional challenges in establishing communication and coordination channels among the anti-trafficking professionals and practitioners in the MARRI region and offers concrete and practical guidance on how the identified barriers and challenges can be addressed.



Guidelines



Tools



Methods



Good practices

The document offers in an annex a separate tool that can support the practitioners to assess whether the identified good practices in the Approach are relevant and applicable to Participants' context – **See ANNEX X.**

Structure of the Approach

The Approach is structured in two main parts, outlining the following:

- Methods, instructions, tools and good practices for improving the communication and coordination channels among the relevant NRM actors internally;
- Methods, instructions, tools and good practices for improving the communication and coordination channels among the relevant NRM actors at **transnational level.**

The first part of the document is twofold and aims to provide guidance on:

(a) Improving the coordination and cooperation between the NRM actors in **handling trafficking cases;**

(b) Ensuring transparent and inclusive (multi-disciplinary) coordination and cooperation process **in the overall NRM functioning** by involving all relevant actors.

The second part is dedicated to the transnational channels for communication and coordination, following the Standard Operating Procedures¹⁰ for trafficked persons in each stage of case handling, from the initial identification, through first assistance, protection, reintegration and legal proceedings. It also contains updated contact list of the stakeholders in the MARRI Participants involved in the transnational referral procedures, to support them in their formal and informal communication in the process of handling trafficking cases.

¹⁰ SOPs are practical tools that include step-by-step measures for implementation of the identification, referral and assistance procedures towards (potential) trafficked persons.

Methodology

This Approach is elaborated according to the results of the conducted assessment¹¹ and survey with the NRM actors in 2020 by the NGO Different and Equal, the compiled report containing the expressed needs of the stakeholders, as well as the analysis of the questionnaires distributed among the relevant NRM actors by ICMPD in autumn 2021, and follow up consultations to collect the missing information. A comprehensive methodology was utilised by the ICMPD anti-trafficking experts:

Desk Research

The desk research comprises collection and analysis of relevant information for development of four practical approaches. Various sources were researched and revised:

- Existing international legal and policy grounds, related to the topics of the four approaches.
- Relevant publications, reports, academic researches, guidelines, recommendations, etc.
- Current international initiatives and developments on the four topics of the approaches.
- Existing practices in the MARRI Participants and beyond, related to the four topics of the approaches.

Field research

The ICMPD expert team developed a **questionnaire** covering the four thematic areas of the Approaches. Its aim was to gather additional information and existing practices in MARRI Participants. The questionnaire was disseminated to nominated governmental and non-governmental authorities (the NRM coordinators and other NRM actors). The questionnaire was translated into the regional languages and distributed to 56 anti-trafficking stakeholders in the MARRI region. The team received **total of 31** questionnaires – **three** from Albania, **seven** from North Macedonia, **seven** from Bosnia and Herzegovina, **four** from Serbia, **three** from Montenegro and **seven** from Kosovo*.

In addition, several **consultations** with selected international partners active on the topics of the Approaches were conducted. The aim of the consultations was to provide additional insight in the collection of detailed and specific information relevant for the Approaches.

Information analysis and drafting of the Approaches

The findings from the information collected using the questionnaires were analysed and combined with the findings of the desk research. They were utilised as foundation for the four practical Approaches. The existing international standards and guidelines for survivors' inclusion, CSO engagement and enhanced cooperation and communication between stakeholders were taken into consideration to support the full development of the Approaches.

11 Different & Equal (2020), *Analysis and mapping of Referral Mechanisms to protect victims of trafficking in human beings in the six MARRI Participants*.

* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

NRMs as multi-stakeholder cooperative arrangements and their specific role in the provision of anti-trafficking response

Coordinated and effective response to human trafficking requires a correct understanding of the NRM concept and its functioning, based on a solid insight into different working methods, procedures and services in place. NRMs for trafficked persons as a concept developed by the OSCE/ODIHR¹² have been established and became operational in the countries across the globe. Their purpose is to create cooperative framework through which various (government and non-government) actors fulfil their obligations to protect and promote the human rights of trafficked persons by coordinating their efforts in a strategic partnership. The NRMs are institutionalised, multi-stakeholder arrangements and their functioning depends on the participation and involvement of many actors from both public services and civil society. These mechanisms are living scheme and their functioning needs to be regularly evaluated, assessed and fine-tuned to reflect constant operational realities. These prerequisites are essential for functional NRMs and TRMs.

However, prior to reflecting on the existing practices and procedures of communication and coordination within and among the Referral Mechanisms in the MARRI Participants, it is important to elaborate on the **differences between the Anti-trafficking Coordinative Bodies (NATCBs) and the NRMs for trafficked persons**. It is important for this difference to be clarified, as some of the anti-trafficking coordination bodies in the MARRI region, such as, for instance, the one in Albania, bear the same name as NRM. While the NATCBs, as interdisciplinary bodies (headed by an Anti-trafficking Co-ordinator) are responsible for designing, implementation and regular review of the anti-trafficking strategies and action plans and facilitating inter-agency and multidisciplinary cooperation between the various government agencies and between governmental and nongovernmental agencies¹³, the **NRMs are embedded into the domestic legal framework and refer to the operational response¹⁴** towards the trafficked persons.

NATCBs, among other, are also responsible for developing, coordinating and monitoring of the implementation of NRMs¹⁵. Moreover, these bodies are responsible for establishing procedures to collect data on human trafficking, to promote research on the scale and nature of all forms of trafficking in persons (TIP), as well as to maintain trafficking in persons and best practices for the prevention, assistance to and protection of victims of trafficking (VoTs) and the prosecution of traffickers.¹⁶

12 In 2004, OSCE/ODIHR elaborated and introduced the NRM concept and issued the first handbook providing guidance on how to design and implement sustainable mechanisms and structures to combat human trafficking and support victims. It also provides guidance on how to monitor and build the capacity of such mechanisms and structures. OSCE Office for Democratic Institutions and Human Rights (2004), *National Referral Mechanisms - Joining Efforts to Protect the Rights of Trafficked Persons: A Practical Handbook*. Warsaw, Poland

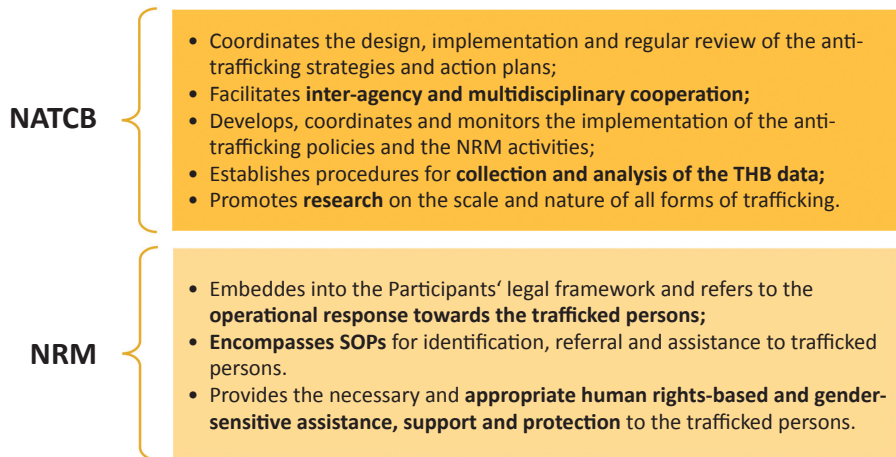
13 UNODC (2020). *Model Legislative Provisions Against Trafficking in Persons. Article 38.2* https://www.unodc.org/documents/human-trafficking/2020/TIP_ModelLegislativeProvisions_Final.pdf;

14 OSCE/ODIHR (2022). *National Referral Mechanism. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook. Second Edition*. Warsaw, Poland. <https://www.osce.org/odihr/510014>

15 In some MARRI Participants, such as in Albania for instance, NATCB is also referred as NRM.

16 UNODC (2020). *Model Legislative Provisions Against Trafficking in Persons. Article 38.2* https://www.unodc.org/documents/human-trafficking/2020/TIP_ModelLegislativeProvisions_Final.pdf;

NRMs function according to Standard Operating Procedures (SOPs)¹⁷ which describe the procedures and ways of communication, coordination and actions aimed at providing adequate assistance and protection to trafficked persons. **NRMs should be focused on the needs of individuals** and include the initial detection and identification, their referral to appropriate services and support, legal stay, support during investigation, prosecution and trial (if any), complaint mechanisms, and leading to a durable solution such as return, (re)-integration, resettlement or social inclusion. Such systems must be institutionalised, yet flexible to allow for process/case management tailored to the needs of individual victims.



This distinction is important in order to specify the **different roles the anti-trafficking actors have in both NATCBs and the NRMs, and accordingly, the communication and coordination procedures/practices among them. The focus of this approach is given to the functionality of the NRMs in the MARRI Participants** (not of the NATCBs) in terms of cooperation and coordination among the NRM actors themselves, as well as with the other relevant actors. The cooperation/coordination in this regard is analysed in order to secure adequately the operational response and handle trafficking cases.

The main actors participating in the NRMs in the MARRI Participants are identified in the above mentioned Assessment Report¹⁸ and described as *“actors tasked through SOPs”* and *“actors recognized as being able to contribute to the implementation of the anti-trafficking policy in the area of prevention, victim protection, criminal prosecution of perpetrators, partnership and cooperation”*¹⁹.

The list of the various actors in the MARRI region and their different roles throughout the different stages of case handling is annexed to this document – **See ANNEX 1.**

17 SOPs are practical tools that include step-by-step measures for implementation of the identification, referral and assistance procedures towards (potential) trafficked persons.

18 Different & Equal (2020), *Analysis and mapping of Referral Mechanisms to protect victims of trafficking in human beings in the six MARRI Participants*.

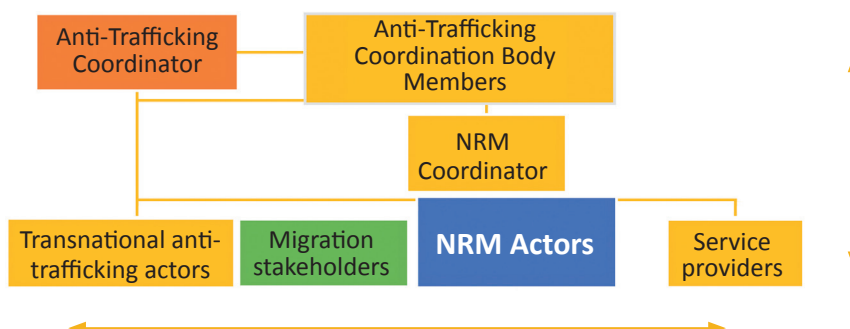
19 Ibid.

Coordination and communication among the anti-trafficking actors is of utmost importance for provision of adequate anti-trafficking response. It needs to be established not only between the NRM actors listed in the annexed table 1, but also between the different (horizontal and vertical) levels of functioning of the anti-trafficking system, namely:

- (a) **between the NRM actors responsible for implementation of the SOPs when handling trafficking cases;**
- (b) **between the NRM members and the service providers that are not formally part of the NRM,** but are engaged in the service provision to the trafficked persons. For instance, practices exist of cooperation agreements with private businesses for employment of victims, provision of child care, education and health services;
- (c) **between the NRM members and the migration authorities/stakeholders,** in terms of establishing cooperation on the (potential) trafficking cases in the migration context;
- (d) **between the NRM members and the other anti-trafficking actors** (other members of the NATCB not included in the SOPs, such as, for instance, IOs and CSOs that are not involved in direct service provisions to trafficked persons), in terms of contribution to meetings, workshops etc. to develop adequate anti-trafficking policies, strategies and action plans.

- (a) **Between the NRM members and the Anti-Trafficking Coordinator**, who heads the NATCB (for instance when reporting on the work of the mechanism and the results);
- (b) **Between the NRM actors and the NRM Coordinator(s)**, when reporting/ coordinating on the case management.

The below infographic illustrates the position of the NRM in the anti-trafficking institutional structure on MARRI Participants' level and the horizontal and vertical communication and coordination channels among the different stakeholders.



Guiding principles in establishing communication and cooperation channels among anti-trafficking actors

The **interdisciplinary approach** and the **coordination and cooperation among the relevant anti-trafficking actors**, including those that participate in the NRMs is highlighted as one of the guiding principles in the *Practitioner's Guide for Developing and Monitoring Anti-trafficking Response*²⁰. The Guide integrates the international and European standards, as well as ICMPD's experience of advising and supporting governments in their anti-trafficking efforts in many regions across the world. The principle is expressly integrated into the key international documents on THB, such as the United Nations (UN) Anti-Trafficking Protocol²¹ and the Council of Europe (CoE) Anti-Trafficking Convention²². The interdisciplinary approach is very important in order to achieve government ownership of the overall anti-trafficking response, meaning that the government assumes full participation, responsibility and accountability in defining the objectives, implementing the activities and meeting the foreseen outcomes.²³

Interdisciplinary approach

Being a complex phenomenon, THB cuts across different fields – human rights, migration, public security, organised crime, corruption, labour, unequal international economic relationships, gender inequalities, violence against women, girls and LGBTQI+ persons, feminisation of poverty, etc. Effective counter-strategies must consider these in order to address the different aspects of trafficking. To this end, it is necessary to have an **'interdisciplinary' approach, which means that the knowledge and expertise of different stakeholders and their respective methods are combined to develop measures to prevent and combat trafficking in persons** (e.g. legal instruments, educational methods, social research, economic empowerment, psychological assistance, role of the media etc.). Interventions should be designed and implemented to cover all sectors of a society (e.g. judiciary, education, labour market, etc.). Only a holistic approach allows tackling all aspects of trafficking at the same time.

Among the other responsibilities in ensuring multi-sectoral and coordinated approach to combat trafficking in human beings, the Guide specifically highlights that **"establishing a coordination mechanism ensures a regular exchange of information between the different actors"**. Accordingly, the active involvement of the actors across different sectors at all levels of the anti-trafficking response is important for several reasons, listed in the infographics below.²⁴

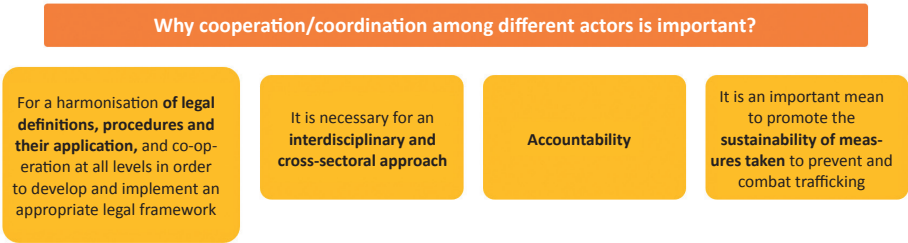
20 ICMPD (2021) Developing and Monitoring National Anti-Trafficking Response. A Practitioner's Guide.

21 UN General Assembly (2000), Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, 15 November 2000, available at: <https://www.refworld.org/docid/4720706c0.html> [accessed 7 October 2021]

22 Council of Europe (2005), Council of Europe Convention on Action Against Trafficking in Human Beings, CETS 197, available at: <https://www.refworld.org/docid/43fded544.html> [accessed 7 October 2021]

23 OHCHR (2002). Principle 1, para. 2.

24 ICMPD (2021) Developing and Monitoring National Anti-Trafficking Response. A Practitioner's Guide. p.22



In this regard, the new European Anti-Trafficking Strategy 2021-2025²⁵ also stresses the importance of ensuring cross-border, regional and international cooperation, including by developing and sharing knowledge and information. It states that *“at policy and operational level, it is crucial to ensure cross-border, regional and international cooperation, including by developing and sharing knowledge and information, as well as through interoperability of information systems. These practices make enforcement and judicial authorities better equipped to obstruct criminals and support victims... Cross-border cases are difficult to investigate as they require resources, coordination and good communication between the relevant authorities.”*²⁶

The information exchange, the data protection, as well as the monitoring and evaluation of the NRM functioning are also placed among the cross-cutting issues relevant for coordination and cooperation among anti-trafficking actors. These are described in the table below.

Information Exchange	Adequate information shall be exchanged in a timely manner between all relevant actors having as a primary consideration the safety, security and privacy of the trafficked persons (both at Participants’ and transnational level).
Data Protection	Each MARRI Participant has its own legal framework with regard to data protection. In terms of communication and cooperation at European and transnational level, several international instruments, including the EU Data Protection Regulation (GDPR) ²⁷ are relevant – See part 1.6.
Monitoring and Evaluation of the NRM Functioning	The process of monitoring, evaluation and review assesses whether a mechanism functions; whether the procedures lead to the expected outputs and whether these outputs contribute to the achievement of the specific objectives and the strategic goals. Thus this process allows for an improvement of procedures at the operational level or a reformulation of goals based on the evaluation results – See part 2.5.

25 European Commission (2021), Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy on Combatting Trafficking in Human Beings 2021- 2025. https://ec.europa.eu/commission/presscorner/detail/en/ip_21_1663

26 Eurojust (2021) Report on Trafficking in Human Beings, Best Practices and Issues in Judicial Cooperation. <https://www.eurojust.europa.eu/eurojust-report-trafficking-human-beings>

27 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1-88.

PART A: Improving the communication and coordination channels at MARRI participants' level

The problem analysis, according to the results of the conducted survey with the NRM actors in 2020²⁸, revealed that on MARRI Participants' level, the functionality of the NRMs would need to be improved on two stages:

- **Throughout the process of handling trafficking cases;**
- **Overall NRM coordination and functioning (reporting, ensuring good governance etc.).**

The same challenges were expressed by the anti-trafficking stakeholders in the survey conducted by ICMPD in November 2021.²⁹ As per the survey answers, the challenges in this regard can be described as:

- Insufficient information/coordination between the NRM members on the case management status, specifically in the social inclusion/reintegration and the criminal proceedings stages;
- Lack of reporting tools between the NRM members on the case management issues/SOPs implementation;
- Lack of cooperation/inadequate share of responsibilities between local government and central government actors;
- Lack of cooperation with the service providers which are not NRM members (e.g. different service providers, migration/asylum authorities);
- Difficulties on collecting, storing and exchanging data/information on trafficking cases.

Therefore, the first part of this Chapter focuses on development of methods, instructions, tools and presentation of good practices for improving the existing communication and coordination channels among the professionals when handling trafficking cases. The second part of the Chapter offers tools for improving the overall NRM coordination and communication channels, mostly in terms of reporting on and monitoring of the work of NRMs.

²⁸ Different & Equal (2020), *Analysis and mapping of Referral Mechanisms to protect victims of trafficking in human beings in the six MARRI Participants*.

²⁹ See the methodology part of this document.

