TRAVELOGUE

Identification and protection of victims of human trafficking
This publication was co-funded by the Erasmus + Programme of the European Union.

The European Commission’s support for the production of this publication does not constitute an endorsement of the contents, which reflect the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.
This publication was produced by the Association ALC- Dispositif National Ac.Sé (France), Dedalus Cooperativa Sociale (Italy), Cooperativa Sociale Proxima (Italy), Cooperazione Internazionale Sud Sud - CISS (Italy), On the Road Società Cooperativa Sociale (Italy), l’association Mujeres en Zona de Conflicto - MZC (Spain), Cyprus Refugees Council - CyRC (Cyprus) and “Hope For Children” CRC Policy Center (Cyprus).

As part of the #ATtrACT+ project Coopération transnationale et nouvelles technologies pour la formation des intervenants sociaux en matière de traite des êtres humains, coordinated by the Association ALC- Dispositif National Ac.Sé.

Cover, graphics and layout: Stefania Piaser

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CHAPTER 01
THE PROJECT AND METHODOLOGY

Training sessions in the 4 countries of the project .................................. pag. 03

CHAPTER 02
THE SITUATION OF HUMAN TRAFFICKING
IN THE REGIONS WHERE THE TRAINING TOOK PLACE

Human trafficking in Cyprus ................................................................. pag. 09
Human trafficking in Spain ................................................................. pag. 12
Human trafficking in France ............................................................... pag. 15
Human trafficking in Italy ................................................................. pag. 20
CHAPTER 03

LEGISLATION ON TRAFFICKING AND ASYLUM IN THE 4 COUNTRIES OF THE PROJECT

Legislation in Cyprus .............................................................. pag. 23
Legislation in Spain .................................................................. pag. 41
Legislation in France ............................................................... pag. 52
Legislation in Italy ................................................................. pag. 61

CHAPTER 04

ANALYSIS OF OBSERVED PROFESSIONAL PRACTICES

Analysis about Cyprus .............................................................. pag. 71
Analysis about Spain ............................................................... pag. 75
Analysis about France ............................................................ pag. 80
Analysis about Italy ............................................................... pag. 84
The project #ATTraCT+, Coopération transnationale et nouvelles technologies pour la formation des intervenants sociaux en matière de traite des êtres humains\(^1\), is financed by the European Erasmus+ programme, as part of the actions relating to strategic partnerships. The project aims to promote, develop and strengthen the skills of social workers in the field of identification, support and protection of victims of trafficking.

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1 - Available at http://www.cylaw.org/nomoi/enop/non-ind/2014_1_60/index.html
#ATTraCT+
Brings together eight NGOs from four European countries:
- Spain
- France
- Italy
- Cyprus

ALC, in its role as coordinator of the National Network for the Protection of Victims of Trafficking “Ac.Sé”.
ALC coordinates the project #ATTraCT+

Mujeres en Zona de Conflicto

- On the Road Società Cooperativa Sociale
- Dedalus Cooperativa Sociale
- Cooperativa Sociale Proxima
- Cooperazione Internazionale Sud Sud (CISS)

- Hope for Children CRC Policy Center
- Cyprus Refugees Council (CyRC)
During the first year of the project, 33 social workers from the various partner associations took part in nine transnational training courses organised in the four countries mentioned above.

**1st TRAINING SESSION  NICOSIA**

18-21 March 2019

- French operators of National network Ac.Sé association ALC
- Italian Social worker of Association CISS

were hosted by the associations Hope for Children and CyRCere

**2nd TRAINING SESSION  MARSEILLE**

26-29 March 2019

- Spanish operators of MZC association
- Italian social workers of Dedalus Social Cooperative

were hosted by the associations Autres Regards - Amicale du Nid - Claire Joie partners of the National network Ac.Sé / association ALC

**3rd TRAINING SESSION  MARTINSICURO - SAN BENEDETTO DEL TRONTO**

26-29 March 2019

- French social workers of National network Ac.Sé / association ALC

were hosted by the association On the Road Social Cooperative
4th TRAINING SESSION

02-05 April 2019

PALERMO

French social workers of National network Ac.Sé / association ALC were hosted by the association CISS

5th TRAINING SESSION

09-12 April 2019

PARIS

Cypriot social workers of Association Hope for Children + Italian social workers of Proxima social cooperative were hosted by the association ALC

6th TRAINING SESSION

09-12 April 2019

NANCY

Cypriot staff members of Association CyRC were hosted by the association Antigone partners of the National network Ac.Sé / association ALC
7th TRAINING SESSION

**NAPLES**

**20-24 May 2019**

French social workers of

National network Ac.Sé / association ALC

were hosted by the association

Dedalus social cooperative

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8th TRAINING SESSION

**RAGUSA**

**20-24 May 2019**

Spanish social workers of

MZC

were hosted by the association

Proxima social cooperative

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9th TRAINING SESSION

**ALMERIA**

**25-28 June 2019**

Italian social workers

Association On the Road

+ French social workers

National network Ac.Sé / association ALC

were hosted by the association

MZC
The training sessions were organised according to a practical pedagogical methodology, based mainly on exchanges of good practices between social workers from different countries and on participatory observation of the activities carried out by the host organisation. Formal meetings with local institutions and other associations working on the subject of trafficking completed the various training programmes.

The participants in the training sessions collected data and information on the phenomenon of human trafficking and its legislation in the countries visited, as well as on existing programmes in the field of identification, assistance, support, and protection of victims of human trafficking. The data collection was carried out on the basis of a single questionnaire, drawn up by the members of the steering committee of the project #ATrACT+.

