



IOM • OIM

International Organization for Migration



RAVOT-EUR: Final Conference

January 2016, Budapest

# Who We Are ?

- The leading inter-governmental organization
- In the field of migration since 1951
- More than 157 member states
- More than 400 field locations
- More than 9.000 staff working

# Why are the people on the move?

## ‘Push’ factors:

### Confluence of mega trends

- Conflict, instability (recent, protracted)
- Poor governance and endemic poverty
- Impact of climate change

## ‘Pull’ factors:

- Vision of a secure, better life

! Push factors are generally stronger than pull factors

! Mobility is magnified by unprecedented levels of connectivity

# Who are the people on the move?



International Organization for Migration (IOM)

## ADDRESSING HUMAN TRAFFICKING AND EXPLOITATION IN TIMES OF CRISIS

Evidence and recommendations for further action to protect vulnerable and mobile populations

Briefing Document

## Mixed Migration Flows

- Key feature of migratory movements today
- Complex population movements: refugees, economic migrants, victims of trafficking, smuggled migrants, unaccompanied migrant children, stranded migrants, migrants moving for environmental reasons

Key issue: Different migrants, different needs (pre-departure, upon arrival, long term)

# Direct assistance to migrants in need

## By region, 2014



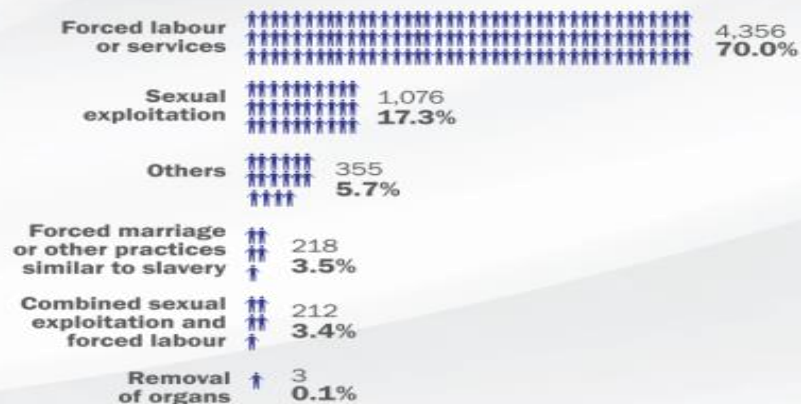
## By age, 2014



## By gender, 2014



## By type of exploitation, 2014







# Legal Framework for the EU



UN Convention  
against  
Transnational  
Organized Crime  
Trafficking  
Protocol

EU Directive on  
preventing and  
combating  
trafficking in  
human beings  
and protecting  
its victims



Council of  
Europe  
Convention on  
Action against  
Trafficking in  
Human Beings



# Country's Anti-Trafficking response

General Level

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

# Country's Anti-Trafficking response

## Operational Level



- \* The “4-P’s” framework - the imperative for partnership/coordination:
- \* **National Referral Mechanism** for assistance and protection (cooperation framework between CT focal points at the specialist level within a country)
- \* **Transnational Referral Mechanism** for assistance and protection (cooperation framework between CT focal points active within NRM in CoO and CoD)



# Importance and benefits of cooperation

- Improved communication
- Increased mutual confidence
- Increased transparency
- Increased reaction speed of individual partners
- Improved procedures and structures
- Decreased duplication of efforts
- Increased identification of presumed trafficked persons
- Increased cooperation between the trafficked person and law enforcement
- \* Maximise human and financial resources;
- \* Increase efficiency levels, reduce overlap, promote specialisation based on strengths;
- \* Identify and respond to gaps;
- \* Foster accountability;
- \* Determine common goals and strategies;
- \* Establish uniform criteria for activities;
- \* Achieve the desired impact.