1. Improving the coordination and cooperation among NRM actors in handling trafficking cases

All MARRI Participants have established mechanisms and operational tools for treatment of trafficked persons. These are the existing domestic **Referral Mechanisms** (NRMs), **Transnational Referral Mechanisms** (TRMs)³⁰ and **Standard Operating Procedures** (SOPs) for identification and referral of trafficked persons. The SOPs are actually the basis for coordination and communication among the NRM actors in the process of handling trafficking cases, as they encompass step-by-step measures for all stages – from initial identification, through referral and assistance provision, to reintegration/social inclusion of the person, and legal proceedings. SOPs define the distinctive roles and responsibilities of the actors involved in case handling processes. MARRI Participants have adapted SOPs building upon their established procedures in practice: Albania – 2011 (revised in 2018); North Macedonia – 2008 (revised in 2010 and 2012), BiH – SOPs are regulated with two bylaws and relevant parts of the procedures are integrated into the Guidelines for the Regional Anti-THB teams; Serbia – 2009 (revised in 2016), Montenegro – 2019 and Kosovo* – 2004 (revised in 2008, 2013 and 2020).

It is important to highlight that **this approach does not reflect on the whole set of SOPs, but focuses on the challenges that have been revealed by the practitioners, in terms of methods and tools that could improve the implementation of these procedures in practice.**



Challenges identified

Reflecting on the current situation of the case handling procedures in the MARRI Participants, the practitioners, in general, stressed that the **cooperation and coordination is mostly lacking in the return and reintegration procedures.** Given the complexity of trafficking victims' needs, the case management process is critically important to ensure successful reintegration. The conducted survey among the practitioners in the MARRI region reveals that even though the formal NRMs or TRMs are in place, there are still clear discrepancies between “theory and practice” and some crucial missing links are in evidence between the available legal instruments and tools and their level of implementation. Practitioners also highlight that sustainable frameworks for measuring the impact of such mechanisms are also lacking. Basically, the further along the assistance and protection process the victims' travel – through temporary accommodation in shelters, attending physical and psychosocial therapy sessions, contributing to the investigation and prosecution of their trafficker, negotiating immigration status, it is more likely that the gaps in the systems emerge and the needs of the victim are not met. One of the key issues is the **lack of coordination between stakeholders at central and local level**, especially after the official recovery and reflection period and government funded shelter has expired. Case management in the reintegration

30 The NRMs and TRMs in the beneficiaries are generally based on ICMPD (2009), *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons: South-Eastern Europe*.

* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

phase is not always properly conducted. The gaps in protection measures increase even further when a transnational element is added to the victim care process, such as when a victim makes an informed decision to voluntarily return home. These situations reveal the **increasing disconnect between policy frameworks and effective outcomes** relevant for catering to the victim's needs.



Conceivable solutions

1.1 Establish multi-sectoral platforms and networks within the NRMs for proactive identification, referral and assistance to trafficked persons

In order to conduct pro-active identification, practitioners require up-to-date information about the trafficking trends, patterns and the modus operandi of the traffickers. These might be different in different locations. It is equally important that practitioners have up-to-date information, tools and training to be able to effectively detect (potential) trafficking cases. Therefore, it is important that the practitioners have in-depth understanding on how and where the trafficking takes place, identify the different locations where exploitation takes place and coordinate with the responsible stakeholders who have mandate to access these locations and conduct/support the identification process.

In order to **establish links between the central level and the local level stakeholders**, it is important to create **devolved, multi-sectoral regional/local NRM teams and networks**, as most effective systems for identification and referral of adult and child trafficked persons. These platforms/networks can ensure swift and even responses to human trafficking within local communities and beyond, with a strong focus on victims' timely identification, protection and individual support.



Proposed structure of the multi-sectoral platforms and networks

The authority, structure and composition of such teams and networks vary across different localities. The most effective NRM competent authorities are those which comprise multi-agency membership in addition to government agencies, including frontline responders/services and NGOs specialised to deal with trafficked persons. These should include, at minimum, **regional NRM coordinators, representatives from local law enforcement authorities, municipal/local authorities, social services, healthcare services and specialist and anti-trafficking and other related NGOs and IOs where applicable**.³¹

A multi-agency approach comprises a wider range of necessary skills and knowledge, as well as integral checks and balances for identification and decision-making that cannot be provided by law enforcement or immigration authorities on their own. Moreover, multi-agency mobile teams and task forces combine multi-disciplinary professionals, agencies and services to provide the high level of skills and experience

³¹ Malangone, A. (2021) DRAFT Blueprint Document on Return Counselling to People vulnerable to Exploitation, including Victims of Trafficking. ERRIN and ICMPD.

required for an integrated and holistic approach to victim identification. They also have consistency and internal organisational structure and communicate and cooperate between themselves (both on formal or informal basis) to understand and meet the individual needs of each person identified. Their **added value is their specific expertise on particular locations and local trafficking patterns**. They can source and utilise open-source intelligence³² to detect places of high risk, identify victims of trafficking within at-risk groups, utilize information gathered from community informants and civil society and hold data on local children and adults at risk. They have the capacity to respond immediately to report trafficking cases in various locations and can therefore conduct preliminary identification procedures.

Good practices from the MARRI Region

In Montenegro, a Team for Formal Identification of Trafficking Victims (TFITV) has been established to assess and officially recognize potential victims and coordinate victim assistance. TFITV comprises a doctor, a psychologist, police representative, social worker and a representative from the Office for the Fight against Trafficking in Persons.³³

In 2018, the Commission for Combatting Trafficking in Human Beings and Illegal Migration and the Ministry of Labour and Social Policy in North Macedonia signed a Memorandum of Understanding (MoU) for establishing five multi-disciplinary mobile teams (in Skopje, Bitola, Kumanovo, Gevgelija and Tetovo) to be engaged in proactive detection of victims of THB and offering reintegration services at a local level. These mobile teams were supported by an IOM-funded project in March 2018-June 2019. Their work continued in the next years with voluntary engagement of the civil society organisations.³⁴

Moreover, in April 2022³⁵, the Commission for Combatting Trafficking in Human Beings and Illegal Migration in North Macedonia has decided to form a multi-disciplinary Operational Team for formal identification, coordination, case management and case follow up. The Operational team will be consisted of nominated representatives of the Public Prosecution, Ministry of Internal Affairs (Unit for Combating THB and Illegal Migration), Ministry of Labour and Social Policy (NRM Office) and NGO La Strada-Open Gate.

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- 32 Open source intelligence is any and all information that can be derived from overt collection: all types of media, government reports and other documents, scientific research and reports, commercial vendors of information, the Internet, and so on. The main qualifiers to open-source information are that it does not require any type of clandestine collection techniques to obtain it and that it must be obtained through means that entirely meet the copyright and commercial requirements of the vendors where applicable. See George, R. Z., Kline, R. D., & Lownethal, M. M. (2005), *Intelligence and the Security Strategist: Enduring Issues and Challenges*. Lanham: Rowman and Littlefield.
- 33 US TIP Office (2021). *Trafficking in Persons Report: Montenegro*. Washington. <https://www.state.gov/reports/2021-trafficking-in-persons-report/montenegro/>
- 34 North Macedonia, Commission for Combating Trafficking in Human Beings and Illegal Migration (2020), *Annual Report 2019*.
- 35 The decision has been officially presented and adopted on the Commissions' meeting with the Secretariat members on 11 April 2022.

The main task of the Operational Team is to coordinate and follow the management of the trafficking cases, as well as to make a decision on the formal status of the victim. The team will be meeting on regular basis and ad-hoc, upon request of at least one of the members. The team will also be responsible for filling in a case follow up form and submitting it to the Anti-Trafficking Coordinator.

There are several other good practices which also refer to the formalised cooperation among the institutions in order to provide effective response. Those are so called anti-trafficking **Task Forces** and such structures already exist in both the MARRI region and at the EU level.

Good practices from the MARRI Region

In Serbia, in 2016, the Public Prosecutor's Office and the Ministry of the Interior in **Serbia** signed a Memorandum of Co-operation on Combating Human Smuggling, pursuant to which an anti-trafficking **Task Force** was established on 26 September 2016 to co-ordinate joint anti-trafficking activities.³⁶ One of the goals of the Memorandum is to identify victims of THB in human smuggling chains and other criminal offences committed by criminal groups. Following the Serbian experience, **Unit for the Suppression of Smuggling of Migrants and Human Trafficking (Task Force) in 2018 in North Macedonia** was established.³⁷ The Unit is headed by the Public Prosecutor within the Public Prosecutor's Office for Combating Organized Crime and Corruption, who leads the criminal investigations. The investigation of all THB cases is entrusted to the specialized Police Unit against THB and Smuggling of Migrants, which works in close co-operation with the Financial Crime Department. Representative from the Unit participates in the work of the Mobile Teams, thus ensuring coordination and cooperation between these two structures. The Unit aims to *"find new modes to improve the effectiveness of the authorities in combating trafficking in human beings, through a multidisciplinary approach"*³⁸. Adequate funding and sufficient staff for the investigative work of the police has been ensured by the budget of the Public Prosecutor's Office and the budget of the Ministry of Interior, as well as from the funds and donations of international organizations. The working premises of the Unit were provided by the Ministry of Interior.

36 CoE Group of Experts on Action Against Trafficking in Human Beings (2017), Report Concerning the Implementation of the Council of Europe Convention on Action Against Trafficking in Human Beings by Serbia. Available at: <https://www.coe.int/en/web/anti-human-trafficking/-/greta-publishes-second-report-on-serbia>

37 Petreska, E. (2020) Developing, implementing and Monitoring of the Anti-trafficking Strategic Response in the MARRI Participants. Assessment on the Needs, Gaps and Good Practices. ICMPD: Vienna

38 Government of the Republic of North Macedonia (2019), Report submitted by the authorities of North Macedonia on measures taken to comply with the Committee of the Parties Recommendation CP(2018)8 on the implementation of the Council of Europe Convention on Action Against Trafficking in Human Beings. Available at: <https://www.coe.int/en/web/anti-human-trafficking/north-macedonia> (accessed on 1 July 2020).

Good practice from the EU

Task Force in Sweden: In 2009, the **Swedish government** tasked the County Administrative Board of Stockholm with the responsibility of coordinating and strengthening Swedish efforts in the region. Within the context of this task, the Task Force against Prostitution and Human Trafficking (NMT) was established.³⁹ The NMT is made up of government agencies that fight prostitution and human trafficking and acts as a strategic and operational resource for the growth of government agency-NGO collaboration. Within the scope of NMT, a specialized support structure has been built to help government agencies in their efforts to combat prostitution and human trafficking. The support system consists of a telephone hotline, a re-migration program (coordinated by the United Nations' International Organization for Migration), and a **network of regional coordinators against prostitution and human trafficking who provide victim assistance. NMT also provides assistance and training to municipalities, government agencies and non-governmental organizations.**



Guidance for practitioners

- ✓ Identify different locations where trafficked persons might be exploited, including different forms of exploitation and in remote or difficult access locations;
- ✓ Identify which other practitioners may have access to these locations to conduct or support identification and cooperate with them in increasing proactive identification efforts;
- ✓ Identify and engage with all relevant practitioners from different fields and sectors to ensure successful identification process and adequate support and assistance towards trafficked persons;
- ✓ Coordinate with child support agencies in order to ensure the best interest of the child.

³⁹ Information extracted from the Swedish Gender Equality Agency's pages, available at <https://www.jamstalldhetsmyndigheten.se/en/mens-violence-against-women/prostitution-human-trafficking-2>



Self - study exercise

Which institutions/organisations/individuals could assist in detection of potential trafficking cases in your local area?

What are the practical barriers you face in reaching potential trafficking cases on local level?

What kind of support trafficked persons can receive within and outside the anti-trafficking network in your area?

- Type of support
- Service provider
- Contact person

What can you do to improve the referral of trafficked persons to these services?

1.2 Assign a case manager for each case

According to the interview respondents, a key to successful referral and reintegration is assigning a case manager to each trafficked person, which is not always a case in practice, due to the lack of staff or overburden of the responsible stakeholders.⁴⁰ The **leading role of the case manager**, beside developing and monitoring the implementation of the individual reintegration plan in cooperation with the victim, is very important in terms of **establishing close collaboration with the other relevant stakeholders** in order to implement this plan. The case manager is the only person who can be meaningfully involved in the reintegration process by ensuring that the individual needs of the trafficked person are met by the anti-trafficking agencies and service providers.

The role of the case manager is also very important in terms of understanding

⁴⁰ Interview with Suzanne Hof, La Strada International, 14 December 2021.

and addressing the trafficked persons' vulnerabilities that might originate from personal, contextual or situational factors.⁴¹ Therefore, the **case manager must be aware of the available services and service providers and closely cooperate with them during the referral and reintegration phases**, by taking into consideration the possible language, cultural, educational barriers and potential risks.

The case manager is also responsible for monitoring and adapting the interventions to the changing needs of the trafficked person. The role of the so-called **victim support coordinator** is also highlighted among the OSCE/ODIHR NRM standards, stressing that this person might be appointed by statutory services or civil society and might be a part of the anti-trafficking task forces. The victim support coordinator is *"key to establish victims' trust and confidence" and might refer the victim of trafficking to other specialist support services, via coordination and liaison, including with health services, guardian advocates for children or independent advocates for adults"*⁴²

1.3 Ensure individualised referrals

Once the identification procedures of a trafficking case are conducted, it is important that the referral to the appropriate services is led by the case manager and conducted by carefully considering the situation, opinion and concerns of the trafficked person. Persons who have suffered the impact of human trafficking may find it extremely difficult at first to enter into and trust new relationships with the authorities and service providers, particularly with people who may be perceived as being in a position of authority.

The referral to the adequate support requires pro-active response from professionals that creates a bridge for access to services for trafficked persons, rather than simply signposting them to services or leaving them to locate and access these for themselves. Therefore, the current practice in Europe has identified creating the so called **bridging letters**, which specifically apply to trafficked persons.^{43 44} These detailed letters are provided confidentially by professionals to other vetted services and can be vital for bridging access and advocating for victims' needs to be met. These bridging letters can also be used as a useful tool for exchanging information between the central level actors (who might have conducted the identification process, and the local level actors who might be responsible for the social inclusion –reintegration of the trafficked person). They can also help to reduce the risks of re-traumatisation or distress that may be caused by trafficked people having to recount information repeatedly to other professionals. Bridging letters content

41 The ICMPD Study "The Strength to Carry On" (2019), identifies factors of resilience and vulnerability to trafficking and other abuses, dividing them into: personal factors that apply from the pre-departure phase until the arrival in an intended or de facto destination ; factors that arise during the journey from countries of origin through transit countries to destination countries; and factors that are linked to the responses in countries, in a transit and/or destination context.

42 OSCE/ODIHR (2022). National Referral Mechanism. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook. Second Edition. Warsaw, Poland. <https://www.osce.org/odihr/510014>

43 OSCE/ODIHR (2022). National Referral Mechanism. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook. Second Edition p.151 <https://www.osce.org/odihr/510014>

44 Malangone, A. (2021) DRAFT Blueprint Document on Return Counselling to People Vulnerable to Exploitation, including Victims of Trafficking. ERRIN and ICMPD

should be simple and provided to other services only with the informed consent of the trafficked persons who are aware of their content. Prior to sending the bridging letter, an **initial call needs to be made/email to be sent** to make the first contact with the service provider, followed by a **discussion** with the professional to introduce her/him to the case.⁴⁵



Bridging letters to service providers



How to draft a bridging letter?

- ✓ Include Information pertaining to the trafficked person's history and current circumstances, which are relevant for the specific service (age, gender, characteristics);
- ✓ Include information concerning the vulnerabilities (pre, during and post trafficking) and the reintegration needs (e.g. for disability access or provision that should be made due to health conditions or injuries);
- ✓ Add specifications for the attendance, gender and language of interpreters and/or cultural mediators.

! Note:

- ▶ Provide clear, comprehensive and accurate information about the status of the trafficked person;
- ▶ Provide information on his/her rights and entitlements;
- ▶ Be clear about what protection and support should entail;
- ▶ Relevant documentation including medico-legal reports and other expert reports or documents should be attached;

* The bridging letters should ideally be prepared together with the trafficked person.

1.4 Regularly follow up on the case

During the reintegration and social inclusion phases, under supervision of the case manager, trafficked persons should be continuously supported by or referred to professional and trained service providers who are responsible to ensure safety, monitor and assess the provision of services, assist the individual in regaining sense of control and self-determination, foster the individual's psychological stability, make sure secondary victimization is avoided, foster empowerment of the individual,

45 OSCE/ODIHR (2022). National Referral Mechanism. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook. Second Edition p.151 <https://www.osce.org/odihr/510014>

maintain the risk of social stigmatization etc. In order to facilitate these processes, a multi-agency and holistic approach is needed.

Team meetings and multi-agency meetings between the NRM practitioners should be regularly held to monitor the case, to identify and address emerging needs, to check and update the risk assessment plan. The results of all assessments should be communicated and discussed with the assisted person. It is also very important for the trafficked persons to have the means and opportunity to report concerns encountered or report dissatisfaction with the services or the individuals involved in providing services.

Good practices from the MARRI Region

The Serbian stakeholders responsible for management of a particular trafficking case establish a practice of so-called **Case conference**. They meet, discuss and consult on regular basis in order to assess the needs and risks, to ensure adequate assistance, protection and service provision to the trafficked person, to develop and implement the reintegration plan.

Responding to the challenges discussed above (specifically lack of reporting tools between the NRM members on the case management issues/SOPs implementation), a **case follow-up form template** is made available in the annexes to this document. This form may serve the NRM practitioners, particularly the case managers, to assess the progress that has been made after the victim began living independently (after leaving the shelter, for instance), in regards to whether the respective assistance procedures (SOPs) led to the expected results. This form also serves as an operational tool for developing adequate follow-up actions on the specific trafficking case. It might be adapted according to the needs/responsibilities of the respective NRM actors. The NRM actors responsible for the implementation of the SOPs and the other service providers should feed the form with the information relevant for the different stages of case handling.



ANNEX 2: Case Follow-up form in the period of Social Inclusion/ Reintegration

! Any information concerning a trafficking case can be highly sensitive and should be treated with confidence. All exchanges and use of information among the multi-disciplinary actors, as well as its storage must adhere to the applicable legal regime and respect the victims' right to privacy. – See part 1.6.

1.5 Reinforce and formalise cooperation with the service providers outside the NRMs

The survey conducted by ICMPD in 2021 revealed that in practice, during the case handling processes, there is insufficient cooperation between the NRM members and the service providers which are not part of the NRM, but are engaged in the service provision to the trafficked persons during the reintegration phase (e.g. private businesses for employment of victims, provision of child care, education etc.). Accessing these “external” services is a challenge in many communities in the MARRI region. Specifically, practitioners report limited availability of emergency and permanent housing (in particular for men and children), mental health services, dental services, etc. When the services are available, there are often long waiting lists or significant costs associated with the services. Additionally, access to the culturally appropriate services, including providers who can communicate with the trafficked persons in their native languages are limited and usually only available in the identification phase.