This paper is a summary of the travel notes written by the participants. It is therefore based on their views and perceptions of the different assistance systems and programmes observed. The presentation of the national legislations was done by the members of the steering committee of the project.
The situation of Human Trafficking in the regions where the training took place
Based on the information collected during the training session in Cyprus, majority of recognised trafficking victims were trafficked for the purpose of *sexual* and/or *labour* exploitation.

Cases of *forced crime* and *forced marriages* were also mentioned by the representatives of different governmental and non-governmental organisations who met during the training.
According to the U.S. State Department’s Office’s Trafficking in Persons Report and the information gathered during the training session, trafficking victims identified in 2018 were from:

- Vietnam
- The Gambia
- Moldova
- Ukraine
- Latvia
- Romania
- Bulgaria
- Nigeria
- Cameroon
- Georgia
- India
- Etiopia
- China
- Uzbekistan
- Russia
- Moldova
Many trafficking victims who were third-country nationals, had applied for asylum status.

**Sexual exploitation**

Victims of trafficking for the purpose of sexual exploitation were predominantly from:
- Eastern Europe
- Vietnam
- India
- sub-Saharan Africa

**Labour exploitation**

Victims trafficked for labour exploitation came mainly from:
- South Asia
- Southeast Asia.

**EXPLOITATION IN THE NORTHERN PART OF CYPRUS**

Majority of trafficking victims were subjected to exploitation in the northern part of Cyprus. Here, due to the geopolitical and legislative situation:

1. Entry to the territory for undocumented persons is easier.
2. Victim identification measures are not applied.
3. The judicial authorities from the Republic of Cyprus are unable to carry out investigations in the northern part of the country.
Human trafficking in Andalusia, and in particular in Almeria, as observed during the transnational training, is characterised by Labour exploitation and Prostitution.

In Andalusia, the need for labour pushes farmers to look for staff abroad. Men and women regularly arrive in Spain with a six-month seasonal residence permit.
Although these workers have signed a regular employment contract, living and working conditions are difficult. At the end of the contract, the migrants, even if their residence permit has expired, are hired by other farmers, especially in Almeria, where there is a large concentration of greenhouses, called “the sea of plastic”, where fruits and vegetables are grown, intended for European and world markets.

CRIMINAL NETWORKS

The seasonal residence permit is generally granted to Algerian and Moroccan women between the ages of 30 and 50 who have children under the age of 12. In this way, the Spanish government ensures that most of these women will return home when the contract and residence permit expire, since their children remain in their country of origin.

However, some of these women flee through local criminal networks of illegal immigration and human trafficking. They arrive in Almeria where they are forced into prostitution to reimburse their traffickers.
Latin American women are also exploited in prostitution.

Maghreb
Women from the Maghreb are the largest target group in the region.

Sub-Saharan Africa
Women from sub-Saharan Africa, particularly Nigeria, aged between 18 and 25 (some may be under eighteen years of age)
According to the information gathered during the three training sessions, the attention of French institutions and associations seems to be focused in particular on trafficking for sexual exploitation and prostitution.

The victims of this form of exploitation come from:

- China
- Romania
- Bulgaria
- Nigeria
As far as the **Nigerian human trafficking** is concerned, some French social workers who met during the training state that, after the declaration of the Oba of Benin City (the King of Benin City) in 2018, there are fewer active madams, but those that remain are more vehement and a part of the exploitation of prostitution has passed into the hands of the **Cults**, criminal groups composed of Nigerian men already present in Italy for several years and now active also in France, where they manage various illegal trafficking types.

According to the representatives of the police force who met, there is an emerging phenomenon of **national or domestic trafficking**, characterised by the exploitation of prostitution of French women and girls, who are sometimes **under eighteen years of age**.

Some operators met during the training specified that the **law on prostitution adopted in April 2016**, which provides for the penalty of customers of prostitution, has had the effect of reducing the number of people who prostitute themselves in the street and the consequent **increase** in the number of people who prostitute themselves in apartments, through ads on the **Internet**.

The shift of prostitution from public to private space makes the work of monitoring and identification more complicated.
According to the data collected during the training, the phenomenon of child trafficking is increasing. The phenomenon concerns in particular children from Roma communities from Romania and Bulgaria.

They are recruited by organized criminal networks.

Exploited by members of their own families for reasons of survival.

These children are forced into:

- Forced begging
- Exploitation of criminal activities

They are subjected to exploitation by members of their own families for reasons of survival.
Social workers who were met during the trainings in France, also talked about an important presence of child trafficking victims, aged between 10 and 12 years and coming from Morocco, Guinea, Mali, and Ivory Coast.

WHERE CHILDREN ALSO COMES FROM

10 - 12 YEARS OLD

LABOUR EXPLOITATION IN WEST AFRICA

Men
Exploited in the building and agriculture sectors.

Women and childs
Mainly exploited in domestic slavery.
The victims of human trafficking arrive in France after a long and traumatic migration, which includes the passage through several countries from Niger, to Algeria, Morocco, and Spain or through Italy, after crossing the Sahara desert and the Mediterranean Sea.
According to the Erasmus+ training participants, human trafficking in Italy, and in particular in the regions of
- Marche
- Campania
- Sicily
which were the places of transnational training, is characterized by the exploitation of *prostitution of Nigerian women and girls* (originally from Edo State).

Albanian and Romanian women are present in these regions and are also exploited in *prostitution*. 
The Italian social workers explained to the participants in the training that the system of control over this particular group of women is built through the emblematic figure of the lover-boy, that is, of a man who is both the woman’s partner and exploiter, with an obvious problem of connection and psychological pressure between exploiter and victim, which makes the process of emancipation of the victim more complicated.

The transgender population from Latin America is in a situation of prostitution and/or exploitation.

Depending on the target group, reference is made to trafficking in human beings, exploitation of prostitution, or activity free from any form of coercion.