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

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

# Practical ways to facilitate cooperation

## National Level

### *Informal communication*

- \* MoUs on cooperation between the key service providers - state agencies, IOs, NGOs
- \* Standard Operating Procedures/Regulations/Protocols (e.g. Repatriation Regulation)
- \* National Coordinator
- \* National Inter-ministerial committees /task force
- \* Meetings/conferences/forums
- \* NREMs

## Transnational Level

### *Informal communication*

- \* Ratification of Conventions, Protocols, Joint Declaration
- \* Bilateral agreements between the relevant state agencies, IOs, NGOs between CoO & CoD
- \* Codes of Conduct
- \* Working arrangements
- \* Joint investigation teams
- \* Regional/Global task forces /Monitoring – EU AT Coordinator
- \* Focal points
- \* Consultative processes/platforms

# Where we are now?

- \* Functioning referral and cooperation between stakeholders involved is effective - formal and informal agreements are in place
- \* Strengthening the links between the different actors involved in both the destination country and the country of origin is essential, as it should allow the referral mechanism to work both ways
- \* Make sure that safe and sustainable return is made a full part of all the NRMs + special provisions to accompany victims throughout the reintegration process
- \* Law enforcement agencies and health care personnel – prove to be among key front line specialists
- \* Referral by “chance” not uncommon rather than based on a formal and well-established identification process
- \* Regular meetings between key stakeholders to share information and updates, to discuss challenges encountered are essential for a multidisciplinary approach in assistance to VoTs

# Where we are now ?

- \* Early identification is one of the most essential elements for a safe and sustainable return and reintegration process. Right Time is the second condition for an effective referral and assistance
- \* Regular case conferences - an integral part of case management within a cross-border context - a full part of TRM
- \* Ensure the earliest referral to the stakeholder in charge of the return and/or the reintegration - as soon as the return is considered as a part of a durable solution, and with no consequence if another option is ultimately chosen (2 weeks – 2 months)
- \* Role of the Family is central to the psychosocial well being of victims upon return when/if in the best interest
- \* Role of family – requires preliminary work in the country of origin to evaluate the environment and start restoring family and community links
- \* Role of Family - Consent of the VoT and of his/her relatives at the core and confidentiality ensured in this delicate process



# Where we are ?

- \* Assistance at the relatives and communities level as a way of fostering the sustainability
- \* Trust is essential in each step of the return process (skype/video conference and visits )
- \* Flexibility and adaptation to individual situations are two principles that should remain at the core of the elaboration of the reintegration assistance plan
- \* Importance of building and/or extending the network of local partners that work in the field in countries of origin. Information about partners and potential partners should be constantly updated and links maintained.
- \* Project based nature – requires transfer of case management to national social services or NGOs to allow for gradual exit and full recovery
- \* Diversify support - Improve living conditions, incl economic and educational opportunities, access to basic services, and social support schemes, link to local development policies and programmes.

# Where we are now?

- \* Reinforce transnational cooperation among law enforcement authorities to guarantee returning VoTs' safety and ensure proper follow-up of the prosecution of traffickers from the victim's perspective
- \* Allowing VoTs to have effective access to compensation, as part of the fundamental rights to be guaranteed to the victims. Access to compensation is key to both economic and psycho-social recovery.
- \* Additional security safeguards should be put in place, notably by enhancing collaboration with police services at the local level vs national
- \* Maintaining contact with VoTs - one of the greatest challenges
- \* The organization of on-the-ground monitoring visits has proved to be a positive practice – feeling of togetherness, proper assessment of VoT's situation/needs/progress.
- \* Increase the reintegration grant amount and make it flexible linked to the living standards of the CoO and the level of vulnerability of the returning VoT
- \* Permanent synergies with regional, national and local projects to diversify the assistance provided to the victims – e.g. empowerment or community development programmes

# General recommendations

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

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

# General recommendations

- \* Low-level of identification, including self-identification - awareness-raising campaigns and training of frontline actors
- \* Existence of functioning NRMs in EU MS in line with Directive 2011/36/EU
- \* Low implementation in EU MS of both country-specific & global-scale programmes for the safe return of VoTs, due to global scope of the THB
- \* Limited procedures for the follow-up on trafficker prosecution & conviction  
THUS limited access to protection of victims' rights through the judicial system, including access to compensation
- \* Necessity of implementing local development policies and programmes in regions affected by trafficking in countries of origin - to tackle the root causes of VoT and vulnerability to THB
- \* Need to enhance and increase initiatives to reduce the demand in destination countries



# Closing remarks

Evidence demonstrates that prevention of human trafficking:

- \* is not only “informing potential victims” (campaigns, information sharing) but creating opportunities for **legal channels to regular migration for study, work, family reunification, international protection etc.**
- \* is to improve quality of prosecution – have all involved work together on one side **Police, Prosecutors and Judiciary** – on the other side Lawyers representing Victims, Victims and their right to **unconditional access** to Assistance and Protection at individual and family level as well as respecting the principle of **non-punishment and non-prosecution**





# Thank you for your attention !

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