The insufficient cooperation with different service providers undermines the adequate assistance and support to trafficked persons, as many practitioners are not aware of the full range of services that exist and which of them are available to meet the individual needs of trafficked persons. This can result in certain limitations – trafficked persons might be limited to the services of one organisation/network, without being aware or without having access to variety of services available. Hence, it is of utmost importance to **strengthen the partnerships with the private sector and other relevant service providers** and **create a roadmap** that will support them not only to have an overview of the available services, but also to provide guidance on how to access those services.

When the partnerships and cooperation between the NRM members and the external service providers work well, the trafficked persons can make an informed choice about the range of services available from different stakeholders and make the most of these opportunities to support their recovery and reintegration. In many instances, the availability of the different assistance options also helps to avoid duplication of services. Therefore, the NRM members, in the SOPs document, or on separate basis, should identify, elaborate and use on daily basis a tool which contains a list of services/service providers relevant for successful reintegration of the trafficked persons.

The following practices and the self-study exercise might be supportive to the practitioners to identify and further cooperate with the available services in a particular area/region that are essential for provision of support and assistance to the trafficked persons.

Good practices from the EU

There are several good practices from the EU countries on various actors cooperating formally or informally within the NRMs, as identified in the 2020 Study on Reviewing NRMs in the EU.⁴⁶ For instance, in Hungary, additional civil society organisations (CSOs) are recognised in the legislation as a “voluntarily collaborating body” (Article 1 of the Identification Protocol⁴⁷). In Croatia, involvement of the Croatian Journalists’ Association and Croatian Employment Service is envisaged in the NRM, although the role of the former is not clearly defined. In Finland municipalities and the Association of Finnish Local and Regional Authorities are engaged within the NRM. In Italy, the legislation foresees phone operators and intercultural mediators as partners.



Self-study exercise

List of services relevant for reintegration of trafficked persons available in the area/region

Type of support/ assistance	Provider	Location	Contact Person/ Contact details	Notes
*include trafficking-specific services and general services, as well as the target group: male/female, adults/ children; type of trafficking				
Housing				
Child care				

46 European Union, DG HOME (2020), “Study on Reviewing the Functioning of Member States’ National and Transnational Referral Mechanisms”. <https://op.europa.eu/en/publication-detail/-/publication/d5542e9c-0e92-11eb-bc07-01aa75ed71a1/language-en>

47 Hungary: Identification protocol: Government Decree No. 354/2012. (XII.13) on the identification order of victims of trafficking in human beings available at: https://thb.kormany.hu/download/a/ec/a0000/13_Government%20Decree%20No%20354_2012.pdf

Health care (dental care, psycho social and trauma counselling)				
Education				
Employment				
Return				
Family needs				
Other...				

The cooperation between the NRM actors and the external service providers may be formalised by signing of Memoranda of Understanding. **See part 2.3**

1.6 Duly protect the personal data of trafficked persons

Case handling requires operating with certain type of information, which will need to be shared among the different NRM stakeholders (both at domestic and transnational level) in order to secure effective identification, protection, individual support, access to services, social inclusion, criminal justice and redress, return and reintegration. This is a significant challenge for the practitioners, also in their relation with the trafficked persons, as issues of confidentiality often keep these people poorly informed about their legal case, for instance. In addition to this, the NRM actors are responsible for sharing the data about the cases they work on between themselves, but also to the domestic repositories, where the data on trafficking cases is collected and analysed. The information sharing process, however, should not affect the human rights, integrity and dignity of the trafficked persons. Public disclosure of personal data can discourage victims of trafficking from seeking help or cooperating with the authorities and can also dramatically disrupt their private and family life, reintegration and employment opportunities, exposing them to shame and risk of persecution. Therefore, in the communication and coordination procedures related to trafficking cases, it is necessary for the NRM actors to provide efficient, timely and adequate identification, referral and protection procedures with due protection of the personal data and respect of privacy.

International human rights law⁴⁸ provides a clear and universal framework for data protection and promotion of the right to privacy. The tables available in the annexes to this document can be useful for the NRM practitioners as these illustrate the main European standards on the protection of personal data, and also list the specific instruments relevant for protection of the personal data of trafficked persons, such as the obligations under the Council of Europe Convention on Action Against Trafficking in Human Beings – **See ANNEX 4.**

! NRM practitioners in the MARRI Region, when exchanging and processing sensitive data related to the trafficking cases, are obliged to apply the existing domestic standards in regards to data protection and adhere to the applicable international standards in this regard.

All MARRI Participants have started the process or aligned the general legal framework on data protection with the European standards, particularly with the **Regulation (EU) 2016/679 (GDPR)**, as outlined in the **ANNEX 4** to this document.⁴⁹ The GDPR regulation is an essential step to strengthen individuals' fundamental rights in the digital age.⁵⁰

In the MARRI region, instruments and relevant guidelines to protect the personal data of trafficked persons have been developed. The survey conducted for the purposes of this approach revealed that practitioners use various (non-standardised) tools/means for trafficking data collection, storage and transmission, such as: electronic databases with limited/protected access; anonymization of personal data; sealed envelopes, locking hard copies in the offices, exchanging coded data, etc.). These tools/means are similar to those that are used at EU level.

Good practices from the EU⁵¹

Some good practices in managing, storing and transmitting sensitive information related to trafficking are: limiting the access to the full file only to the case manager/authorized personnel; anonymized numerical case file management storage and use, anonymized documents limited sharing, password protected access to documents, use of specific software limiting access or downloading or copying of files by unauthorized personnel, and indicating when someone non-authorized attempted access, protected cloud

48 The right to privacy is enshrined by the: Universal Declaration on Human Rights; Article 12; International Covenant on Civil and Political Rights; Article 17; Convention on the Rights of the Child: Article 16 and International Convention on the Protection of All Migrant Workers and Members of Their Families: Article 14. At the regional level, the right to privacy is protected by: European Convention for the Protection of Human Rights and Fundamental Freedoms: Article 8; Council of Europe Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data; Additional Protocol to the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data Regarding Supervisory Authorities and Transborder Data Flows; Council of Europe Recommendation No. R(99) 5 for the Protection of Privacy on the Internet; and European Union Data Protection Directive.

49 Source: <https://www.dataguidance.com/>

50 The regulation entered into force on 24 May 2016 and applies since 25 May 2018.

51 Malangone, A. (2022) Blueprint Document on Return Counselling to People Vulnerable to Exploitation, including Victims of Trafficking. ERRIN and ICMPD (forthcoming)

storage, protected cloud sharing, sharing only partial relevant information for a given purpose, sharing only non-identifying information pertaining to exploitation/trafficking for a specific purpose (such as rescuing other presumed victims, preventing others from getting trafficked, etc.).

In 2021, following a recommendation⁵² by the Council of Europe Group of Experts on Action Against Trafficking in Human Beings (GRETA), **Guidelines dedicated to protection of personal data of trafficked persons in BiH** have been elaborated⁵³.

Good Practice from the MARRI region

The *Guidelines for the Development and Adoption of Instruments at All Levels of Government in Bosnia and Herzegovina for the Protection of the Private Life and Personal Data of Victims of Human Trafficking*⁵⁴ are dedicated to the professionals in BiH and will support them to develop and adopt instruments in order to enhance the protection of the private life and personal data of victims of human trafficking. The Guidelines are also intended for professionals dealing with victims of trafficking, including for media when they disseminate information, so as to prevent possible adverse consequences on the victims and their families.

According to the abovementioned Guidelines, effective protection of the personal data of the trafficked persons, including children, implies that there is respect for the following **principles** by all professionals who come into contact with these persons:



Principles for effective protection of the personal data of trafficked persons⁵⁵

Non-discrimination

Measures taken by professionals and institutions regarding victims of trafficking should be non-discriminatory and guarantee the protection of their rights, including the right to privacy.

Protection of privacy

Protection of privacy is a legal obligation that is intended to ensure the trust and safety of the trafficking victim. It includes temporary or permanent protection of the identity, private life and personal data of the victim/witness.

52 Council of Europe, *Council of Europe Convention on Action Against Trafficking in Human Beings*, 16 May 2005, CETS 197, available at: <https://www.refworld.org/docid/43fded544.html> [accessed 6 December 2021].

53 <https://www.coe.int/web/sarajevo/preventing-and-combating-trafficking-in-human-beings-in-bosnia-and-herzegovina>

54 Kotlo, R. (2021), *Guidelines for the Development and Adoption of Instruments at All Levels of Government in Bosnia and Herzegovina for the Protection of the Private Life and Personal Data of Victims of Human Trafficking*. Council of Europe. Available: 1680a4b6b8 (coe.int)

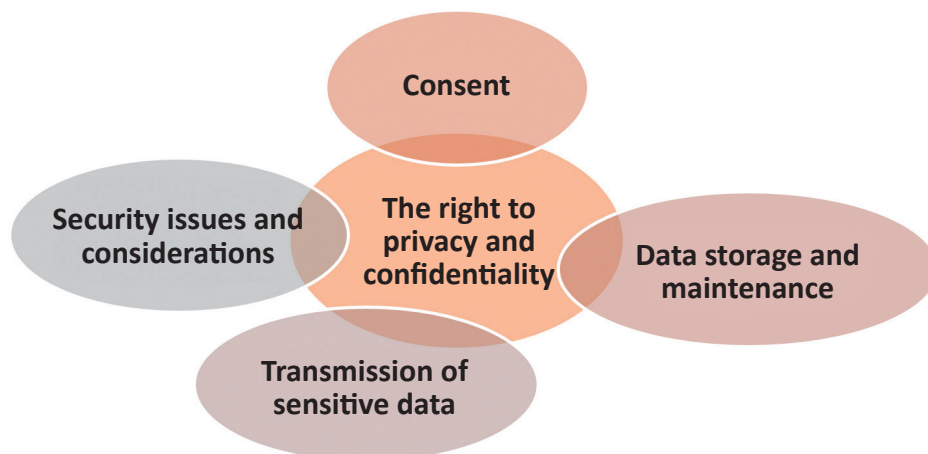
55 Ibid.

Confidentiality of the personal data	Protection of the confidentiality of personal data results from domestic and international legal obligations.
Protection of the best interests of the child	When a child is the victim of trafficking, it is necessary to always determine and act in the best interests of the child and protect the child's safety, identity and integrity.
Victim-centred approach	It is of great importance to make sure that prompt action is taken and that support is provided to victims in helping them realise the rights they are entitled to as victims of trafficking. Such action and support should respect the right to privacy and personal data protection. Support and assistance plans should be flexible enough to meet the needs and interests of the victims. All initiatives to support and assist victims should include effective accountability or complaints mechanisms.
Right to information and informed consent	Every victim that receives assistance services must be informed of his or her rights and the processing of his or her personal data by the service provider. Relevant regulations must be presented to the victim, along with an adequate explanation, in a manner and language understandable to the victim. Also, a copy of the rights he or she has as a data subject should be handed to the victim. The right to informed consent implies the existence of consent of both adult or child victim of trafficking for data collection and processing – the victim or his/her guardian must give consent for data collection and processing.

According to the Guidelines, there are some critical issues which need to be considered by the practitioners in terms of information sharing and exchange of data related to the trafficking cases.



Key issues for effective protection of the personal data of trafficked persons



- The right to privacy and confidentiality.** Practitioners should pay careful attention to trafficked persons' right to privacy and confidentiality, to ensure that the information sharing does not publicise their experience and/or further victimise them. Where victims fear that their personal information and experiences may become public, they will be less likely to come forward to accept assistance or report their case to law enforcement. In this regard, authorities are to: *"ensure that trafficked persons are effectively protected from harm, threats or intimidation by traffickers and associated persons. To this end, there should be no public disclosure of the identity of trafficking victims and their privacy should be respected and protected to the extent possible, while taking into account the right of any accused person to a fair trial. Trafficked persons should be given full warning, in advance, of the difficulties inherent in protecting identities and should not be given false or unrealistic expectations regarding the capacities of law enforcement agencies in this regard".*⁵⁶
- Consent** should be gained from victims about the inclusion of their personal information in the databases, as outlined by the legislation. In the case of minors, consent will be needed from the minor's parent or legal guardian, although the minor him/herself should also be informed about the data collection process. Depending upon how specific and encompassing the consent is, it could allow for the processing of a range of personal data, including race, religion and sexual history of the person concerned. Consent should be provided in written format and this written consent should be kept

⁵⁶ UN Office of the High Commissioner for Human Rights (OHCHR) (2002), *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, E/2002/68/Add.1, guideline 6.6. Available at: <https://www.refworld.org/docid/3f1fc60f4.html>. Further, guideline 8.9 calls on authorities to protect, as appropriate, the privacy and identity of child victims and take measures to avoid the dissemination of information that could lead to their identification.

on file at the repository. In general, the consent would be for the processing of personal data, which includes collection, storage, consultation, use and disclosure by dissemination.

! Exceptional circumstances may over-ride the duty of confidentiality to patients/clients if it is to protect their best interests or the best interests of the public. These should be set out clearly in each service's policies and procedures and be explained to victims at the outset so that they are aware that there are specific, limited situations in which this may arise.⁵⁷

- **Data storage and maintenance.** There should be limits on how long personal data can be stored in databases, specific details of which are outlined in relevant domestic legislation. As such, repositories will need to be clear about the legal framework for data storage to ensure compliance. Because the information that is being collected, maintained and transmitted is very sensitive, security measures are required to ensure that the information is kept in a secure way. Each database should be housed within the relevant government institution, within a secure office space. The computers, where the database and information are to be stored, will need to, at minimum, be protected with passwords and access limited to only essential, authorised personnel. Additional security protocols may be implemented as needed, with the ultimate objective in all contexts to ensure the privacy, security and safety of the data and persons about whom data is collected. The issue of security is something which should be regularly considered and evaluated within the relevant institutions, based on changes in the situation, with adjustments made to ensure the requisite security for all data collected and stored on trafficking cases.
- **Transmission of sensitive data.** Given that the information exchange on trafficking cases involves the collection of personal information, attention must be paid to how this data is transmitted to ensure individual's right to privacy and confidentiality. Some countries explicitly prohibit the transmission of personal data over the Internet except with special legal dispensation. As such, domestic repositories will need to identify data transmission techniques which are consistent with the legal framework. Some domestic laws may allow for the use of encryption programmes for the encryption and transmission of personal information.

⁵⁷ Royal College of Nursing (n.d.), [Disclosure or Confidentiality](#). If a child or young person does not agree to disclosure there are still circumstances in which information can be disclosed: when there is an overriding public interest in the disclosure; when the disclosure is in the best interests of a child or young person who does not have the maturity or understanding to make a decision about disclosure; or when disclosure is required by law. Royal College of Nursing (n.d.), [Principles of confidentiality](#).



Memorandum of Understanding Template

To ensure the smooth operation of this information exchange and reporting process, relevant actors may wish to prepare **Memoranda of Understanding (MoU)** which clearly outline the roles and responsibilities of each party in terms of the flow of information and sharing of data on trafficking cases. MoUs might include details of how and when information will be provided to the various repositories, as well as how and when the domestic repository will share the aggregate data compiled from the data sources. Sample MoU, according to the ICMPD *Handbook on Anti-Trafficking Data Collection in South Eastern Europe: Developing Regional Criteria*⁵⁸, appears in **ANNEX 3** of this approach.

2. Ensuring transparent, consistent and accountable NRM governance



Challenges identified

The role of the local communities, both in identification and follow-up assistance is essential for provision of adequate services towards trafficked people and successful reintegration in the society. While well-functioning local community may lead to proactive identification, greater identification rates and source of support during the reintegration, a passive and unsupportive community may not be efficient in identification of trafficked persons and may undermine their reintegration process. Similar issues have been highlighted by the MARRI practitioners, who pointed out to **geographical barriers to identification, referral and reintegration of trafficked persons**. In some locations for instance, practitioners have more resources and professional capacity to conduct identification of trafficked person. These locations, such as the capital cities are more likely to have dedicated units for identification of trafficking cases. In the rural communities, these capacities are usually lacking. Local community institutions (schools, hospitals, religious communities) often do not have knowledge or capacity to detect potential trafficking cases and refer them to adequate assistance. The issues and concerns pertain to the low capacities of the local level actors, which “*are short of human and material resources; lack of clear guidance; are new to the mechanisms and do not know their roles*”.⁵⁹ Trafficked persons themselves, on the other hand, have limited access to the professionals who might identify them as victims. Therefore, it is important to understand that the community environment where trafficked persons return may influence their recovery and reintegration. Also, the practitioners need to be aware on how to navigate the challenges they might face in this regard.

58 ICMPD (2010), *Handbook on Anti-Trafficking Data Collection in South-Eastern Europe: Developing Regional Criteria*. Vienna.

59 Different & Equal (2020), *Analysis and mapping of Referral Mechanisms to protect victims of trafficking in human beings in the six MARRI Participants*.

Despite the need for improved central-local level coordination, the NRM stakeholders highlighted the necessity of establishing transparent reporting on the overall NRM work. As shown with the NGO Different & Equal assessment⁶⁰ and the 2021 ICMPD survey, there are rare practices only among the NRM members to regularly meet and discuss exclusively about the operational response, efficiency of the established procedures and the case management challenges.



Conceivable solutions

2.1 Form local level structures to improve the functionality of the NRMs

Reflecting on the communication and cooperation between the local and central level stakeholders, several good practices from the EU countries can be taken into consideration for possible adaptation in the MARRI region. The focus is given to the local level NRM actors, who function as local level coordination bodies, but also as **local level referral mechanisms** and are responsible the practical implementation of the measures including identification of, assistance and support to trafficked persons.

Good practices from the EU

Bulgaria. Local commissions for combating THB: the local commissions have been set up in 10 of the 28 regions (Blagoevgrad, Burgas, Montana, Pazardzhik, Pleven, Plovdiv, Ruse, Varna, Sliven and Veliko Tarnovo).⁶¹ The local commissions are supervised by the Commission for Combatting Trafficking in Human Beings, the agency that coordinates the government's anti-trafficking efforts. The Commission monitors their work and coordination activities (such as joint meetings and submission of work reports) are conducted on regular basis. The local commissions are located within municipal administrations and a deputy mayor is a deputy chairman of a local commission. Their activities are coordinated by the executive secretaries of the local commissions. They coordinate the work of all institutions and organisations taking care of trafficked persons at local level.⁶² Members of the local commissions are also NGOs, including ones providing services for victims of human trafficking, as well as some international organisations (such as the IOM and the United Nations High Commissioner for Refugees) which also support the work at local level. **The local commissions have their own regional mechanism for combating trafficking in human beings (entirely following the NRM measures).**

60 Different & Equal (2020), *Analysis and mapping of Referral Mechanisms to protect victims of trafficking in human beings in the six MARRI Participants*.