As far as forced labour is concerned, on the basis of the data collected during the training in Ragusa, in the south of Sicily, situations of human trafficking for the purpose of labour exploitation are regularly identified by local NGOs and law enforcement agencies and concern more specifically Romanian men and men of Roma origin, but also Maghreb men, the latter being the largest foreign community in the region.
Legislation on trafficking and asylum in the four countries of the project
For the Purposes of L. 60(I)/2014 (hereafter the Law) a number of acts are described as criminally liable acts. Trafficking of adult persons is considered as the recruitment, transfer, harbouring of persons or the transfer of authority over a person through the means of threats, coercion, violence, abduction, abuse of power or position of vulnerability, iconic debt, use of drugs or other substances, with the purpose of exploitation.

The Law goes on to state that the selling of human organs and/or tissue, exploitation for labour purposes and exploitation for sexual purposes also fall under the scope of the Law.

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2 - Available at http://www.cylaw.org/nomoi/enop/non-ind/2014_1_60/index.html
Case of Children

It should be noted that in the case of children, the law states that sexual exploitation and trafficking is considered a criminal offence.

The distinction between the case of adults and children, is that for the case of children, there is no need to show the means used to exploit and/or traffic (i.e. coercion, fraud, abuse of position of authority etc).

Aggravating factors

It is stated clearly in the Law that the consent of the victim, is immaterial and cannot be used as grounds before any court of law to diminish or alleviate criminal culpability or liability of the perpetrator. Moreover, a number of aggravating factors are laid down in the Law. Such are:

1. The fact that the life of the victim was threatened;
2. the victim was a vulnerable person;
3. there was violence used in committing the offence or grievous bodily harm was caused to the victim;
4. the offence was committed by a public servant during the normal scope of his employment;
5. the act was committed in the framework of a criminal organisation.

The Law goes on to criminalise the use of services of a victim of trafficking, if it would have been reasonable to know that such person was a victim of trafficking. At the same time, not knowing that the person was a victim does not alleviate criminal liability. In terms of extraterritorial jurisdiction of the Cypriot Courts, the Law states that the Cypriot Courts have jurisdiction over such offences in two cases:

1. When the offences are committed on behalf of a legal person established in the Republic of Cyprus;
2. In the case where the offences are committed through the use of ICTs accessible within the Republic of Cyprus.
In terms of the protection of victims, the Law provides that the victims should not be punishable for actions that were committed as a result of them being trafficked. Moreover, in the event that a criminal process is initiated against a person, and during the trial it is understood that the person is a victim of trafficking then no punishment should be awarded to the person.

The Law provides that the victims are treated with respect by any and all who come into contact with the victim, regardless of whether they are public servants or members of an NGO.

The victims have a right of information, in a language that they understand. The information to be received by the victim, is related to the process of reporting the perpetrator, legal proceedings initiated, legal advice and counselling, whether they are entitled to damages in relation to the offences committed against them and any other services they might be awarded.

During the criminal process, the victim is entitled to a number of procedural guarantees that will ensure that they are safe during the criminal proceedings before the court. These include that the trial is performed in camera, the statement of the victim is given through the use of CCTV.

It is mentioned that for the victims who do not possess the means to sustain themselves, the relevant services offer information on the assistance the victim is entitled in relation to covering both basic needs and specialised needs related to the trauma, physical and mental, that the person has endured.
Identification and Assistance to Victims

The relevant authorities have a positive obligation to constantly train and educate the staff that comes in contact with victims, in relation to the identification of potential victims, special assistance that ought to be provided to victims and potential victims. Moreover, the relevant authorities ought to cooperate between themselves and with the NGO’s providing assistance to victims and potential victims.

Suspected victim of trafficking

Suspensions about a person being a victim of trafficking ought to be reported to the Social Welfare Services of the Republic of Cyprus, who then have the obligation to inform the victim of the procedure to be followed, their right in the procedure to follow, the criminal investigation, the assistance they are entitled to and information regarding damages that may be awarded to them. Then, the case at hand is reported to the Police, the special Unit for the Combating of Trafficking in Persons, for their investigation that may or may not lead to a recognition of the victim.

- The Social Welfare Services of the Republic of Cyprus have to operate shelters for victims of trafficking and monitor their operation. Additionally the SWS may delegate authority to an NGO to operate such shelters through a Cooperation protocol.
Victim without document

If a victim does not possess identification and travel documents, then the authorities of the Republic ought to cooperate with the authorities of the country of origin of the victim in order to issue such documents. Repatriation of a victim can be performed after an assessment of the personal circumstances of the victim, and it is concluded that such is for the best interest of the victim. Repatriation should be performed in cooperation with the authorities of the country of origin of the victim.

Assistance of Victims Fund and other Administrative Structures

Victim Fund

The law provides for the creation and operation of a Victims Fund that falls under the authority of the Ministry of Interior. The Fund can accept donations and other private and public funding, which ought to be used for programmes related to the prevention of trafficking, assistance to victims or awarding damages to victims in cases where such awards cannot be awarded to them by the perpetrator.
An Interdisciplinary Group is set up, the participants of which are a number of public authorities and NGO’s, the scope of which is the prevention of the offences provided for in the law and assistance to victims. Specific tasks include, the amendment of the National Action Plan whenever needed, promote amendments of the Law when required, monitoring the implementation of the Law and national Action Plan, cooperation and exchange of information between the members of the Interdisciplinary Group, implementation of educational programmes and seminar, raising public awareness and staying abreast of the international development relevant to the framework and implementation of the Law. The Republic of Cyprus may conclude bilateral agreements with the countries of origin of the victims with the scope of exchanging information, prevent the offences mentioned, promote the reintegration of victims, and provide information on the legal routes of migration and the dangers of irregular migration.