61 Council of Europe, Group of Experts on Action Against Trafficking in Human Beings (2021), *Evaluation Report Bulgaria, Third Evaluation Round*. Access to Justice and Effective Remedies for Victims of Trafficking in Human Beings. Available at: <https://bit.ly/3t7gz2c>

62 More info on the local commissions in Bulgaria can be found here: <https://antitrafficking.government.bg/en/about>

They also coordinate and execute anti-trafficking projects and are involved in capacity building actions to the practitioners, including investigators, prosecutors, judges, social workers, teachers and NGO experts. The commissions also run prevention and information campaigns on local level, which are organised and conducted jointly with the Commission. Every year they carry out their own campaigns on local level, as well as volunteers' trainings and information sessions. Reports on the activities of local commissions are included in the annual reports on the implementation of the Anti-Trafficking Programme.

Spain. Local level referral mechanisms: these exist in several Autonomous Communities (*es. Comunidades Autónomas*) which approved regional mechanisms to implement the Framework Protocol for the Protection of Victims of Trafficking in Human Beings⁶³.

Germany. Responsibility of the *Länder*: the practical implementation of measures against THB – including identification of, assistance and support to victims – lies within the remit of the 16 individual German *Länder*⁶⁴. As reported by GRETA, in 13 of the *Länder*, co-operation agreements have been concluded between the relevant authorities and specialised counselling centres for victims of THB, which describe the procedures and responsibilities of different stakeholders⁶⁵.

Several MARRI Participants have established local level structures as well, with the authority to function as local NRM structures.

Good practice from the MARRI region

Twelve regional Anti-Trafficking Committees (KRATs) in Albania are responsible at a county level for preventing THB by identifying primary problems, taking measures to protect individuals and groups at risk of THB and establishing a baseline data concerning all categories and individuals at risk of THB. They are comprised of local officials and NGOs and provide victim assistance and referral.

63 Spain, Cataluña [Catalonian Autonomous Community] (2013), Protocolo de Protección de las Víctimas de Tráfico de Seres Humanos en Cataluña [Protocol of Protection of Victims of Trafficking in Catalonia] available at: www.bienestaryproteccioninfantil.es/imagenes/tablaContenidos03SubSec/protocolo.pdf; Spain, Comunidad de Madrid [Autonomous Community of Madrid] (2017), Protocolo para la protección de las víctimas de trata de seres humanos en la Comunidad de Madrid, available at www.violenciagenero.igualdad.mpr.gob.es/en/otrasFormas/trata/normativaProtocolo/marco/docs/ProtocoloTrataMadrid.pdf

64 Council of Europe, GRETA (2019), Report Concerning the Implementation of the Council of Europe Convention on Action Against Trafficking in Human Beings by Germany.

65 Ibid.

In BiH, local municipality teams, referred as **Regional Monitoring Teams (RMTs)**, function in Sarajevo, Tuzla, Banja Luka and Mostar.⁶⁶ Their composition varies to some extent, but they all include representatives of the central and local authorities, the Prosecutors’ Offices, law enforcement agencies and NGOs. The composition of the RMTs has been extended to include representatives of labour inspectorates, mental health centres and day centres for children. In practice, however, an assessment from the recent past revealed that improvement in functioning of RMTs is needed, in terms of regular meetings of the members and coordination on case management.⁶⁷

2.2 Establish regular reporting practices between the local level and the central level NRM actors and towards the anti-trafficking coordination structures

The communication and coordination among the NRM members is usually established via bilateral channels, according to the procedures established. The NRM actors participate in the **regular meetings** of the anti-trafficking coordination body, where the overall policy and operational actions are discussed and often time the case management itself and the challenges in that regard are not among the discussed topics. Moreover, there is no practice of issuing NRM annual reports, where the statistics of the trafficking cases could be presented and the main issues/challenges in the case handling highlighted. These reports could be valuable source for the NATCB, in terms of creating anti-trafficking policies, strategies and action plans. The majority of the survey responders consider that the regular reporting of the NRM work could contribute towards better awareness of the identified challenges and adequate solutions in that regard.

There are two suggested ways of reporting, taking into consideration the needs expressed by the survey responses:

From	To	Purpose of the report	Timeline for submission
Local NRM Actors	NRM Coordinator	Information on the cases identified/ managed on local level; case management assessment/ challenges/ issues/ steps forward	Periodically (quarterly, bi-annually, annually)

66 Council of Europe, GRETA (2017), Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bosnia and Herzegovina. P. 8 <https://www.coe.int/en/web/anti-human-trafficking/bosnia-and-herzegovina>

67 Sorrentino, L. (2016) *Assessment of Referral Mechanisms for Victims of Trafficking in Bosnia and Herzegovina*. The project was funded by the European Union and implemented by an international consortium led by the International Centre for Migration Policy Development (ICMPD) in partnership with EF (Expertise France) and FIIAPP (International Foundation of Administration and Public Policies of Spain).

NRM Office/ Coordinator	Anti-Trafficking Coordination Body	Reporting of the overall NRM work in the course of the previous year	Annually
NRM Office/ Coordinator	Domestic Repository/ Statistical Office	Reporting on the trafficking statistics	Periodically (bi-annually, annually)

Reflecting on the above mentioned needs, templates are presented in an annex to this document to facilitate the reporting processes, both on horizontal level (local level-NRM coordinator) and vertical level (NRM Office/Coordinator – NATCB). These templates can be adapted according to the specific needs and also used by the other existing NRM structures in the MARRI Participants. In terms of reporting of the NRM towards the domestic repository/statistical office on the trafficking statistics, the *ICMPD Handbook on Anti-Trafficking Data Collection in South Eastern Europe: Developing Regional Criteria*⁶⁸ addresses the issue in relation to the development and

revision of the responses in terms of lack of systematic collection and management of the relevant statistical data on trafficking cases. The handbook contains a list of indicators utilised in two databases, one on victims of trafficking and one on traffickers and criminal justice. The guidance on storing and transferring trafficking data to the domestic repository/statistical office is annexed in this document.



ANNEX 5: (1) Reporting Template: Local Level NRM actors – NRM Coordinator; (2) Reporting Template: NRM Coordinator – NATCB; (3) Guidance on collecting and transferring data on trafficking cases to the domestic repositories/statistical offices

What are the advantages of the regular reporting?

- ✓ Improving overall coordination/communication, both on horizontal and vertical level;
- ✓ Providing overview of the trafficking situation/trends, both on local level and on MARRI Participants' level;
- ✓ Providing overview of the case statistics and case management on both local level and on MARRI Participants' level;
- ✓ Feeding the NATCB reports to serve as basis for adequate policy making;
- ✓ Supporting the monitoring of the anti-trafficking activities according to the current strategies/ action plans;
- ✓ Ensuring feedback/corrective actions from the central level coordination body.

68 ICMPD (2010), *Handbook on Anti-Trafficking Data Collection in South-Eastern Europe: Developing Regional Criteria*. Vienna.

Good practice in the MARRI region

In North Macedonia, local anti-trafficking commissions are established in several cities and their members are assigned to elaborate their own local action plan according to the general action plan. The process has started in few commissions only, but the Commission for Combatting Human Trafficking and Illegal Migration invests continuous efforts to introduce this practice in all the local commissions by **inviting their members to the general meetings of the Commission and lobbying for adaptation of the anti-trafficking response to the local needs, organising local level coordination meetings etc.**

Based on these observations, NRM actors should establish practice of regular meetings and reporting, founded on the following guiding principles:



Guiding principles for reporting on the work of NRMs

- ✓ **Conciseness:** Provide relevant information in short and focused manner. Avoid long descriptions or repeating too much background information on the cases. Complicated demonstrations, technical information, raw data, etc., should be reported in annexes;
- ✓ **Clarity:** Prepare your reports in such a way that it is easy for “strangers” to understand all aspects of the case/project/activity relevant to the NRM. Make sure to provide enough explanations, spell out acronyms, etc.;
- ✓ **Accuracy:** Avoid general or unsubstantiated statements. Comments as “this activity is behind schedule” without explanation will oblige the NATCB to ask for clarifications. Please provide accurate information (complete names, exact dates etc.) and quantitative statements whenever possible (number of services provided, results of the case handling etc.);
- ✓ **Justification:** the reports should be concise but you will need to justify or illustrate the **achieved results**;
- ✓ **Timely submission:** the reports should be submitted according to the planned timetable.

Besides the official reporting, **regular meetings among the NRM actors, as well as formal ones within the scope of the anti-trafficking coordination body** are also recommended for improving the communication and coordination among the relevant actors and accordingly, the overall anti-trafficking response. There are several types of coordination meeting which could be conducted:

- ✓ **Regular coordination meetings:** NATCB and the NRM have to agree on the time intervals to conduct regular meetings between the anti-trafficking coordination body and the NRM members. These should be ideally held on quarterly basis. During these meetings, an update should be provided by the NRM Office/NRM Coordinator/NRM responsible person on: statistics

on the cases managed both on central and local level according to the SOPs (disaggregated by age, gender, form of trafficking), overall NRM case management activities, progress made/challenges identified/lessons learned; future planning etc. Regular coordination meetings would need to be held among the local level NRM actors;

- ✓ **Special meetings:** NRM members may initiate a special meeting if deemed necessary for a specific case/urgency of action needed – coordination to implement SOPs. These meetings might be held on ad-hoc basis;
- ✓ **Planning meetings:** NRM members should be actively involved and provide input in development and coordination of the strategic and operational anti-trafficking response (anti-trafficking strategies and action plans).⁶⁹

! All the relevant anti-trafficking actors, including the actors representing the relevant institutions, as well as non-governmental/civil society actors and international actors should participate and contribute at the coordination meetings.

In order to document the work of the meetings, **meeting notes** should be kept, structured with the purpose of being shared with all of the meeting Participants afterwards. Meeting notes serve as a quick reference to important topics that have been covered during the meetings, such as goals, obstacles, deadlines or ideas that have surfaced.



Guidance for practitioners: *Items to be included in the meeting notes:*

- ✓ Date of meeting and attendees
- ✓ Meeting agenda with talking points
- ✓ Important discussions and decisions made
- ✓ Questions asked and answers given
- ✓ Talking points for future meetings
- ✓ Meeting action items
- ✓ Meeting recap/conclusions

2.3 Formalise the cooperation between the NRM members and the other anti-trafficking actors

To ensure the smooth operation of the information exchange, effective cooperation on trafficking cases and reporting between the different institutions, relevant actors may wish to **formalise their cooperation and sign a MoU** which clearly outlines the roles and responsibilities of each party in terms of the flow of information, cooperation and sharing of data. The benefits of the formalised cooperation are

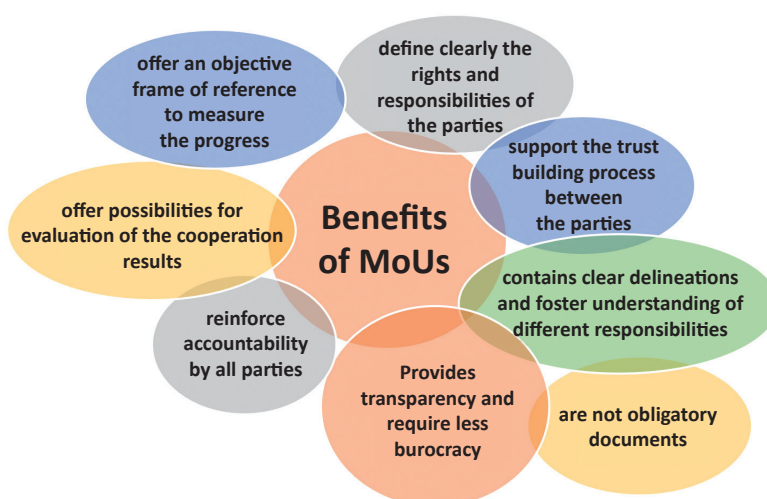
⁶⁹ See: ICMPD (2021), Developing and Monitoring National Anti-Trafficking response. A Practitioner's Guide. <https://www.icmpd.org/our-work/capacity-building/anti-trafficking-programme>

described in the UN.GIFT *Guiding Principles*⁷⁰, intended to be a practical tool for counter-trafficking experts from law enforcement agencies to specialized service providers, non-governmental organizations, trade unions, the judiciary, the prosecution services, faith-based organizations, etc., on how to build Memoranda of Understanding on cooperation between those institutions.

The benefits of formalised cooperation⁷¹:

- Development of common understanding of objectives, policies and roles of different parties;
- Increasing knowledge and defined information exchange;
- Agreed principles of procedure in cooperation, which avoid misunderstandings;
- Building a certain level of mutual trust by cooperating on regular basis;
- Possibility for law enforcement agencies and specialised service providers to react faster: ensuring that law enforcement agencies refer presumed trafficked persons to an adequate specialised service provider;
- Improved protection and support to trafficked persons: a proven effect whereby a trafficked person assisted by a specialised service provider is more likely to cooperate with law enforcement agencies.

The most common form of formalised cooperation is signing a MoU between the respective institutions, which, according to the above mentioned Guidelines, brings specific benefits, as illustrated below.



The human rights of trafficked persons, according to the UN.GIFT Guidelines, *“shall be at the centre of all to prevent and combat trafficking in human beings and to*

70 UN.GIFT (2009) *Guiding Principles on Memoranda of Understanding Between Key Stakeholders and Law Enforcement Agencies on Counter-Trafficking Cooperation*, available at: <https://publications.iom.int/books/guiding-principles-memoranda-understanding-between-key-stakeholders-and-law-enforcement>

71 United Nations (2008): *The United Nations Global Initiative to Fight Human Trafficking (UN. GIFT) – The Vienna Forum Report: A Way Forward to Combat Human Trafficking*, p. 45.

protect, assist and provide redress to trafficked persons”.⁷² What is emphasised as important to be included in the MoU, is the following:

- **Common purpose of the signing parties** and their goal relevant for reduction and prevention of human trafficking through effective cooperation between the signing institutions/partners;
- **Commitment by the signing parties to combat THB and to protect the rights of the trafficked persons**, as well as to work towards securing respect for the dignity and well-being of the trafficked persons;
- The disclosure of information by the parties should be possible without breaking the principle of confidentiality or professional secrecy. Nevertheless, the **MoU should clearly define what kind of information may be disclosed by the signing parties.**⁷³

Good practice in the MARRI region

Serbia. Local municipality teams have been set up in different towns for detecting trafficking victims and referring them for identification on the basis of Memoranda of Co-operation concluded among their members.⁷⁴ 17 such networks function in Serbia, of which seven have **signed official Memoranda of Co-operation**. They are composed of representatives of centres for social work, offices for youth protection, the judiciary, prosecutor’s offices, the police, the Red Cross of Serbia and specialised NGOs. These teams meet to discuss specific cases.

North Macedonia. Unit for the Suppression of Smuggling of Migrants and Human Trafficking (Task Force) was established in 2018 **with signing a MoU** for cooperation in the area of suppressing organised forms of trafficking and smuggling migrants between the Ministry of Internal Affairs and Public Prosecutor’s Office.



ANNEX 3: Sample MoU template for the data repository on trafficking and the possible contributing agencies with regard to the collection and sharing of data for trafficked persons

*Different MoU samples to be adapted and used for formalising the cooperation between the different institutions/service providers can be found under the UN.GIFT *Guiding Principles on Memoranda of Understanding Between Key Stakeholders and Law Enforcement Agencies on Counter-Trafficking Cooperation*, available at: <https://publications.iom.int/books/guiding-principles-memoranda-understanding-between-key-stakeholders-and-law-enforcement>.

⁷² OHCHR (2002): Para. 1.

⁷³ UN.GIFT (2009) *Guiding Principles on Memoranda of Understanding Between Key Stakeholders and Law Enforcement Agencies on Counter-Trafficking Cooperation*, available at: <https://publications.iom.int/books/guiding-principles-memoranda-understanding-between-key-stakeholders-and-law-enforcement>

⁷⁴ Council of Europe, GRETA (2017), Report Concerning the Implementation of the Council of Europe Convention on Action Against Trafficking in Human Beings by Serbia, p. 24
<https://www.coe.int/en/web/portal/-/greta-s-new-report-on-serbia>

2.4 *Establish formal cooperation with the migration stakeholders by adopting standard operation procedures/protocols*

According to the findings of the empirical research conducted by ICMPD^{75, 76, 77}, people traveling along migration routes are vulnerable to exploitation and other abuses, including trafficking in human beings in the contexts of mixed migration and humanitarian crises. Therefore, besides identifying the factors of their vulnerabilities, which are constellation of personal, group, socio-economic and structural factors, it is very important to focus the anti-trafficking response on mitigating the vulnerabilities and exposure to dangers, or building the resiliencies of these people to trafficking and other abuses. The research also revealed lack of sufficient connection between the trafficking and asylum authorities in identifying-referring cases involving vulnerable population and (potential) trafficked persons. Accordingly, there are several good practices which are relevant in order to address the urgent needs to respond to (potential) human trafficking cases and to protect the rights of adults and children on the move.

Good practice from the MARRI Region

Serbia. Standard Operating Procedures for the Protection of Refugee/Migrant Children were published in March 2016 aiming to improve the identification of possible victims of trafficking among migrant and asylum seeking children. Procedures cover the preliminary identification of children at risk, assessment and determination of the best interests of the child and protection through temporary guardianship.⁷⁸

75 Healy, C. (2019). The Strength to Carry On: Resilience and Vulnerability to Trafficking and Other Abuses among People Travelling along Migration Routes to Europe. Vienna: ICMPD. Available at: <https://www.icmpd.org/publications/publications/>.

76 Forin, R. & Healy, C. (2018). Trafficking Along Migration Routes to Europe: Bridging the Gap between Migration, Asylum and Anti-Trafficking. Vienna: ICMPD. Available at: <https://www.icmpd.org/publications/publications/>.

77 ICMPD (2016). Targeting Vulnerabilities: The Impact of the Syrian War and Refugee Situation on Trafficking in Persons – Briefing Paper. Vienna: ICMPD. <https://www.icmpd.org/publications/publications/>.

78 Council of Europe, GRETA (2017), Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Serbia. P.29 <https://www.coe.int/en/web/portal/-/greta-s-new-report-on-serbia>

North Macedonia. Two practical documents have been developed, as response to the migration flows and protecting people on the move: *Standard Operating Procedures for the Treatment of Unaccompanied Children (2015)*⁷⁹ and *Standard Operating Procedures for Processing Vulnerable Categories of Foreign Nationals (2016)*⁸⁰. These documents serve as a practical tool for the practitioners and provide step by step guidance in case the migration or asylum authorities detect potential trafficking case while processing the asylum claims or dealing with the population on the move. These practitioners, according to the developed SOPs, have responsibility to refer potential trafficked persons to the NRM in case they detect signs of trafficking. NRM members are then responsible for referral and further assistance provision to the (potential) trafficked person among people on the move.