- Prevention of the offences provided for in the law;
- Assistance to victims.
- May conclude bilateral agreements with the countries of origin of the victims.
PROCEDURES

It should be noted that all the below information refers to the official procedures and does not necessarily reflect the practices that are followed.

National Referral Mechanism - brief description and implementing bodies

The National Referral Mechanism consists of procedures regarding victims of trafficking in human beings in Cyprus, as it is described in the guide published by the Ministry of Interior of the Republic of Cyprus. The National Referral Mechanism establishes the groundwork for cooperation between relevant services and non-governmental organizations to ensure victims’ access to their rights and the creation of a protective framework.

Implementing bodies of the National Referral Mechanism, as well as institutions supporting victims either through direct assistance or research, are the following governmental agencies:
- Police,
- Ministry of Interior,
- Civil Registry and Migration Department,
- Ministry of Labour,
- Ministry of Welfare,
- Ministry of Social Insurance,
- Law Office,
- Ministry of Health,
- Ministry of Foreign Affairs;

as well as the following NGOs:
- Cyprus STOP Trafficking,
- KISA,
- MIGS,
- STIGMA.

3 - Οδηγός για τον χειρισμό περιπτώσεων Εμπορίας Προσώπων; Available at: http://www.moi.gov.cy/moi/moi.nsf/all/64DCA4CF2A4FFF8CC22581D3002CADC4/$file/ΟΔΗΓΟΣ%20ΓΙΑ%20ΤΟΝ%20ΧΕΙΡΙΣΜΟ%20ΠΕΡΙΠΤΩΣΕΩΝ%20ΕΜΠΟΡΙΑΣ%20ΠΡΟΣΩΠΩΝ-ΕΜΑ.PDF?openelement
Referral of the potential victim

After a potential victim is identified by any governmental or non-governmental body, he/she should be referred by this organisation to the Police and/or Social Welfare Services⁴.

Potenzial victim

In case a potential victim is referred to the Police, the Police informs the Social Welfare Services in order to ensure appropriate assistance and provision of the relevant information to the potential victim.

In case the potential victim is referred to the Social Welfare Services, they refer him/her to the Police and provide assistance and information.

When a potential victim is a child

In case a potential victim is a child, he/she should be referred to the Social Welfare Services, so that appropriate procedures could be followed and more extensive assistance provided. In particular, when a child is unaccompanied or when the parents do not ensure the child’s best interest, the Social Welfare Services take all necessary measures to appoint a child commissioner. Subsequently, the child stays with a foster family or a child protection institution.

⁴ - It is important to stress that both in the anti-trafficking Law (60(I)/2014) and in the practices that are followed potential victims are to be referred to the Social Welfare Services, which should subsequently refer them to the Police.
Interview and official recognition of the victim

Following the referral of the potential victim, he/she is interviewed by a special police unit, the Office of Combating Trafficking in Human Beings. Interviews are based on internal regulations and the evaluation of available evidence, and should be conducted in a language understandable by the victim.

Prior to the interview, clear and accurate information is given to a potential victim in relation to the purpose of the process and its consequences/outcomes as well as information on the protection offered by the state, and on the rights and obligations of the victim. This information should be delivered in a language understandable by a potential victim.

If for any reason the potential victim is unable or not willing to disclose his/her experiences, information can be provided by the Social Services’ Officer and Psychologist of the Mental Health Services that are supporting the victim.

Following the interviews, the Office for Combating Trafficking in Human Beings decides whether the potential victim is an actual victim and, if so, official recognition will be given. It is important to note that official recognition can be given only and exclusively by the Office of Combating Trafficking in Human Beings.
If the potential victim is not recognised as a victim but reports other crimes or concerns about his/her safety, he/she is referred to the appropriate authorities. If the potential victim is recognised as a victim, he/she should be immediately informed about it as well as his/her representative and the Social Welfare Services, which should ensure that the victim has access to his/her rights.

A minimum duration of one month (or minimum two months if the victim is a child) with a possibility of renewal, during which the recognized victim is given support, protection and information. In this way, the victim can escape influences of his/her perpetrators and decide with full awareness whether he/she wishes to cooperate with the prosecuting authorities in the criminal proceedings against the perpetrators. The reflection period is granted regardless of the victim’s willingness to cooperate with the authorities.

Following a victim’s identification, the Office for Combating Trafficking in Persons of the Police grants him/her a certificate of recognition and a reflection period.

Additionally, after a victim’s recognition, Police should inform in writing the Civil Registry and Migration Department and Social Welfare Services about the identification of the victim so that the victim’s residence permit is issued free of charge.
Following the victims’ recognition process, every victim has the right:

1. to receive necessary living resources, (provided that he/she does not have sufficient resources) including appropriate and safe accommodation (also in the governmental shelter, if applicable) as well as psychological, material and financial assistance;

2. to access emergency and necessary medical care free of charge;

3. to receive interpretation and translation services, when necessary;

4. to receive education, where applicable;

5. to satisfy the victim’s special needs arising from pregnancy, health, disability, mental or psychological disorder or experience of psychological, physical or sexual violence;

6. to have the same access to the labour market as a Cypriot citizen;

7. to access vocational training and education provided by the Human Resource Development Authority of the Ministry of Labour, Welfare and Social Insurance, within the framework of its existing policy and procedures;

8. to access rehabilitation programs (provided by the state or non-governmental organizations).
The Social Welfare Services are responsible for informing a recognised victim about available support and assistance and to coordinate relevant services to ensure that the victim is supported and protected and his/her needs are met. Additionally, the Social Welfare Services and the Civil Registry and Migration Department are responsible to ensure the victim’s immediate access to his/her rights. In particular, the Social Welfare Services assist a victim in applying for financial support and in securing access to medical care and psychological support, including the provision of a medical card. The victim may be accompanied to the above services by a representative of an NGO if there is a relevant agreement between the Social Welfare Services and this NGO.