Good practices from the EU

The 2018 *Study on Reviewing the Functioning of Member States' National and Transnational Referral Mechanisms*⁸¹ reveals that in the EU, migration and asylum-related services are part of the NRM in 26 EU Members⁸². For example, in **Belgium** there are two specific institutions providing migration and asylum-related services – Directorate of the Foreigners' Office of the Federal Public Service of the Interior and Office for Unaccompanied Minors and Trafficking Victims. In **Bulgaria**, the NRM explicitly mentions the Agency for Refugees within the Council of Ministers. In **Cyprus**, the Civil Registry and Migration Department of the Ministry of Interior is responsible for issuing permits to victims, whereas the Asylum Service is engaged in identification and referral.⁸³ In **France**, the Office for the Protection of Refugees and Stateless Persons, also under the Ministry of Interior, is responsible for handling the applications for asylum, stateless person status and admission to subsidiary protection in France. At the local (department) level, the same role is played by the French Office of Immigration and Integration (*l'Office français de l'immigration et de l'intégration*, OFII). In **Poland**, the Office for Foreigners is responsible for identification of potential victims among asylum seekers and the Labour Inspectorate controls the legality of employment of both Poles and foreigners. In **Portugal**, there is a specialised anti-trafficking team within the Immigration and Borders Service (*pt. Serviço de Estrangeiros e Fronteiras*).

79 Commission for Combating Trafficking in Human Beings and Illegal Migration, *Standard Operating Procedures for the Treatment of Unaccompanied Children*, North Macedonia (2015). Available at: <https://cutt.ly/Ypp7DJB>.

80 Commission for Combating Trafficking in Human Beings and Illegal Migration, *Standard Operating Procedures for Processing Vulnerable Categories of Foreign Nationals*. Available at: <https://cutt.ly/Ypp7DJB>

81 European Commission, DG HOME (2020), "Study on Reviewing the Functioning of Member States' National and Transnational Referral Mechanisms". <https://op.europa.eu/en/publication-detail/-/publication/d5542e9c-0e92-11eb-bc07-01aa75ed71a1/language-en>

82 Except from EE, HR, fi

83 Finland, *Help from Organisations and the Government*, available at: http://www.ihmiskauppa.fi/en/seek_help/find_help_from_organisations_and_the_government

2.5 Monitor and assess the work of NRM on regular basis

The regular reporting and the regular meetings of the NRM actors both on horizontal and vertical level in the anti-trafficking structure are of utmost importance for monitoring the overall work of the NRM and planning the corrective/future actions in line with the situation, as well as the strategic and operational objectives. The NRM periodic reports may serve to monitoring and evaluating of the overall anti-trafficking response by independent institution, such as a **Rapporteur on Trafficking in Human Beings**⁸⁴ (or equivalent mechanism), responsible for collection and analysis of qualitative and quantitative information, monitoring and evaluation of the implemented activities according to the Action Plans and issuing annual reports and provision of recommendations on the overall anti-trafficking response.

Nevertheless, the majority of the NRM actors in the MARRI Participants stressed in the survey that the NRM itself should be monitored within the wider scope of the anti-trafficking coordination body, in parallel with the process of monitoring the anti-trafficking action plans, for instance. Establishing regular reporting, along with the suggested coordination meetings, might effectively serve that purpose.

The OSCE/ODIHR concept on NRMs foresees establishing of an **NRM monitoring body, (or equivalent mechanism)** that *“should be responsible for oversight of the NRM and reporting annually to the NRM co-ordinator. The role of the NRM monitoring body can be mandated to any relevant oversight body. It monitors the cost, quality, accountability and performance of the NRM and ensures that there are robust systems of inspection and complaints/feedback for all stakeholders and service users.”*⁸⁵ Moreover, *“the NRM monitoring body should provide annual NRM assessment reports to the co-ordinator and have an easily accessible complaints mechanism for victims and survivors of trafficking”*⁸⁶.

There are good practices already existing in the MARRI Region in terms of assessment of the NRMs work. For instance, the work of the NRM in Serbia and Bosnia and Herzegovina, the results achieved and the challenges identified were assessed by external experts.

Good practices in the MARRI region

In 2016, the referral mechanism for identification, assistance and protection of rights of victims of trafficking in BiH was assessed by external expert.

84 Following the EU practice, the institution of Rapporteur on Trafficking in Human Beings has been established North Macedonia (functional as of December 2019) and Serbia (In November 2021, a new Law for a ‘Protector of Citizens’ (Ombudsperson) under which new responsibilities were adopted, including the mandate of a Rapporteur on Trafficking in Human Beings.)

85 OSCE/ODIHR (2022). National Referral Mechanism. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook. Second Edition p.46 <https://www.osce.org/odihr/510014>

86 Ibid.

The report⁸⁷ examined the referral and coordination mechanism in place. It provides an overview of the legislation and policies and discusses the institutional framework with its coordination and referral mechanisms for identification, reflection period and residence permits, assistance, social welfare and long term assistance for reintegration, access to justice, return and repatriation of trafficked persons. It concludes with recommendations on how to improve the referral process and the protection of rights of trafficked persons.

The same expert in 2019 carried out an assessment of the NRM for identification, assistance and protection of rights of trafficking victims in Serbia⁸⁸. The report explores the practical functioning of the referral and coordination mechanisms to identify, refer and assist trafficked persons while protecting their rights and sets out recommendations for improvement.

The positive assessment of the NRMs' work is relevant in terms of achieving **good governance of these mechanisms**, meaning that processes and institutions produce results that meet the needs of society while making the best use of resources at their disposal. In the following table, the United Nations' Economic and Social Commission for Asia and the Pacific (UN ESCAP) definition of good governance⁸⁹ has been adapted in the challenging attempt to identify the fundamentals for the good governance of the NRMs. Based on the recommended standards, the below self-checklist is elaborated for the MARRI Participants, to be able to examine whether they have already established the fundamentals for a good governance of their anti-trafficking cooperation and coordination mechanisms.

87 Sorrentino, L. (2016) *Assessment of Referral Mechanisms for Victims of Trafficking in Bosnia and Herzegovina*. The project was funded by the European Union and implemented by an international consortium led by the International Centre for Migration Policy Development (ICMPD) in partnership with EF (Expertise France) and FIIAPP (International Foundation of Administration and Public Policies of Spain).

88 Sorrentino, L. (2019) *Assessment of the National Referral Mechanism for Victims of Trafficking in the Republic of Serbia*. ASTRA Anti-Trafficking Action. Belgrade, Serbia

89 United Nations Economic and Social Commission for Asia and the Pacific (2009), *What is Good Governance*. The document states that "Good governance is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making."



Check list Fundamentals for a Good Governance of Cooperation and Coordination Mechanisms

		YES/NO
Participation	<p>The NRM is constituted by all relevant anti-trafficking stakeholders (government authorities, non-governmental and civil society organisations and international organisations) which actively participate in it.</p> <p>The viewpoints of trafficked persons are taken into account when developing, implementing, and assessing anti-trafficking operational response.</p> <p>See Approach 1&2</p>	
Transparency	<p>The decisions taken for the management of any measure and their enforcement are done in a manner that follows rules and procedures agreed upon.</p> <p>Information is freely available and directly accessible to those who will be affected by such decisions and their enforcement, namely trafficked persons and stakeholders involved.</p> <p>Information is provided in easily understandable forms.</p>	
Responsiveness	<p>All anti-trafficking stakeholders and processes serve all trafficked persons and actors within a reasonable timeframe.</p>	
Consensus-oriented	<p>There is a mediation of the different interests at stake to reach a broad consensus on what is in the best interest of the trafficked persons concerned and how this can be achieved.</p> <p>There is a broad and shared perspective on what is needed for sound and sustainable development of the measures and how to achieve them.</p>	
Effectiveness and efficiency	<p>Processes and institutions produce results that meet the needs of the trafficked persons and the stakeholders concerned while making the best use of the human and economic resources at their disposal.</p>	
Accountability	<p>All stakeholders involved in coordination mechanisms are accountable for the measures they implement. They are primarily accountable to those who will be affected by their decisions and actions, namely trafficked persons, traffickers, other anti-trafficking stakeholders. Accountability is enforced without transparency and rule of law.</p>	

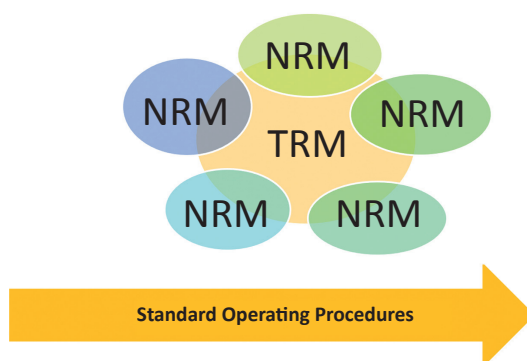
Monitoring and evaluation	<p>NRM is regularly monitored and assessed by the anti-trafficking coordination bodies.</p> <p>The findings of the evaluation are taken into due account to revise the governance procedures if needed.</p>	YES/NO
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PART B: Improving the communication and coordination on a transnational level

As trafficking in human beings often contains a transnational element, relevant actors should coordinate their actions not only within, but also across borders. As outlined at the beginning of this document, significant anti-trafficking efforts were made in the MARRI region to protect and assist the trafficked persons in cross-border context. The MARRI Participants ratified the relevant international, multilateral, regional and bilateral treaties, which provide a key platform to cooperate across countries in responding to cases of human trafficking. Moreover, building upon the existing NRMs or fostering their development, all MARRI Participants supported the concept of establishing TRM⁹⁰ as a platform for cross-border cooperation that links referral mechanisms to better identify, refer, protect and assist trafficked persons. Moreover, comprehensive legislation, systems of referral, information exchange tools, manuals and templates for a wide range of anti-trafficking related matters have been issued.

What is TRM?

TRM procedures integrate the process of referral from initial identification through return and assistance between countries of transit, destination and origin.⁹¹ TRM involves cooperation between different government institutions and non-governmental actors by encompassing the same SOPs that are relevant for the NRM, reflecting to the transnational cooperation needed during the procedures for identification, assistance and protection, social inclusion, return and criminal and civil proceedings. The below infographics illustrates the interrelation between NRMs and TRMs.



90 The *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons: South-Eastern Europe* (TRM Guidelines) have been elaborated in the 2009 framework of the Programme to Support the Development of Transnational Referral Mechanisms (TRM) for Trafficked Persons in South-Eastern Europe (SEE) implemented by ICMPD and financially supported by the United States Agency for International Development (USAID). The project was jointly implemented in partnership with the NGO network Anti-Corruption Anti-trafficking Action (ACTA), MARRI, the Ministry of Internal Affairs of Bulgaria and UNICEF Regional Office CEE-CIS.

91 ICMPD (2009) *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons* (TRM Guidelines): South-Eastern Europe, Vienna. p. 24



Challenges identified

The transnational cooperation among different stakeholders is still a challenge as a result of several factors such as, *inter alia*, language barriers, long and complex procedures, the lack of focal points or the difficulty of easily identifying them. Consequently, the relevant NRM/TRM actors have not always been able to duly perform their duties and, most of all, may have failed to provide prompt assistance and full support to trafficked persons.

Reflecting on the transnational cooperation beyond the MARRI region, the necessity for an institutionalized transnational cooperation on trafficking cases is also recognised in the new EU Anti-Trafficking Strategy covering the 2021-2025 period⁹². The Strategy sets an objective for establishing a European referral cooperation mechanism, with the support of relevant EU agencies⁹³ and points out to several areas in the cross-border context where improvement is needed, such as *“detecting potential victims; making available appropriate accommodation, notably for child victims; strengthening cooperation among all actors, including civil society organisations; and better monitoring of impact and results of measures in all phases of the referral”*⁹⁴.

This section of the approach presents the forms of transnational cooperation generally established by the stakeholders engaged in the anti-trafficking field and outlines the missing links and the possible measures to close the gap between theory and practice for an efficient cross-border cooperation to fully protect trafficked persons.



Conceivable solutions

3.1 Involve all relevant actors in all stages of case handling

The efficacy of the TRM and the other established systems for transnational cooperation is a product of the commitment of the relevant actors to use it to its full potential. The NRMs are structured differently in each of the MARRI Participants and the composition of the responsible actors naturally varies. It is, however, important that as many relevant actors apply and participate in the TRM in order to ensure a more efficient response, by making usage of their different backgrounds, expertise and experience. TRM requires involvement from police officers, border guards, judges and prosecutors, as well as from relevant CSOs/NGOs, international organisations' representatives, embassy officials, representatives from social and

92 European Commission (2021) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy on Combatting Trafficking in Human Beings. Brussels, 14.4.2021. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52021DC0171&from=EN>

93 European Asylum Support Office, Fundamental Rights Agency, European Institute for Gender Equality, Ceuol etc.

94 European Commission, DG HOME (2020), “Study on Reviewing the Functioning of Member States’ National and Transnational Referral Mechanisms”. <https://op.europa.eu/en/publication-detail/-/publication/d5542e9c-0e92-11eb-bc07-01aa75ed71a1/language-en>

labour ministries, specialists dealing with minors and anti-trafficking coordinators. All stakeholders are involved in the case handling from their own institutional and professional perspective and it takes coordination and cooperation between them to address the issue of transnational referral of trafficked persons in a comprehensive manner.

It is very important for the practitioners who deal with foreign trafficked persons to be aware that the **transnational cooperation is required not only in several, but within all the stages of case handling**, from the initial detection and identification, throughout the overall process of assistance and support, as well as in the criminal proceedings. Currently, transnational cooperation is mainly sought during the phases of identification, return and criminal proceedings and, to a much lesser extent, in the first assistance and protection and in the long-term assistance and social inclusion phases. This could be explained by the fact that cross-border cooperation is necessary to identify trafficked persons, to properly fulfil the procedures to assist them to return to their home community, or to carry out a criminal investigation and judicial proceedings. Therefore, the full implementation of procedures and measures provided by the TRM (and outlined in the table below) would significantly contribute to fill in this gap and, thus, ensure a sound transnational cooperation between the relevant anti-trafficking stakeholders.

Yet, it should be understood that a TRM does not offer a comprehensive solution in handling trafficking cases. It has to be regarded as a continuous process on which all involved actors continue to work in coordination with their international counterparts. It is a flexible tool that builds upon existing structures and procedures and the relevant actors are not obliged to implement the procedures sequentially. Instead, they can select those measures that would contribute most to the effective handling of a particular case.

TRM FRAMEWORK		
SOPs	Measures	Types of transnational cooperation required during handling of trafficking cases with a transnational element
Identification	<ul style="list-style-type: none">• Initial referral• Access to basic needs and information• Early risk assessment• Language interpretation and cultural mediation• Recovery and reflection period• (Formal) Identification	<ul style="list-style-type: none">• Provision of information on the trafficking cases, traffickers, suspects, accomplices• Identity checks of the trafficked persons• Evidence taking• Joint investigations

First Assistance and Protection	<ul style="list-style-type: none"> • Information on assistance options and conditions • Information on legal options and conditions • Intake and needs assessment • Assistance provision and protection 	<ul style="list-style-type: none"> • Exchange of information on social protection history of the trafficked persons assisted • Exchange of information on family situation of the trafficked persons assisted • Taking statements/evidence gathering • Exchange on safety conditions/risks for the referral or return of trafficked persons (risk assessment) • Issuance of copies of medical records
Longer-Term Assistance and Social Inclusion	<ul style="list-style-type: none"> • Development of the individual assistance plan (IAP) • Consent procedures to implement the IAP • Adjustment and social inclusion • Legal support and assistance 	<ul style="list-style-type: none"> • Security checks/family checks • Contact details of/exchangeinfo with NGOs, IOs, social services, child welfare services, law enforcement agencies, the judiciary etc. in the place of return • Checking the reliability of the agencies/NGOs /CSOs in the place of return • Issuing birth certificates/ copies of marriage certificates, copies of education certificates (if relevant)
Return	<ul style="list-style-type: none"> • Informed decision to return • Risk and social inclusion risk assessment • Risk management plan • Family tracing • Documentation • Information sharing between the receiving and the referring organization and with the assisted person • Safe transport/transfer and arrival assistance 	<ul style="list-style-type: none"> • Issuance of travel documents (in coordination with embassies) • Joint execution of the assisted voluntary return of trafficked persons • Organising safe travel/ reception in coordination with the stakeholders in the place of return

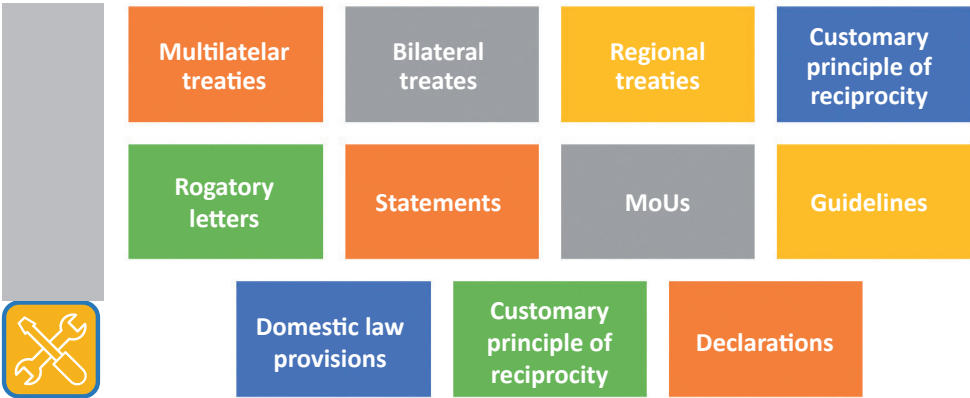
Civil and Criminal Proceedings	<ul style="list-style-type: none">• Evidence gathering• Preparing the victim-witness support before the trial• Victim-witness support during the trial• Victim-witness support after the trial• Support for compensation claims	<ul style="list-style-type: none">• Tracing of proceeds of crimes, properties• Exchange of information/ evidence relevant for the proceedings• Exchange of information on the psychological situation of the victim-witness• Issuance of copies of criminal records
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3.2 Implement formal and informal coordination/cooperation procedures/tools

Regardless of the area of intervention concerned, in order to be truly effective, transnational cooperation must be ensured through flexible mechanisms and procedures regulated by formal and informal tools, which also define the twofold nature of transnational cooperation between the relevant actors:

- **Formal** – when the responsible authorities or other relevant actors make an official request to provide information and/or evidence for investigation and prosecution purposes. Mutual legal assistance and extradition are the most common forms of formal international cooperation;
- **Informal** – when it includes cooperation between law enforcement and responsible authorities of different countries generally to exchange information and intelligence on a given case before the official investigation or prosecution starts. It does not require the use of letters of request or other official forms and, thus, it is a “faster, cheaper and easier” form of cooperation.

Formal cooperation involves mostly mutual legal assistance, communication and exchange of information across borders by using diplomatic channels. The following are the **instruments for establishing transnational cooperation on trafficking cases**:



Some of these instruments are legally binding for the concerned contracting parties

that must equally comply with the provided obligations; others (i.e. declarations, statements, guidelines) do not imply legal commitments, but express a common line of action. The relevant actors may also sign MoUs to set forth principles and guidelines aimed at improving practical international cooperation leading to the accomplishment of common goals.