Procedures that follow the reflection period

After the reflection period finishes, the victim chooses to cooperate or not to cooperate with the authorities.

Victim doesn’t cooperate with the authorities

If the victim chooses not to cooperate with the authorities, his/her residence permit may be withdrawn which will make the victim’s stay in Cyprus illegal, unless he/she is a resident of the European Union or has another legal basis to reside in Cyprus. Additionally, based on the risk assessment sent by the Police or other services, the Ministry of Interior examines the possibility of granting a residence permit for humanitarian reasons. Regardless of the victim’s willingness to cooperate with the authorities, he/she can apply for asylum.

Victim cooperates with the authorities

In case a victim decides to cooperate with law enforcement authorities, the Police will inform the relevant services (the Social Welfare Services, Civil Registry and Migration Department) so the victim’s social inclusion, integration and access to the labour market will be ensured.
In addition to the rights every victim is entitled to upon his/her recognition, the victim should also receive a **temporary residence permit** of a duration of minimum **6 months** and assistance in finding a job in a suitable field (preventing revictimization and psychological discomfort); as well as the ability to stay unemployed or quit a job which is a source of anxiety. Additionally, **protection of a victim’s privacy** and identity should be ensured and **new identification and travel documents** issued, when needed.

Furthermore, a risk assessment should be carried out throughout the victim’s stay in Cyprus with the purpose of analysing potential risks (also a risk of revictimization) and identifying the victim’s needs, to enable the creation of a support plan. Institutions involved in the risk assessment are:

- **Police Office for Combating Trafficking in Persons**,  
- **NGOs**,  
- **Mental Health Services**  
- **Social Welfare Services**.

If necessary, information gathered during the risk assessment and about the support plan can be shared with other services to ensure the best treatment of a victim. However, only relevant data should be disclosed to respect the victim’s privacy.

**Criminal proceedings - protection and compensation**

During criminal proceedings, **the victim is granted protection relevant to his/her case and is not prosecuted** for the offences directly related to his/her victimisation. Moreover, the victim has a **right to receive compensation** from a perpetrator or the state for physical and mental harm experienced, as well as for the **loss of salary** due to exploitation.
Procedures following the end of criminal proceedings

When criminal proceedings are completed or discontinued, the victim’s temporary residence permit is withdrawn, unless, following a risk assessment, the victim is granted a temporary residence permit for humanitarian or other reasons, or he/she applies for asylum.

Comments from relevant stakeholders about functionality of the above procedures

Several **gaps in the procedures** were voiced by NGOs providing direct assistance to victims of trafficking. The gaps arise both from the procedures as well as from the implementation of the procedures and practices.

The main issues are as follows:

1st issue

The first issue relates to the **referral of a potential victim**. According to the **Anti-Trafficking Law victims** should be first referred to the **Social Welfare Services**. However, until a few months ago, victims were referred first to the **Office for Combating Trafficking in Persons**. The Social Welfare Services, are considered more suitable as the first referral point for victims due to their ability to satisfy the needs of a recently identified potential victim (e.g. clothes, medical assistance, accommodation), as well as a possible unwillingness of the potential victim to talk with the police. However, in practice, referrals to the Social Welfare Services are possible only during working hours.
Therefore, if a potential victim is identified in the afternoon or during a weekend, direct referral to the Social Welfare Services is not possible. In such a situation, the potential victim is referred to the police (but not to the Office for Combating Trafficking in Persons) which will contact the social worker on call. It is not a given, and it rarely happens, that the social worker on call will be trained in the procedures related to human trafficking, hence he/she will be not able to provide appropriate assistance.

The time limitations in this first referral lead to unnecessary referrals and mistakes because NGO workers who come across a potential victim try to make a referral before the Social Welfare Services close for the day, and therefore do not take enough time to do a proper screening.

The Social Welfare Services have an obligation to refer every potential victim to the anti-trafficking police, however there has been at least one situation when they did not do so. The reasons for this were not clear.

2nd issue

The number of times potential victims of trafficking who are identified by an NGO have to narrate their experiences was also raised as an issue as it amounts to at least three times: to an NGO worker, to the Social Welfare Services worker and to the police. This is problematic as it may be a source of unnecessary discomfort for the victim or risk retraumatization; the emotional aspect of the experiences might be missed by the Social Welfare Services and/or the Police when the story is repeated and after the potential victim has had a chance to express and compose him/herself. It has also been observed that some potential victims do not repeat all the details again since they have already provided them.
3rd issue

There are no official procedures regarding the transportation of a potential victim to the services. Specifically, it is unclear who is responsible for escorting or transporting a potential victim to the hospital or to the Social Welfare Office. The Social Welfare Services have very limited capacity and receive help from NGOs for this purpose, even if there is no cooperation agreement signed.

4th issue

Potential victims do not have access to social rights, during the process of recognition that usually lasts from 3 to 12 months. During this time, with the exception of the few residing in the governmental shelter, potential victims are left without much support while some may even be homeless.

There is only one governmental shelter for victims of trafficking which has very limited capacity and accommodates exclusively female victims of trafficking for the purpose of sexual exploitation who are in a high risk situation. When a potential victim is a third country national, the only option to receive support is to apply for asylum in order to receive reception conditions which include assistance with accommodation.
There are instances where a potential victim is initially deemed eligible to reside in the governmental shelter because she is considered to be in a high risk situation, but during the process of recognition, it is determined that she is not in a high risk situation.