Good practices from the MARRI region

SOPs for Transnational Cooperation and Case Management for the protection of victims and potential victims of trafficking with a special focus on children between Albania, Kosovo* and Montenegro, were endorsed in November 2016 at a trilateral meeting between the Anti-trafficking Coordinators of the three Participants.⁹⁵

Albania has concluded bilateral agreements in the area of counter-trafficking with neighbours, including Greece, North Macedonia, Kosovo* and Montenegro, as well as with some of the main countries of destination for Albanian victims, including the UK.⁹⁶ In accordance with the Additional Protocol “On Intensifying Co-operation in the Fight against Trafficking in Persons and on the Enhanced Identification, Notification, Referral and Voluntary Assisted Return of Victims and Potential Victims of Trafficking, especially Children” signed with Kosovo* and Montenegro, a Joint Declaration was signed in December 2016 between the Coordinators of Albania, Kosovo* and Montenegro to unify their SOPs.

The most common means of informal communication and cooperation are **phone calls, e-mail messages, skype/zoom conversations** etc... In order to ensure data protection and confidentiality they exchange encrypted documents or employ traditional means such as P.O. boxes and traditional mail addresses.

In order to enforce the formal and informal transnational cooperation, the TRM Guidelines⁹⁷ also include the contact details of relevant actors, so called “**TRM contact list**” – a sort of a database with the contact information of key stakeholders in the region. The TRM contact list in itself is a tool fostering transnational cooperation. The availability of the TRM contact list and regional instruments that allow for direct contacts at operational level (such as the Police Convention) enables the anti-trafficking stakeholders to use a variety of formal and informal means of communication.

* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

95 The meeting was organized with the support of Terre des hommes Albania, Terre des hommes Kosovo* and Save the Children Albania Office, within the regional project “Mario II: Joint Action to Protect Children on the Move in Europe”, funded by the Oak Foundation. The meeting was also organized in close collaboration with OSCE Mission to Montenegro. <https://childhub.org/en/child-protection-news/terre-des-hommes-and-save-children-support-governments-albania-kosovo-and-montenegro-tri-lateral-agreement?language=en>

96 Council of Europe, GRETA (2020). *Evaluation Report Albania. Third Evaluation Round. Access to Justice and Effective Remedies for Victims of Trafficking*. <https://www.coe.int/en/web/anti-human-trafficking/-/greta-publishes-its-third-report-on-albania>

97 ICPMD (2009), Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons: South-Eastern Europe. Vienna.



ANNEX 1: TRM Contact List

The good governance of transnational mechanisms should also be based on **practical tools** fostering effective and efficient response and, thus, cooperation among, within and across the MARRI region. In order to ensure effective cooperation on trafficking cases across borders, these tools should be developed and put in use in order to support the endorsement of its measures. In this regard, the **Case follow-up template (see ANNEX 2)** might be useful for the practitioners and contribute towards documenting the information flow between transnational stakeholders regarding victim's assistance and protection in the social inclusion phase (this phase was pointed one by the practitioners as the one mostly lacking coordination and cooperation among the relevant stakeholders). The case follow-up template might be used for records relevant for the migrant cases as well.

Due to the multidisciplinary approach in the whole process of assistance and protection of trafficked persons, different agencies share information on different issues. Information sharing and data protection may be challenging during the procedures of international cooperation. Even when proper data protection instruments are provided by law, the lack of coordination, inaccurate information, and unsuitable communication channels between agencies can have negative effects on the trafficking cases and, most of all, on the safety of the trafficked persons concerned. As one of the most important cross-cutting issues throughout the process of transnational referral is that information and data shall be exchanged in a timely manner between all relevant actors having as a primary consideration the safety, security and privacy of the person. – See part on data protection.



Self-study exercise for practitioners

Which services that can support the reintegration of the trafficked person are available in the place of return?

- Type of support
- Service provider
- Contact person

Which (formal and informal) tools can you use in order to approach the counterparts in the place of return?

3.3 Contribute towards transparent, consistent and accountable TRM governance

The effective acquisition and regular updating of skills to adequately perform the provisions set by regional and international instruments and the TRM are core prerequisites to systematically accomplish tasks and solve problems that may arise in the execution of any given transnational measures. In this framework, **capacity development** is a continuing learning process⁹⁸ that concerns all professionals (public bodies, NGOs, IOs and other anti-trafficking-related agencies) involved in the

TRMs. Several other references in terms of improving the transnational cooperation include:⁹⁹

- **Transparency:** Actors responsible for the NRM/TRM governance should organize **regular meetings and exchanges** with their foreign counterparts to discuss common issues on transnational cooperation. Finding a common language/working definitions/field terminology for communication with foreign counterparts is crucial to ensure proper governance of the cooperation mechanisms. Even when a common language is found, different “languages” are still spoken in the anti-trafficking field, namely different meanings are often implied when using the same words/terms. In the framework of the TRM projects, a list of working definitions was drafted to promote a common understanding of the anti-trafficking terminology – See the Glossary of Terms.
- **Accountability:** This anticipates **establishing of focal point** (from the existing NRM Network) specifically mandated to receive and reply to all requests received from abroad as well as to address requests to the competent foreign authorities.
- **Responsiveness:** Refers to applying simpler **procedures**, which should also include timelines, to speed up information exchanges between anti-trafficking stakeholders at all levels. The procedures should be coherent, transparent, efficient, and performed with due regard to the rule of law and within a reasonable timeframe;
- **Capacity building:** This foresees **regular exchange of good practices on transnational cooperation** between anti-trafficking stakeholders of different countries, through meetings, study visits, and exchange programmes with a view to improve the cross-border procedures in place as well as to establish key contacts with foreign counterpart that can lead to a more efficient international cooperation;
- **Monitoring and Evaluation:** **Regular and independent monitoring and evaluation** of the anti-trafficking frameworks and activities should be performed to improve their governance and functioning.

98 UNDP, *Capacity development. Managing Development and Governance Division*, Technical Advisory Paper 2, New York, 1997, p. 3.

99 ICMPD (2012) *The Way Forward in Establishing Effective Transnational Referral Mechanisms: A Report Based on Experiences in Cases of Human Trafficking in South-Eastern Europe*. USAID https://ec.europa.eu/anti-trafficking/way-forward-establishing-effective-transnational-referral-mechanisms-0_en

ANNEXES

Annex X: Tool for Assessment of the Implementation of Good Practices

Short description of the practice
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	Questions to be asked	Answer
Relevance of the practice		
Problem	What problem the practice is set to solve?	
Target groups	Who are the recipients of this practice? Please provide detailed information on the groups.	
Reach	What is the reach of the practice?	
Results	What results could be achieved with the implementation of the practice?	
Applicability of the practice		
Organisational expertise and capacity	Please specify which institution/organisation should implement the practise – governmental (which sector), NGO, international? Is the practice in line with the organisational strategy, vision? What thematic knowledge is required?	

Financial, administrative, human technical prerequisites	Please describe what are the requirements that the implementing agency must have: (a) Budget / source of budget; (b) Personnel – are additional specialists needed or the tasks can be assigned to the personnel that is already employed; (c) Technical equipment (what kind)?	
Specific legislatives provisions	Does the practice require specific legislatives provisions for its implementation? On what level (central, local)?	
Context		
Potential risks and possible solutions	Are there any potential risks to be taken into account with implementation of the practice? Please elaborate. What measures need to be taken to prevent the potential risks?	
Political support	Do any political decisions need to be taken in order to establish and implement the practice? What kind? Are there any political circumstances that could enhance the implementation of the practice? Please elaborate.	
Context and adjustability	Is the practice related to a specific context? Are there any factors that could makes it successful? Please elaborate. For example: (a) Administrative context (type of administration); (b) Social context (social norms, regulations, etc.); (c) Political context (current political agenda on central/ local level) etc.	

Annex 1: TRM Contact List in the MARRI Participants

Albania		
TRM Measures	Responsible Body	Contact Details
Identification	General Directorate of Police, Ministry of Interior, Tirana	Mrs. Rudina Braha Specialist at the Sector Against Illegal Trafficking Mob: +355694102296 E-mail: rudina.braha@asp.gov.al
	Social Services Directorate; Ministry of Health and Social Protection, Tirana	Mrs. Reme Xholi Director Tel: +35544541821 Email: reme.xholi@sherbimisocial.gov.al Mrs. Aida Çavo Tel+ 355 44541821 Mob:+ 355 697848537 E-mail: aida.cavo@sherbimisocial.gov.al Mrs. Ermira Gjata Mob: + 355 68 2090736 E-mail: ermira.gjata@sherbimisocial.gov.al
Crisis Intervention Care	Different & Equal (D&E) NGO; Tirana	Mrs. Marjana Meshi/Muslia Executive Director Tel:+ 355 42254532 Mob:+ 355 692088696 E-mail: mmeshi@yahoo.co.uk
	Psycho-Social Center “Vatra” NGO; Vlorë	Mrs. Brikena Puka Executive Director Mob: +355 692083339 E-mail: brikena_puka@yahoo.com
	QKPVT/ Centre	Mr. Suela Asllani; Executive Director Mob: +355 692649181 E-mail: qkpvt.shqiperi@gmail.com
	Centre “Other Vision”, NGO Elbasan	Mr. Arian Çala Executive Director Mob: +355 692030201 E-mail: aricala@gmail.com
Rehabilitation and Reintegration Assistance		

Rehabilitation and Reintegration Assistance	Readmission Sector – Border and Migration Directorate, Ministry of Interior, Tirana	Mr. Ylli Kumrija Chief Tel: + 355 42279251 Fax: + 355 42279263 Mob: + 355 694102357 E-mail: Ylli.kumrija@asp.gov.al
	IOM Mission to Tirana Office	Mrs. Alketa Gaxha CT & P/CVE Project Coordinator T. + 355 4 2257836 ext. 204 M. + 355 692037049 E-mail: agaxha@iom.int
Criminal Proceedings and Compensation Claims	General Prosecutor's Office, Tirana	E-mail: info@pp.gov.al

North Macedonia

TRM Measures	Responsible Body	Contact Details
Identification	Unit for Suppression of Migrant Smuggling and Trafficking in Human Beings, Ministry of Interior, Skopje	Mr. Ljupcho Markudov Head of the Unit for THB and SM Tel: +389 72332377 Mob: +389 7038389 E-mail: ljupco_markudov@moi.gov.mk Ms. Biljana Lalova Chief Inspector Mob: +389 70242623 E-mail: biljana_lalova@moi.gov.mk Ms. Blagica Petkovska Chief Inspector Mob: +389 70329248 Email: blagica_petkovska@moi.gov.mk
	Office of the NRM Mechanism, Ministry of Labour and Social Policy, Skopje	Ms. Elena Grozdanova MLSP Counsellor Tel: +389 23106558 Mob: +389 70311726 E-mail: egrozdanova@mtsp.gov.mk Ms. Svetlana Cvetkovska NRM Coordinator Tel: +389 23129308 Mob: +389 70498113 E-mail: scvetkovska@mtsp.gov.mk; nmuofficemk@yahoo.com

Identification	Commission for Fight Against Trafficking in Human Beings and Illegal Migration	Ms. Magdalena Nestorovska Coordinator for fight against trafficking in human beings and illegal migration Tel: +389 23238595 E-mail: magdalena_nestorovska@moi.gov.mk
Initial Care and Mid-term Assistance	NGO Open Gate, Skopje	Ms. Jasmina Dimishkovska Rajkovska Tel/fax: +389 2700107 Mob: +389 70222412 E-mail: jasmina@lastrada.org.mk; lastrada@lastrada.org.mk
	Unit for Suppression of Migrant Smuggling and Trafficking in Human Beings; Ministry of Interior, Skopje	Mr. Ljupcho Markudov Head of the Unit for THB and SM Tel: +389 72332377 Mob: +389 7038389 E-mail: ljupco_markudov@moi.gov.mk Ms. Biljana Lalova Chief Inspector Mob: +389 70242623 E-mail: biljana_lalova@moi.gov.mk Ms. Blagica Petkovska Chief Inspector Mob: +389 70329248 Email: blagica_petkovska@moi.gov.mk
	Office of the NRM, Ministry of Labour and Social Policy, Skopje	Ms. Elena Grozdanova MLSP Counsellor Tel: +389 23106558 Mob: +389 70311726 E-mail: egrozdanova@mtsp.gov.mk Ms. Svetlana Cvetkovska NRM Coordinator Tel: +389 23129308 Mob: +389 70498113 E-mail: scvetkovska@mtsp.gov.mk; nmuofficemk@yahoo.com

Return	Unit for Suppression of Migrant Smuggling and Trafficking in Human Beings, Ministry of Interior, Skopje	Mr. Ljupcho Markudov Head of the Unit for THB and SM Tel: +389 72332377 Mob: +389 7038389 E-mail: ljupco_markudov@moi.gov.mk Ms. Biljana Lalova Chief Inspector Mob: +389 70242623 E-mail: biljana_lalova@moi.gov.mk Ms. Blagica Petkovska Chief Inspector Mob: +389 70329248 Email: blagica_petkovska@moi.gov.mk
	Department for Border Affairs, Public Security Bureau, Ministry of Interior, Skopje	Mr. Nikola Mirchevski Head of Sector for Border Operations Tel: +389 23334036 Mob: +389 70358187 E-mail: Nikola_Mircevski@moi.gov.mk
	Reception Centre for Foreigners, Skopje	Mr. Toni Stefanovski Tel/fax: +389 23142613 Mob: +389 71220850 E-mail: toni_stefanovski@moi.gov.mk
Reintegration	Office of the NRM, Ministry of Labour and Social Policy, Skopje	Ms. Elena Grozdanova MLSP Councillor Tel: +389 23106558 Mob: +389 70311726 E-mail: egrozdanova@mtsp.gov.mk Ms. Svetlana Cvetkovska NRM Coordinator Tel: +389 23129308 Mob: +389 70498113 E-mail: scvetkovska@mtsp.gov.mk; nmuofficemk@yahoo.com
	NGO Open Gate, Skopje	Ms. Jasmina Dimishkovska Rajkovska Tel/fax: +389 2700107 Mob: +389 70222412 E-mail: jasmina@lastrada.org.mk; lastrada@lastrada.org.mk
Criminal Proceedings	Public Prosecution, Department for Prosecution of Perpetrators for Criminal Acts Concerning Organized Crime and Corruption, Skopje	Ms. Vilma Ruskoska E-mail: ruskovska@jorm.gov.mk Ms. Gordana Smakoska Tel: +389 23219884; +389 23219850 E-mail: gordanasmakoska@jorm.gov.mk

Criminal Proceedings	Witness Protection Unit, Ministry of Interior, Ministry of Interior, Skopje	Ms. Olivera Pehcevska Head of the Witness Protection Unit Mob: +389 72332869; + 389 72308147 E-mail: olivera_pehcevska@moi.gov.mk
	Unit for Suppression of Migrant Smuggling and Trafficking in Human Beings, Ministry of Interior, Skopje	Mr. Ljupcho Markudov Head of the Unit for THB and SM Tel: +389 72332377 Mob: +389 7038389 E-mail: ljupco_markudov@moi.gov.mk Ms. Biljana Lalova Chief Inspector Mob: +389 70242623 E-mail: biljana_lalova@moi.gov.mk Ms. Blagica Petkovska Chief Inspector Mob: +389 70329248 Email: blagica_petkovska@moi.gov.mk

Bosnia and Herzegovina

TRM Measures	Responsible Body	Contact Details
Identification	Office of the Anti-Trafficking Coordinator; Sarajevo	Office of Coordinator for Combating Trafficking and Illegal Migration in BIH Tel/fax: +387 33492454; + 387 33710531 E-mail: uredk@bih.net.ba
Crisis Intervention Care	Office of the Anti-Trafficking Coordinator; Sarajevo	Office of Coordinator for Combating Trafficking and Illegal Migration in BIH Tel/fax: +387 33492454; + 387 33710531 E-mail: uredk@bih.net.ba
Rehabilitation and Reintegration Assistance	Office of the Anti-Trafficking Coordinator; Sarajevo	Office of Coordinator for Combating Trafficking and Illegal Migration in BIH Tel/fax: +387 33492454; + 387 33710531 E-mail: uredk@bih.net.ba
Return	Office of the Anti-Trafficking Coordinator; Sarajevo	Office of Coordinator for Combating Trafficking and Illegal Migration in BIH Tel/fax: +387 33492454; + 387 33710531 E-mail: uredk@bih.net.ba
Criminal Proceedings and compensation claims	Office of the Anti-Trafficking Coordinator; Sarajevo	Office of Coordinator for Combating Trafficking and Illegal Migration in BIH Tel/fax: +387 33492454; + 387 33710531 E-mail: uredk@bih.net.ba

Serbia		
TRM Measures	Responsible Body	Contact Details
Identification	Centre for Protection of Victims in Human Trafficking, Belgrade	24/7 Tel: +381 692052298 E-mail: centar@centarzztlj.rs; aleksandra.ljubojevic@centarzztlj.rs; miroslav.jovanovic@centarzztlj.rs
	Ministry of the Interior, Police Directorate, Criminal Police Department, Belgrade	Toll-free number 24/7 (only for calls made in Serbia): 0800 100 388 E-mail: ukp@mup.gov.rs
Crisis Intervention Care	Centre for Protection of Victims in Human Trafficking, Belgrade	24/7 Tel: +381 692052298 E-mail: centar@centarzztlj.rs; aleksandra.ljubojevic@centarzztlj.rs; miroslav.jovanovic@centarzztlj.rs
	Ministry of the Interior, Police Directorate, Criminal Police Department, Belgrade	Toll-free number 24/7 (only for calls made in Serbia): 0800 100 388 E-mail: ukp@mup.gov.rs
Rehabilitation and Reintegration Assistance	Sector for Family care and social protection, Ministry of Labour, Employment, Veterans' Affairs and Social Affairs	Tel: +381 113038661 www.minrzs.gov.rs
	Centre for Protection of Victims in Human Trafficking, Belgrade	24/7 Tel: +381 692052298 E-mail: centar@centarzztlj.rs; aleksandra.ljubojevic@centarzztlj.rs; miroslav.jovanovic@centarzztlj.rs
	NGO ATINA, Belgrade	24/7 Tel: +381 61 63 84 071 E-mail: office@atina.org.rs
	NGO ASTRA, Belgrade	SOS hotline: +381 117850000 Toll-free number (only for calls made in Serbia): 0800 101 201 E-mail: sos@astra.rs
Return	Centre for Protection of Victims in Human Trafficking, Belgrade	24/7 Tel: +381 692052298 E-mail: centar@centarzztlj.rs