In such cases, a woman who previously received complete assistance and support is left without any or hardly any assistance and in addition may receive all the rights of the victim a few months later, provided she is recognised.

5th issue

There is also no access to medical care for potential victims, with the exception of victims residing in the shelter. As many potential victims are undocumented they do not have a right to medical care and due to this they often apply for asylum in order to receive access to the same support as asylum seekers have. However, potential victims of trafficking do not necessarily have an asylum claim nor are they willing to apply for asylum and, even if they do, it is not possible to apply immediately. This is very problematic since sometimes, the state of potential victims require, in the first place, medical treatment.

6th issue

Only the anti-trafficking police can recognise a victim and there is no legal procedure to challenge the decision. If a potential victim refuses to talk to the police for whatever reason (e.g. out of fear for his/her family’s safety) he/she is not recognised as a victim, even though he/she might be a victim.
Victims are informed orally and in person when they have been recognised but are not always informed when they have not been recognised. Information given to potential victims by the Social Welfare Services is insufficient, since potential victims do not always have knowledge of the process of recognition and do not know what to expect from it, in particular, how long it will last and when it will start. They are also not asked whether they are ready to speak with the police.

7th issue
After a victim is recognised, he/she receives access to his/her rights, however there are delays (minimum two months) in receiving financial support after being recognised. During this time, he/she receives very limited emergency money.

Another pertinent problem relates to the residence permit for a recognised victim who wants to cooperate with the prosecuting authorities. A temporary residence permit is usually given for a year and is renewed for the duration of the criminal court proceedings. Then, after a risk assessment, the victim may lose his/her right to reside in Cyprus, unless he/she has another legal status to reside in the country. In cases where there are no court proceedings the victim receives a temporary residence permit for one year. For traumatized victims of trafficking, this creates difficulties in the rehabilitation process due to the insecure status and the feeling of instability about the future.

Moreover, during the court proceedings, only victims in very high risk situations receive assistance from the police while no consideration is given to the emotional challenges faced by a victim during court proceedings.
The crime of trafficking in human beings was first regulated in Spain in 2010 and is currently defined in Article 177 bis of the Spanish Criminal Code, approved by Spanish Organic Law 1/2015 of 30 March\(^5\). The above article incorporates the definition contained in the Palermo Protocol into Spanish domestic law. It contemplates sentences of between 5 and 8 years for basic offences, along with penalty enhancements, specific terms regulating minors and the possibility of exempting victims from criminal liability for the commission of other crimes.

Following the most recent reform in 2015, a precise definition of “situation of need or vulnerability” is provided, indicating that this exists when “the person has no other real or acceptable alternative but to submit to the abuse”.

Protection of victims in criminal proceedings

Following the reform of the Spanish Criminal Code, the legal framework was extended to include protection of victims in criminal proceedings with the approval of Spanish Law 4/2015 of 27 April on the Statute of Victims of Crime⁶, and Spanish Royal Decree 1109/2015 of 11 December, which develops the Statute of Victims of Crime and regulates the Victim Support Offices⁷.


- the right of the victim to be accompanied by a person of their choice and to be informed regarding the status of the proceedings for the crime suffered, even though the victim is not the plaintiff;
- the right of victims to address the court and request the imposition of measures for conditionally released offenders to guarantee their safety;
- the minimisation of declarations and medical examinations of victims to prevent their revictimisation.

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Protection of witnesses (and victims)

Regarding protection of witnesses (and victims), Spain has a previously existing law, *Spanish Organic Law 19/1994 of 23 December on Protection of Witnesses and Experts in Criminal Proceedings*\(^8\), which although applicable to proceedings for human trafficking is now obsolete. In addition, this law is subject to judicial interpretation which on occasions allows the identity of the victim to be known by the accused.

In relation to identification, the Spanish law enforcement agencies are responsible for the formal identification process in Spain. This matter is specifically regulated in the Spanish law on foreign nationals, highlighting the reality that the fight against human trafficking is approached from the viewpoint of border control and persecution of the crime and not with a human rights focus.

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8 - Ley Orgánica 19/1994, de 23 de diciembre, de protección a testigos y peritos en causas criminales

This legislation introduces a minimum reflection period of 90 days for foreigners who are victims of crimes, during which they can recover and reflect on whether they wish to cooperate with the investigation of the crime or not. This period is nevertheless still inadequate to ensure recovery of the victims of human trafficking. The law also contemplates the granting of provisional and definitive residence and work permits in the event of cooperation by the victim with the authorities and also due to their personal situation.

The Spanish authorities adopted a Framework Protocol on Protection of Victims of Trafficking in Human Beings on 28 October 2011 to assist with the detection, identification, assistance and protection of victims.

Child victims of human trafficking

Furthermore and in relation to child victims of trafficking in human beings, on 13 October 2014 the Framework Protocol on Certain Actions relating to Unaccompanied Foreign Children was published\(^2\).

Gender Violence and Sexual Exploitation

Furthermore, the Annex to the Common Protocol for a Healthcare Response to Gender Violence in the National Health System relating to Healthcare Responses to Trafficking for Purposes of Sexual Exploitation was also recently published.

The object of this document is:

- to inform medical staff regarding trafficking in human beings and establish guidelines
- to ensure standardised procedures that favour early detection of possible victims of human trafficking for sexual exploitation and due response in the event of detection of cases by medical professionals.

Given the importance of participation by organisations specialising in detection and care of victims of human trafficking, the Secretariat of State for Security published Instruction 6/2016 on Actions by State Law Enforcement Agencies in the Fight against Human Trafficking and for Cooperation with Organisations and Bodies with Proven Experience of Assisting Victims. New features include the introduction of the role of the ‘social partner’, a police officer who acts as a liaison between the police and specialist organisations to foster participation by such organisations in the identification process. It is noteworthy that despite these efforts, the existing legal framework focuses on regulation of human trafficking for the purposes of sexual exploitation, with the rest of the purposes of exploitation being neglected.

The need for further regulation, especially in relation to labour trafficking, has only been identified recently. The law regarding compensation for victims and the possibility of bringing civil liability claims covers any victim of criminal proceedings, without any specific regulation relating to human trafficking. However, it is not always effectively implemented, mainly due to the insolvency of the defendants. Although the Spanish Criminal Code contemplates the confiscation of assets derived from the crime of human trafficking, it does not include the possibility of devoting the income earned from such assets to compensation for the victims.

Nor are there any standardised mechanisms for assessment of the damages suffered, particularly emotional distress, which results in irregular application and unequal compensation for victims.

Finally, it should be highlighted that the legal framework regulates situations which indirectly hinder the protection of victims of human trafficking. Under Spanish Organic Law 4/2015 of 30 March on Protection of Public Safety (Ley Orgánica 4/2015, de 30 de marzo, de Protección de la Seguridad Ciudadana[13]), prostitution in certain public zones is classed as an administrative offence, meaning that victims may be subjected to further isolation and revictimisation on this basis.
CONNECTION WITH THE ASYLUM SYSTEM

The international protection in this area is regulated in Spain by Spanish Law 12/2009 of 30 October regulating the Right to Asylum and Subsidiary Protection (Ley 12/2009, de 30 de octubre, reguladora del derecho de asilo y de la protección subsidiaria\(^{14}\)) and Royal Decree 203/1995 of 10 February, which approves the regulations of the above law\(^{15}\).

As can be seen, despite the fact that the last asylum law was passed over 9 years ago, to date it has not been further developed by regulations and the previous regulations are still in force, thereby complicating enforcement of these rights. Spain’s asylum law includes gender-related persecution as one of the grounds for asylum, which includes persecution due to human trafficking for the purpose of sexual exploitation. Nonetheless, it is still rare for international protection to be granted to victims of human trafficking. In the majority of cases, they are granted subsidiary protection or are included for humanitarian reasons.

In addition, it is necessary to guarantee the right to be formally identified as a victim without prejudice to the right to request international protection under Article 14 of the European Convention on Human Rights, given that an occasions the authorities impede the concurrence and compatibility of both rights. Similarly, Spain needs to improve the effective application of the procedural guarantees for victims of human trafficking that request asylum due to their special needs.

To sum up, while Spain has made progress in the fight against trafficking in human beings, it is still extremely necessary to:
- continue to advance with the implementation of measures regarding other forms of exploitation other than sexual exploitation as was recommended in the second report by GRETA;
- to improve the mechanisms for protection and compensation for damages suffered by victims and survivors of human trafficking, disassociating them from the complaint made by the victim (for further details see section “Link with Greta Reports”).

**PROCEDURE/ PROTOCOLS**

2. Agreement for Approval of the Framework Protocol on Certain Actions relating to Unaccompanied Foreign Children[^17]
3. Annex to the Common Protocol for a Healthcare Response to Gender Violence in the National Health System relating to Healthcare Responses to Trafficking for Purposes of Sexual Exploitation[^18]

[^16]: http://www.msssi.gob.es/ssi/violenciaGenero/tratadeMujeres/ProtocoloMarco/DOC/protocoloTrata.pdf. For further information see section “Legislation: Trafficking and asylum (all forms)” pag.41
[^18]: For further information see section “Legislation: Trafficking and asylum (all forms)” pag.41
According to the latest report of the Group of Experts on Action against Trafficking in Human Beings (GRETA) published on 20 June 2018, Spain has advanced with the development of its legislative, institutional and political framework against trafficking in human beings. However, improvements are needed in various areas. In particular, more efforts are needed to curb trafficking for the purpose of labour exploitation. The report recognises a number of positive steps, although it highlights that the focus has until now been on the fight against trafficking for the purpose of sexual exploitation.

GRETA encourages the Spanish authorities to adopt a comprehensive national action plan as a priority measure, including measures to combat labour and other forms of human trafficking and to prioritise the identification of victims of human trafficking among asylum seekers and irregular migrants.

In order to prevent trafficking for the purpose of labour exploitation, GRETA recommends stepping up workplace inspections, especially in the agricultural and domestic work sectors.

The reform of Spain’s criminal legislation has extended the definition of trafficking to include other forms of exploitation such as forced marriage and participation in criminal activities.

In addition, the minimum reflection period for victims has been extended from 30 to 90 days and the number of cases of compensation for victims of human trafficking recognised by the courts has increased.
However, GRETA also stresses the importance of ensuring that all foreign victims are systematically informed regarding the possibility of benefiting from this reflection period to ensure that the state compensation plan is effectively accessible to victims of trafficking in human beings.

GRETA applauds the creation of the role of the ‘social partner’ for Spain’s law enforcement agencies to foster cooperation with civil society.

The Spanish authorities have also made efforts to provide training for the relevant professionals. On the other hand, GRETA has expressed its concern regarding the process to identify victims and calls on the Spanish authorities to ensure that the formal identification of victims is not dependent upon the presence of sufficient evidence for the initiation of criminal proceedings. It also recommends the formal recognition of the role of specialist NGOs in identification processes.

With respect to children, the Report highlights the need to improve both identification and assistance, paying special attention to unaccompanied and separated children and Roma children. The measures recommended include the creation of sufficient foster care for presumed victims of human trafficking and training for police officers, social workers and other parties as to how to identify child victims, including those exploited for begging and other criminal activities.
Spain is still primarily a destination for victims of human trafficking, although to a certain extent it is also a country of transit and a source.