Criminal Proceedings and Compensation Claims	Centre for Protection of Victims in Human Trafficking, Belgrade	24/7 Tel: +381 692052298 E-mail: centar@centarzztlj.rs
	NGO ATINA	24/7 Tel: +381 61 63 84 071 E-mail: office@atina.org.rs
	NGO ASTRA – Anti Trafficking Action	SOS hotline: +381 117850000 Toll-free number (only for calls made in Serbia): 0800 101 201 E-mail: sos@astra.rs
Montenegro		
TRM Measures	Responsible body	Contact Detail
Identification	Police Directorate Group for Combatting Trafficking in Human Beings, Smuggling and Illicit Migration, Ministry of Interior	Mr. Marko Brajovic Head of the Group Tel: +382 67189907 E-mail: org.opsti@t-com.me
	NGO “Montenegrin Women’s Lobby”	Ms. Aida Petrovic Executive Director Tel/Fax: + 382 20 669 158 Mob: + 382 69 454 606 E-mail: mnzenskilobi@t-com.me
Crisis Intervention Care	Coordinating Team, Office for Fight Against Trafficking in Human Beings, Ministry of Interior	Ms. Tijana Sukovic President of Coordination Team/Head of Office Tel/Fax: + 382 20225845 E-mail: tijana.sukovic@mup.gov.me
Rehabilitation and Reintegration Assistance	Office for Fight Against Trafficking in Human Beings, Ministry of Interior	Ms. Tijana Sukovic President of Coordination Team/Head of Office Tel/Fax: + 382 20225845 E-mail: tijana.sukovic@mup.gov.me
	NGO “Montenegrin Women’s Lobby”	Ms. Aida Petrovic Executive Director Tel/Fax: + 382 20669158 Mob: + 382 69 454 606 E-mail: mnzenskilobi@t-com.me
	Ministry of Health, Department for Digital Process Management	Ms. Sandra Damjanovic Head of Department Tel: + 382 20482120 E-mail: Sandra.damjanovc@mzd.gov.me

Rehabilitation and Reintegration Assistance	Ministry of Finance and Social Welfare, Department for Professional Supervision of Social and Child Protection Institutions	Ms. Amela Orahovac Head of Department Tel: + 382 20482466 E-mail: amela.orahovac@mrs.gov.me
Return	Office for Fight Against Trafficking in Human Beings, Ministry of Interior	Ms. Tijana Sukovic President of Coordination Team/Head of Office Tel/Fax: + 382 20225845 E-mail: tijana.sukovic@mup.gov.me
	IOM Montenegro	Ms. Dusica Zivkovic Head of IOM Office Tel: + 382 20447411 Fax: + 382 20447409 E-mail: iommontenegro@iom.int
Criminal Proceedings and Compensation Claims	Police Directorate Group for Combatting Trafficking in Human Beings, Smuggling and Illicit Migration, Ministry of Interior	Mr. Marko Brajovic Head of the Group Tel: +382 67189907 E-mail: org.opsti@t-com.me
	Supreme Prosecutor's Office	Ms. Zorica Milanovic Special Prosecutor Tel: +382 20230641 E-mail: zorica.milanovic@tuzilastvo.me
Kosovo*		
TRM Measures	Responsible Body	Contact Detail
Identification	Police/Directorate for Investigation of Trafficking in Human Beings/Anti Trafficking Police Unit	Mr. Fehmi Xhata Major/Director, Directorate for Investigation of Trafficking in Human Beings Tel: +383 38 504 504 - ext. 1890 Mob: +383 44 274 594 E-mail: fehmi.xhata@kosovopolice.com

* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

Identification	Ministry of Interior	Mr. Blerim Gashani Anti-Trafficking Coordinator – Trafficking in Human Beings Tel: +383 44234015 E-mail: Blerim.gashani@rks-gov.net Mr. Naim Muja Director, Secretariat of Strategies Tel: +383 3820019622 Mob: +383 44618355 E-mail: Naim.muja@rks-gov.net Ms. Gresa Gerdovci Senior Officer, Secretariat of Strategies- Tel: +383 44249171; E-mail: gresa.gerdovci@rks-gov.net
	Ministry of Justice/ Prosecution/ Office for Protection and Assistance to Victims	Mr. Basri Kastrati Director/Victims Advocate Mob: +377 44345357 E-mail: Basri.kastrati@rks-gov.net
Crisis Intervention Care	PVPT – Centre for Protection of Victims of Trafficking in Human Beings, Pristina	Ms. Hamijet Dedolli Executive Director Mob: +383 44167395 E-mail: Hamijet_dedolli@yahoo.com
	Police/Directorate for Investigation of Trafficking in Human Beings/Anti Trafficking Police Unit	Mr. Fehmi Xhata Major/Director, Directorate for Investigation of Trafficking in Human Beings Tel: +383 38 504 504 - ext. 1890 Mob: +383 44 274 594 E-mail: fehmi.xhata@kosovopolice.com Mr. Riza Murati Lt/Chief of Investigation Section Tel: +381 3850801932 Mob: +383 44 505 626 E-mail: Riza.murati@kosovopolice.com
	IOM Mission to Kosovo*	Ms. Shqipe Pallaska Project Assistant/IOM, Pristina Tel: +381 38249040 Ext.:231; Mob: +383 45976820; +377 44149429; E-mail: spallaska@iom.int
Rehabilitation and Reintegration Assistance	Ministry of Labour and Social Welfare/ Department for Social Policies and Family/ THB Victims/	Ms. Adile Shaqiri Senior Officer Tel. +38138213931 ext. 26 131; Mob: +383 44342375 E-mail: adile.shaqiri@ks-gov.net

* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

Rehabilitation and Reintegration Assistance	Ministry of Labour and Social Welfare/Shelter	Ms. Zekije Beqiri Director Tel: +381 38582212; +381 38582211; Mob : +377 45283811 zekrije.beqiri@rks-gov.net
	PVPT – Centre for protection of Victims of Trafficking in Human Beings	Ms. Teuta Abrashi Executive Director Tel: +383 441 93457 teuta.abrashi@gmail.com
	NGO – Hope and Homes for Children	Ms. Valbona Citaku Director Mob: +377 44200353 E-mail: vqitaku@yahoo.com, sdsf_ks@yahoo.com
	Department for Citizenship, Asylum and Migration (DCAM), Ministry of Interior	Mr. Liridon Neziri Director Tel: +383 44276277 E-mail: Liridon.neziri@rks-gov.net
	Police/Border Police/Directorate for Migration and Foreigners (DMF)	Mr. Rahman Sylejmani Colonel/Director Tel: +383 44 506 340
Return	Police/Directorate for Investigation of Trafficking in Human Beings/Anti Trafficking Police Unit	Mr. Fehmi Xhata Major/Director, Directorate for Investigation of Trafficking in Human Beings Tel: +383 38 504 504 - ext. 1890 Mob: +383 44 274 594 E-mail: fehmi.xhata@kosovopolice.com Mr. Riza Murati Lt/ Chief of Investigation Section Mob: +383 44505626 E-mail: Riza.murati@kosovopolice.com
	Ministry of Labour and Social Welfare/ Department for Social Policies and Family/ THB victims	Ms. Adile Shaqiri Senior Officer Tel: +381 38213931 ext. 26 131; +383 44342375 E-mail: adile.shaqiri@ks-gov.net
Criminal Proceedings and Compensation Claims	Public Prosecutor Office	Mr. Besim Kelmendi Tel: +381 38248018 E-mail: besim_kelmendi@yahoo.com

Criminal Proceedings and Compensation Claims	Judicial Council/ Statistics Department	Mr. Besnik Ramosaj Director Tel: +381 3820017445; Mob: +383 44217372 E-mail: besnik.amosaj@rks-gov.net
	Ministry of Justice/ Prosecution/ Office for Protection and Assistance to Victims	Mr. Basri Kastrati Director/Victims Advocate Mob: +383 44345357 E-mail: Basri.kastrati@rks-gov.net

Annex 2: Case Follow-up Form in the Period of Social Inclusion (Re-Integration)

! Due to data sensitivity, the following form should be filled in by the case manager (usually by the responsible person in the NRM office). However, other NRM members and service providers should feed this form by timely and regular communication with the case manager.

! The form can be adapted according to the needs/current procedures/institutional set-up in each MARRI Participant.

PART I: Personal information of the trafficked person (FOR THE CASE MANAGER ONLY!)

Name	
Date of birth	
Citizenship	
Address	
Contact details	
Marital status	
Children	
Ethnicity (self-determination)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Other
CASE NUMBER (pseudonym)	

PART II: Information on the case management (to be continuously filled in by the case manager in the social inclusion phase)

Case Manager	
Case Number/Pseudonym (If Relevant):	

Case Management In The Social Inclusion (Re-Integration) Phase

In the shelter/safe location

1. Upon the initial identification, when and where was the support given to the trafficked person?

	Period (please indicate dates when the support services started and ended)	Where was the person accommodated during the service provision (type of accommodation; location – in the MARRI Participant or abroad)	Comments
Short term services (3-6 months)			
Long term services (6+ months)			

2. If the trafficked person is a foreigner, please specify her/his legal status.

- ☐ Non- EU citizen victim of trafficking, seeking protection
- ☐ Foreign victim of trafficking, with protection status in
- ☐ Other (please specify)

Please add any other info that might be relevant for the case.

3. Was the trafficked person actively included in the process of making decisions and planning her/his social inclusion (re-integration)?

- ☐ Yes ☐ No

4. Which of the following did the social inclusion and reintegration phase of the trafficked person include?

	When	Service provider	Comment
Preparation of a social inclusion/ re-integration plan <input type="checkbox"/> Yes <input type="checkbox"/> No			
Preparation and update of the individual risk assessment plan <input type="checkbox"/> Yes <input type="checkbox"/> No			

Medical and dental care <input type="checkbox"/> Yes <input type="checkbox"/> No			
Psychotherapeutic services <input type="checkbox"/> Yes <input type="checkbox"/> No			
Legal counselling (in order to submit a request for financial compensation, to issue necessary personal documents etc.) <input type="checkbox"/> Yes <input type="checkbox"/> No			
Counselling on family relatives/partner <input type="checkbox"/> Yes <input type="checkbox"/> No			
Social counselling and advocacy <input type="checkbox"/> Yes <input type="checkbox"/> No			
Development of social skills <input type="checkbox"/> Yes <input type="checkbox"/> No			
Development of skills for participation in the labour market <input type="checkbox"/> Yes <input type="checkbox"/> No			
Initiating procedure for renewing the trafficked person's health and social insurance status <input type="checkbox"/> Yes <input type="checkbox"/> No			
Safe transportation to and from other organisations/institutions that provide services <input type="checkbox"/> Yes <input type="checkbox"/> No			

In case of foreigners, please tick if the following has been provided in addition: <input type="checkbox"/> Temporary residence permit <input type="checkbox"/> Work permission <input type="checkbox"/> Financial means <input type="checkbox"/> Integration measures according to the available integration programmes <input type="checkbox"/> Other (please specify) _____			
Claim for financial compensation initiated <input type="checkbox"/> <input type="checkbox"/> No			
Other relevant information for the case			
If no service providers were involved in this phase, please briefly state the reason for this.			

5. According to the reintegration plan, what was the trafficked person’s preference for social inclusion/re-integration in the post-shelter period?

- ☐ To stay in
- ☐ To safely return in the place of origin (this refers to foreign trafficked persons)
- ☐ To be resettled in
- ☐ Other

Upon leaving the shelter/safe location

1. When did the person leave the shelter/safe location? Please indicate the date, and if relevant, the history of institutionalisation.

2. Please specify where was the person reallocated upon leaving the shelter (please indicate the city/place; if abroad, please indicate the accommodation details as well).

3. Which of the following did the post-shelter phase include?

	Date assessed	By whom?/ Source(s) of information	Details about the case (please indicate the date/period when the action was taken and the progress made afterwards)
Assessment of the health situation of the person			
Provision of information on social inclusion			
Preparation for independent life			
	Date assessed	By whom?/ Source(s) of information	Details about the case (please indicate the date/period when the action was taken and the progress made afterwards)
Renewal of the trafficked person's health and social insurance status <input type="checkbox"/> Yes <input type="checkbox"/> No			

<p>In case the foreigner returned to his/her place of origin or in a third place, please provide the available information on the case follow-up in the post-shelter period:</p> <p><input type="checkbox"/> Health and social insurance status</p> <p><input type="checkbox"/> Temporary residence permit or any other legal stay or resettlement received</p> <p><input type="checkbox"/> Resettlement scheme developed and enforced</p> <p><input type="checkbox"/> Follow-up contacts on the case between the authorities and the receiving institution/organisation in the place of origin/resettlement</p>			
<p>Issuing of necessary documents</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>Financial assistance received (e.g. IOM package)</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>Financial plan for the first three months made</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>Education received</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>Specialised vocational trainings</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>Support to access the labour market</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>			

Job applications submitted <input type="checkbox"/> Yes <input type="checkbox"/> No			
Job received <input type="checkbox"/> Yes <input type="checkbox"/> No			
Communication with service providers and the victim in the post-shelter phase <input type="checkbox"/> Yes <input type="checkbox"/> No			
Plans for the future (please specify)			
Follow-up actions taken (please specify) <input type="checkbox"/> Yes <input type="checkbox"/> No			
Other relevant information			
Status of the criminal proceedings			
Criminal procedure initiated <input type="checkbox"/> Yes <input type="checkbox"/> No			
Criminal procedure concluded <input type="checkbox"/> Yes <input type="checkbox"/> No			
Financial compensation			
Financial compensation received <input type="checkbox"/> Yes <input type="checkbox"/> No			
Plan for financial spending developed <input type="checkbox"/> Yes <input type="checkbox"/> No			

Special cases

If the trafficked person was assumed to be a child, please provide short description including specific information relevant for the case/reintegration process of the child.

Where was the child reallocated after the accommodation at the crisis centre (up to six months)?

- ☐ To her/his family
- ☐ In an institution
- ☐ Other

Please provide information on the case follow-up and recommendations.

General Information On Case Follow-Up

	Date of assessment	Social inclusion –reintegration assessment (employment/ education details)	Health situation	Proposed follow-up actions	Actions to be taken by:
Six months after the reintegration phase/return					
One year after the reintegration phase/return					
Two years after the reintegration phase/return					

Any additional information relevant for the follow-up case (e.g. specific needs, has the person used shelter for long-term reintegration or other long-term available social service, etc.).

Annex 3: Memorandum of Understanding Template

This is sample template¹⁰⁰ for the domestic repository and the possible contributing agencies with regard to the collection and sharing of data for the victim-centred database. It outlines the roles and responsibilities of the various actors involved in this collaboration. Adjustments should be made to the specific needs and legal issues in each MARRI Participant.

Agreement between the

Insert Name in Full (government agency to host the database) (hereinafter “insert abbreviation or short name”) and the

Insert Name in Full (NGO, police or government institution contributing victim data) (hereinafter “insert abbreviation or short name”)

The Insert short name and the Insert short name (or names, if tripartite) (hereinafter the “Parties”)

WHEREAS the Insert short name (government repository) objective is to collect and collate information from various non-governmental and government agencies related to trafficking victims in the form of a database;

WHEREAS Insert short name (NGO, police or government institution) is an organisation whose purpose is to assist in various ways individuals that have been victims of smuggling or trafficking;

RECOGNIZING that cooperation and sharing information will be mutually beneficial to the Parties;

Have agreed:

Article 1: General Provisions

The purpose of this Memorandum of Understanding (MoU) is to regulate exchange of information with regard to trafficking victims and statistics for the mutual interest of the Parties.

Both parties shall appoint focal points with a view to facilitating effective cooperation between them.

Article 2: Data Collection

The Insert short name (NGO, police or government institution) shall collect, for the purpose of sharing, at least the following information on victims of trafficking under its care with the Insert short name (government repository):

¹⁰⁰ Taken from: ICMPD (2010), *Handbook on Anti-Trafficking Data Collection in South-Eastern Europe: Developing Regional Criteria*. Vienna.

- Sex;
- Date of birth;
- Ethnicity;
- Residence (if different from above);
- Area/city/town of origin;
- Marital status;
- Education level (years of schooling);

In addition, information can also be collected on some or all of the following: economic status, employment record, activities and living at time of recruitment, transportation and travel routes, recruitment experience, trafficking experience, identification, return assistance.

Article 3: Protection of identity

At no time should the name of the trafficking victim be communicated unless agreed between the Parties and then only with the written consent of the victim.

In the absence of such agreement or consent, each trafficking victim shall be identified by a neutral and unique code.

Article 4: Processing and Transmission of the Data

The Parties shall agree on a secure manner by which to process and transmit the data; nevertheless, the minimum standards contemplated by their legislation in this regard must be respected.

Article 5: Use of the Data

The Insert short name (government repository) shall organize and analyze the information with a view to preparing regular reports, which shall be available publicly to relevant institutions, as well as contributors of information.

Article 6: Reports

The Insert short name (government repository) shall send to the Insert short name (NGO, police or government institution) a report from the information gathered from all participants. Reports shall be prepared and forwarded twice a year.

Article 7: Conservation of Data

The Insert short name (government repository) shall implement appropriate technical and organisational measures to protect personal data against accidental or unlawful destruction or accidental loss, alteration, unauthorized disclosure or access, in particular where the processing involves transmission of data over a network, and against all other unlawful forms of processing.

Article 8: Destruction of Data

The Insert short name (government repository) shall not keep the information provided for a period exceeding the one outlined in relevant legislation. Where such legislation does not exist, the information provided shall not be kept for a period of more than five years from the date of receipt. The data collected shall be deleted permanently, including all personal data, electronic messages and any copies of data produced within the context of this Agreement. However, data can be kept in aggregate form, without any means of identifying the trafficking victims, such information to be used for statistical reporting.

Article 9: Personal Data Protection Legislation

In regard to all data collection and information exchange activities contemplated by this Agreement, the Parties agree to adhere to the principles and the letter of all legislation pertaining to the use and protection of personal data: (insert name and reference of the law in question). In the event that there is no such legislation, the parties agree to adhere to the principles and the letter of the EC Directive on Data Protection (Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data).

Article 10: Settlement of Disputes

The Parties shall use their best efforts to settle amicably any dispute, controversy or claim arising out of, or relating to this MoU. Where the Parties wish to seek such an amicable settlement through conciliation, the conciliation shall take place in accordance with UNCITRAL Conciliation Rules, then obtaining, or according to such procedure as may be agreed between the Parties.

This MoU can be subject to changes and amendments with the mutual consent of both Parties through the adoption of supplements to this MoU. Any such changes shall be made in writing and enter in force on the day of its signature by both parties.

Article 11: Entry in Force and Termination

Either of the Parties may terminate this Memorandum of Understanding by means of written notification. The termination enters into force after a period of 60 days, which starts with the first day of the month following the month in which the other Party received the written notification of denunciation.

This Memorandum of Understanding enters into force on the day of its signature by both Parties.

Done on the day of year, in two copies in (specify local language).

Insert Name in Full

(government agency to host the database)

Insert Name in Full

(NGO or institution contributing victim data)

Annex 4: Legal Framework on Data Protection

General legal framework on data protection in the MARRI Participants

Albania	Enshrined in Article 35 of the Constitution, the protection of personal data constitutes a fundamental right. The Law on the Protection of Personal Data No. 9887 of 10 March 2008, which reformed the previous data protection law in force from 1999, was amended in 2012 and 2014. The Law incorporates provisions of the General Data Protection Regulation (Regulation (EU) 2016/679) ('GDPR').
North Macedonia	The principal legal instrument in the area of data protection is the Law on Personal Data Protection (64/2018). A new data protection law was adopted in February 2020 to align the data protection legislation with the EU GDPR Regulation. The Personal Data Protection Agency (DPA) is the regulatory authority that oversees the implementation of the Law.
BiH	The main data protection law is the Law on the Protection of Personal Data No. 49/06. The Agency for Personal Data Protection in Bosnia and Herzegovina (AZLP) prepared the draft of the new Law on Personal Data Protection based on EU GDPR Regulation. The implementation of the GDPR will be resolved within that framework. Several other rulebooks, which relate to data processing, retention, security and supervision, are also applicable.
Serbia	The main piece of legislation currently regulating personal data protection is the Law on Protection of Personal Data (No. 87/2018). New Law was adopted in November 2018, containing almost identical solutions as GDPR. Series of rulebooks for data processing and sorting are also applicable.
Montenegro	The Personal Data Protection Law 79/08 and 70/09 is the main legislation governing the processing of personal data in Montenegro. Draft of the new Personal Data Protection Act, which is generally consistent with the EU GDPR Regulation, is expected to be adopted by the Parliament in the first half of 2022.
Kosovo*	Data protection is regulated by Law No. 06/L-082 on Personal Data Protection. It determines the rights, responsibilities, principles, and punitive measures with respect to the protection of personal data and privacy of individuals, as well as the responsibilities of the Information and Privacy Agency (AIP), including monitoring the legitimacy of data processing and access to public documents. Following the entry into force of GDPR, the data protection law has been amended and aligned accordingly.

* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

Relevant international instruments on data protection, including the relevant ones for protection of data related to trafficking cases

EU Charter on Fundamental Rights	<p>Stipulates that EU citizens have the right to protection of their personal data. EU countries have set up bodies responsible for protecting personal data in accordance with Article 8(3) of the Charter of Fundamental Rights of the EU.</p>
The General Data Protection Regulation (GDPR)	<p><u>Regulation (EU) 2016/679</u> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data. The regulation is an essential step to strengthen individuals' fundamental rights in the digital age and facilitate business by clarifying rules for companies and public bodies in the digital single market. A single law will also do away with the current fragmentation in different systems and unnecessary administrative burdens. The regulation entered into force on 24 May 2016 and has been applied since 25 May 2018.</p>
The Data Protection Law Enforcement Directive	<p><u>Directive (EU) 2016/680</u> on the protection of natural persons regarding processing of personal data connected with criminal offences or the execution of criminal penalties, and on the free movement of such data protects citizens' fundamental right to data protection whenever personal data is used by criminal law enforcement authorities for law enforcement purposes. It will in particular ensure that the personal data of victims, witnesses, and suspects of crime are duly protected and will facilitate cross-border cooperation in the fight against crime and terrorism.</p>
European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)	<p>Article 4: Parties are obliged to adopt legal or other measures during the legal proceedings in order to guarantee:</p> <ul style="list-style-type: none"> a. the protection of the victims' privacy and their family life; b. the safety of the victims, including protection from intimidation and retaliation; c. taking into account the special needs of a child, when child victims are in question, and their right to special protection measures.

**The Council
of Europe
Convention on
Action Against
Trafficking in
Human Beings**

Obligations under Article 11:

- a. protection of the victim's private life and identity;
- b. protection of the victim's personal data under the conditions provided for by the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data (Convention 108+);
- c. adoption and implementation of measures to ensure that the identity of a child, or details allowing for the identification of a child victim of trafficking, are not made publicly known, either through the media or by any other means, except (in exceptional circumstances) in order to facilitate the tracing of family members or to otherwise secure the well-being and protection of the child;
- d. taking measures to encourage the media to protect the private life and identity of victims, either through self-regulation or regulatory/co-regulatory measures.

**Convention for
the Protection
of Individuals
with regard
to Automatic
Processing of
Personal Data
(ETS No. 108)**

***to be amended
by its Protocol of
amendment¹⁰²**

Aims to protect every person, regardless of his or her nationality or place of residence, in connection with the automatic processing of his or her personal data. This Convention is the first binding international instrument which protects the individual against abuses which may accompany the collection and processing of personal data and which seeks to regulate at the same time the transnational flow of personal data. In addition to providing guarantees in relation to the collection and processing of personal data, it outlaws the processing of "sensitive" data on a person's race, politics, health, religion, sexual life, criminal record, etc., in the absence of proper legal safeguards. The Convention also enshrines the individual's right to know that information is stored on him or her and, if necessary, to have it corrected.

¹⁰² Date of entry into force foreseen on 11 October 2023 if there are 38 parties to the Protocol at this date.

Annex 5: Reporting Templates and Guidance for Data Collection/Transfer

1. Reporting Template: Local Level NRM actors – NRM Coordinator

Cover page

For all reports:

- **Name of the local level structure (commission, municipality) – Include logo of the Commission if available!**

To be updated for each report:

- **Type of the report (periodic, semi-annual, annual report)**
- **Period covered by the report (from dd/mm/yyyy to dd/mm/yyyy)**
- **Date of submission of the report**

Additional information

- **Name/position of the report authors (if relevant)**
*local anti-trafficking coordinators/or other relevant NRM local actors, should be responsible for drafting of these reports and submission to the NRM Coordinator

Section II – Trafficking situation on local level/region covered

- **Trafficking trends/observations on local level**
- **Implementation of the local anti-trafficking projects/programs for the reporting period (assessment and challenges identified)**
- **Activities of international and non-governmental organizations in response to the trafficking of people and support of the victims**

General observations/comments (if any)

Annexes:

- **Any documents of relevance (graphs, additional statistics, templates, other relevant documents)**

2. Reporting Template: NRM Coordinator – NATCB

Cover page

For all reports:

- **Full title of the NRM Office/Coordinator**

To be updated for each report:

- **Type of the report (periodic, semi-annual, annual report)**
- **Period covered by the report (from dd/mm/yyyy to dd/mm/yyyy)**
- **Date of submission of the report**

Suggested outline for the reports (cca 15 pages)

Cover page

Table of contents

Section I – Overview of the trafficking cases: identification and case management

- **Summary of the statistics on the cases managed according to the SOPs (disaggregated by age, gender, form of trafficking)**
- **Summary of the case management activities**
- **Progress made during the reporting period/ Assessment of the progress**
- **Challenges identified/lessons learned**
- **Future planning/follow-up actions**

Section II – Anti-trafficking response

- **Trafficking trends/observations**
- **Implementation of the NRM related local anti-trafficking projects/ programs for the reporting period (according to the Action Plan)**
- **Activities of international and non-governmental organizations in response to the trafficking of people and support of the victims**
- **Assessment and challenges identified**
- **Budget**
- **Recommended actions**

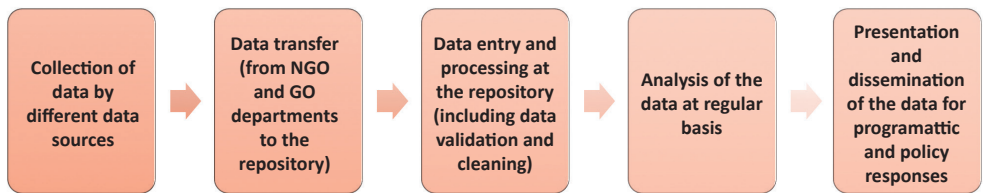
General observations/comments (if any)

Annexes:

- **Any documents of relevance (graphs, additional statistics, templates, other relevant documents)**

3. Guidance on collecting and transferring data on trafficking cases to the domestic repositories/statistical offices

According to the ICMPD *Handbook on Anti-Trafficking Data Collection in South Eastern Europe: Developing Regional Criteria*¹⁰³, the information to be collected for each trafficking case is disaggregate (single case) data and as such, the process involves a number of steps:



The quality of the data drawn from the database is directly dependent on the quality of the data inputted and therefore, strict adherence to the methodology and the data parameters is of utmost importance. Outlined below are the indicators to be taken into consideration in the collection/processing of the victim-centred data and the trafficker centred data, according to the above-mentioned Handbook.

Indicators victim-centred database	Indicators trafficker-centred database
<ul style="list-style-type: none">• name and/or code¹⁰⁴• date of birth• sex• contributing agency• citizenship• place of residence• trafficking designation (information that they are either a VoT or a presumed VoT)• form of exploitation/trafficking• place where exploited	<ul style="list-style-type: none">• name and/or code¹⁰⁵• trafficker aliases• date of birth• place of birth• citizenship• place residence• trafficking/criminal charge

103 ICMPD (2010), *Handbook on Anti-Trafficking Data Collection in South-Eastern Europe: Developing Regional Criteria*. Vienna.

110 A code (primary key) is a unique numerical value that is automatically generated by the software, and is assigned to each person and case upon record set creation in order to distinctly identify them within the scope of the database. This code will not influence the five following identifiers. The code can neither be provided nor changed by the user.

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Data transfer to the repository/statistical office

Most countries have rules about the data transmission of personal information over the internet, which will generally preclude the possibility of emailing personal data to the repository even when encrypted. As such, transmission may involve data being sent to the repository either in paper form or in electronic form. Where data is imported electronically, it will be important to ensure that the data was successfully (and accurately) transmitted/imported into the database.

This information will be submitted to the repository, in accordance with laws on the transmission of personal data, which, in the case of criminal data can generally be transmitted electronically.

¹⁰⁶ Alternatively or in countries where electronic transmission is not possible or legally permissible, this may involve sending data to the repository either in paper form or in electronic form.

¹⁰⁶ Some of the restrictions which apply to transmission of personal information for victims of crime or general citizens do not apply in the case of criminals.

Glossary of Terms

ACTION PLAN: An Action Plan (AP) against trafficking in human beings is an essential tool for the sharing of responsibilities and coordination of action of anti-trafficking stakeholders, such as governmental bodies, civil society, international organizations, etc. in a holistic approach. The Action Plan should operationalize the specific objectives as identified in the anti-trafficking strategy. It should define responsibilities and timelines for each activity assigned, contain resource plans and a budget, and include monitoring and evaluation criteria (e.g. indicators).

ANONYMISATION OF PERSONAL DATA: rendering personal data anonymous in such a way that the individual is not or no longer identifiable. For data to be truly anonymised, the anonymization must be irreversible.

CASE MANAGER: A case manager is the primary point of contact for a trafficked person and shall coordinate the services deemed necessary to provide her/him assistance throughout the whole referral process. The case manager works within a consultative multidisciplinary team of other professionals when decisions are to be made about each victim's assistance plan. In a TRM instance, a case manager shall be appointed both in the place of origin and in the destination place in order to facilitate transnational communication.

CASE MANAGEMENT DATA: Information that is collected and transmitted among NRM members that pertains to individual victim's process of identification and protection.

CHILD: refers to any human being below the age of 18 (UN Convention on the Rights of the Child, 1989).

CONFIDENTIALITY: the rules prohibiting the disclosure of trafficking case information.

DATABASE: electronic collection, storage and access of data on trafficking cases.

EVALUATION: Evaluation is the systematic collection and analysis of data in order to assess the relevance, effectiveness and impact of activities in light of project objectives. It involves assessing the strengths and weaknesses of projects, programmes, strategies and/or policies to improve their effectiveness. It involves giving feedback about the progress to donors, implementers and beneficiaries of the project. Evaluations are generally done either during the span of a programme (mid-term evaluation) to measure and allow for mid-stream programme adjustments, or upon completion of programmes (ex-post evaluation).

GUARDIAN: The individual who acquires the primary (legal) responsibility for the well-being of a child and coordinates the efforts of all involved agencies to ensure the best interests of the child. This individual also serves as the case manager in the cases of referral of child victims of trafficking.

IDENTITY DOCUMENT: A personal paper or card that gives identifying data (e.g. name, age, nationality, address, etc.) about a person.

INDIVIDUAL ASSISTANCE PLAN: It is a written agreement jointly developed by the case manager and the assisted trafficked person where goals, activities and services – tailored to the individual’s needs – are clearly defined.

INFORMED CONSENT: Any free, voluntary permission or approval to something proposed or requested based on full exposure of all facts to make fully informed decisions, including awareness of any risks involved (to the extent they can be known) and any available options. Information sharing is an essential component of “informed consent”.

MONITORING: continuous, regular, systematic and purposeful observation, gathering of information, and recording of activities, projects, programmes, strategies and/or policies. To monitor is to check on how planned activities are progressing, to identify operational difficulties and to recommend actions. Monitoring is aimed at improving the efficiency and effectiveness of an initiative and at ensuring that activities are transformed into results/outputs. It involves giving feedback about the progress to donors, implementers and beneficiaries of the project. Monitoring is always undertaken during the implementation of activities, projects, programmes, strategies and/or policies.

NRM INFORMATION – facts provided or learned about NRM members, members’ activities, victims and traffickers.

NRM INFORMATION FLOW – the movement of information between NRM individuals and systems. It can be vertical (communication between individuals of the same NRM member that are subordinates and superiors in the Member’s hierarchy) and horizontal (communication between individuals from institutions of the same levels in the NRM hierarchy)

PERSONAL DATA: any information that relates to an identified or identifiable living individual. Different pieces of information collected together, which can lead to the identification of a particular person, also constitute personal data.

PLACE OF ORIGIN: The place/community a trafficked person comes from.

PLACE OF DESTINATION: The place/community that is the ultimate destination of a trafficked person.

PRIVACY: individual’s right to control the disclosure of his or her story and personal information. Maintaining privacy may directly reduce the chances of re-victimization.

PROTECTION: It is an essential component of any assistance scheme both for ensuring the trafficked person’s physical safety but also for safeguarding his/her prospects of social inclusion.

RECOVERY: The process by which trafficked persons are stabilised and their well-being restored psychologically, socially and physically.

REFERRAL MECHANISM (NRM): a co-operative framework through which governmental actors fulfil their obligations to protect and promote the human rights

of trafficked persons, co-ordinating their efforts in a strategic partnership with civil society.

RESULTS: Results are the output, outcome (medium-term change), or impact (long-term change) intended or unintended, positive and/or negative of a development intervention. In other words, results are changes that come about due to a cause and effect relationship induced by an intervention.

RISK ASSESSMENT: A formal procedure to identify and assess the risks associated with the trafficked person's situation and future plan of assistance in order to eliminate/minimize/respond to the risks identified.

RETURN: To return to one's community of origin. In the context of anti-trafficking work, return involves not only the physical transportation of the victim, but also mechanisms to ensure that the return is voluntary, assisted, safe and dignified.

SERVICE PROVIDERS: Organisations and individuals that provide one or more of the support and assistance measures supplied to trafficked persons. These may include social workers, psychologists, shelter staff, medical personnel or legal professionals from NGOs, IOs and GOs.

SHELTER/RESIDENTIAL FACILITIES: Premises where trafficked persons are hosted. Shelters may be open or closed; offer short- or long-term stay; provide round-the-clock, part-time or no in-house assistance. Shelters should be run by qualified and specifically trained staff. In the case of children, the accommodation has to be appropriate in terms of their specific needs.

SOCIAL INCLUSION/RE-INTEGRATION: It refers to the process ensuring that those at risk of poverty and social exclusion have the opportunities and resources necessary to participate in the economic and social life, securing a standard of living that is considered acceptable in the society in which they live¹⁰⁷. It also ensures that such people have greater participation in decision-making on issues that affects their lives and access to their fundamental rights. Through such a process vulnerable groups (here specifically trafficked persons) are granted access to education, training, employment, accommodation, collective services, and health assistance. A social inclusion programme can take place either in the place of origin or in that of destination.

TRAFFICKER: A person committing or being complicit in or directing another person to commit the trafficking of another human being (or human beings) for any form of exploitation.

TRAFFICKING IN HUMAN BEINGS/TRAFFICKING IN PERSONS/HUMAN TRAFFICKING: Trafficking in human beings (THB) or trafficking in persons (TIP) is

¹⁰⁷ http://ec.europa.eu/employment_social/spsi/poverty_social_exclusion_en.htm and Joint Report by the Commission and the Council on social inclusion (2003)
http://europa.eu.int/comm/employment_social/soc-prot/soc-cl/final_joint_inclusion_report_2003_en.pdf

internationally defined as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or position of vulnerability or giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.” (UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN Trafficking Protocol) supplementing UNTOC; Art. 3a). All three terms are here used interchangeably.

TRANSNATIONAL REFERRAL MECHANISM: mechanisms and systems designed for the comprehensive assistance and transnational support of victims of trafficking. Transnational referral mechanisms link the full process of referral from initial identification, through return and assistance between countries of transit, destination and origin and involve cooperation between different government institutions and non-governmental actors. This may involve one or all of the steps in the process.¹⁰⁸

TRAVEL DOCUMENT: Any identification document required to travel abroad (e.g. passport, identity card, visa, etc.).

VICTIM OF TRAFFICKING/TRAFFICKED PERSON: The terms ‘victim of trafficking’ and ‘trafficked person’ refer to persons who qualify as victims of trafficking in accordance with the UN Trafficking Protocol (Art. 3) and/or relevant legislation. The term ‘trafficked person’ is used to acknowledge a person’s trafficking experience as central and in need of redress. For many people, the term ‘victim’ implies powerlessness and constructs identity around the individual’s victimization. However, from a human rights perspective, the term ‘victim’ is important as it designates the violation experienced and the responsibility for redress. Two more terms need to be clarified at this point – a ‘potential victim’ and a ‘presumed victim’ of THB. A presumed victim is a person who is presumed to be a victim of trafficking, but who has not been formally identified by the relevant authorities or has declined to be formally or legally identified.¹⁰⁹ A potential victim is a person who belongs to a vulnerable group and due to that may become a victim of THB.¹¹⁰ Finally, the term ‘survivor’ has also been introduced in recent years. While it refers to a person who continues to live after a dangerous (life-threatening) event or suffering difficulties, in the anti-trafficking context the term refers to individuals with lived experience as a trauma-informed recognition of their ability to regain control over their lives and their renewed empowerment. All three terms are used in the approaches.

WITNESS PROTECTION: The range of security measures employed to assure the safety of a witness involved in legal proceedings. Witness protection may be offered before, during and/or after the legal proceedings and may include any single or combination of measures that are geared toward assuring the safety and security of the witness and his/her family.

108 https://www.icmpd.org/fileadmin/ICMPD-Website/ICMPD-Website_2011/Capacity_building/THB/Publications/DCIM-EU_Handbook.en.pdf

109 ICMPD (2010). Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU.

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