Main countries of origin of persons identified as victims of human trafficking (2013-2016)

- Romania: 306 victims
- Paraguay: 58 victims
- Bulgaria: 42 victims
- Nigeria: 104 victims
- Spain: 50 victims
- China: 100 victims

However, GRETA stresses that these figures do not reflect the true scale of the problem of human trafficking in Spain and that labour exploitation is undoubtedly underestimated due to the absence of complaints.
The definition of human trafficking, as well as the measures to protect victims, were introduced into French law in 2003 through the law n. 2003-239 of 18 March 2003 on internal security.¹⁹

Article 225-4-1 of the Penal Code, as amended by law n. 2013-711 of 5 August 2013, defines human trafficking as:

“... recruiting, transporting, smuggling, harbouring or housing a person for the purpose of exploitation under any of the following circumstances:

¹⁹ - https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000412199&categorieLien=cid
1° By threatening, coercing, being violent or fraudulent towards victims, their family or someone in close contact with them;

2° By a legitimate, natural or adoptive influence over this person or someone who has authority over them or abuses a position of authority;

3° By abusing someone in a vulnerable state due to age, illness, incapacity, physical or mental disability or pregnancy, whether it is apparent or known to the perpetrator or not;

4° In exchange or by the granting of remuneration or any other advantage, or a promise of remuneration or benefit.

The exploitation referred to in the first paragraph of this law refers to making the victim available either to oneself or third parties, regardless of whether they are identified or not, in order to allow the victim to be subject to any of the following crimes:

1- pimping,
2- sexual abuse,
3- enslavement,
4- forced labour, reduction into bonded labour,
5- organ removal,
6- exploitation of begging,
7- inhumane working conditions or accommodation,
8- forcing the victim to commit any crime or offense.”

Human trafficking is punishable by seven years’ imprisonment and a fine of € 150.000 as defined by Article 225-4-1.
In France, only law enforcement authorities are competent to formally identify victims of human trafficking, according to decree n. 2007/1352 of 13 September 2007.20

A victim of human trafficking is officially recognised as such if the person cooperates in a judicial procedure. However, associations supporting victims of human trafficking, regularly identify victims, on the basis of the definition provided by the French penal code and offer them comprehensive and specialised support.

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20 - https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000465136&dateTexte
PROTECTING VICTIMS OF TRAFFICKING

The reflection period

French legislation provides for a **30-day reflection period** for potential victims who wish to think about cooperating with the authorities and going into a program of assistance and protection. However, this article is almost never applied and, to our knowledge, no reflection period has ever been issued.

Conditional protection: victims of trafficking who cooperate with the authorities

Victims of human trafficking who file a complaint for acts of trafficking and/or pimping obtain a **temporary one-year residence permit and a work permit**. This residence permit is renewed throughout the entire legal proceedings. If the defendants are sentenced, the victim obtain a **ten-years resident permit**. Issuing the temporary residence permit and the ten-year residence permit is governed by Article L316-1 of the CESEDA\(^\text{21}\) (Code of entry and residence for foreigners and asylum seekers).

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\(^{21}\) https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070158&idArticle=LEGIAR T1000006335129&dateTexte=&categorieLien=cid
Accessing rights

Victims who have filed a complaint and have obtained a residence permit under Art. L 316-1 of the CESEDA receive financial support for 12 months. This is the temporary waiting allowance generally granted to asylum seekers (Article L. 744-10.-CESEDA). This allowance - also known as ADA - amounts to around 300 Euros per month and per person.

The temporary residence permit also enables victims to access to social protection rights under Art. L 380-1 of the Social Security Code.

Housing

Victims of trafficking may stay in shelters (CHRS). In France, there are no specialised shelters which only house victims of human trafficking except for one in Paris.
Victims of human trafficking generally stay in shelters for women who are either single or have children and have been subjected to violence. The shelters can either offer housing in shared accommodation or in an apartment. This housing comes with comprehensive support: social, legal, administrative and help finding work.

The CHRS are funded by the state and managed by associations. Individuals who stay in a CHRS do so via departmental orientation platforms and, depending on the area, waiting lists can vary from few weeks to several months or even years.

**Housing and protection**

If victims are at risk locally, either because they have filed a complaint or because they have decided to escape the exploitation network, they can integrate the National Network Ac.Sé which is coordinated by the ALC association.
Being orientated to Ac.Sé is done by an association or a police representative who is in contact with the victim. After the victim’s situation and any potential danger they are facing have been assessed, they are then housed in one of the shelters within Ac.Sé’s network in a city far from where they are at that moment. The person then benefits from specialised comprehensive support.

Human trafficking and asylum

There is a link between human trafficking and asylum. Some victims, particularly Nigerian women, meet the criteria for obtaining international protection. The refugee status gives them the right to a ten-year residence permit.

Ever since the decision of the National Court for the Right of Asylum of 24 March 2015, Nigerian women who have been victims of human trafficking are considered as belonging to a social group and, as such, can be recognised as refugees if they can prove that they come from Edo State, were subjected to the ‘Juju’ ceremony, were brought to Europe as part of a prostitution network, still have a debt to repay and, most importantly, have taken steps to get out of the prostitution rings.

When victims of human trafficking are also applying for asylum, they can integrate Asylum Seeker Reception Centres (CADA).
Law n. 2016-444 of 13 April 2016 set up a program to help people who are in prostitution and/or victims of trafficking for the purpose of sexual exploitation who wish to get out of prostitution system and get help with socio-professional integration.

Those who wish to get out of prostitution are helped by certified associations which put together and implement a program of socio-professional integration. Such individuals also commit to never prostitute themselves again.

The association makes a formal request to help the individual out of prostitution to a departmental commission made up of representatives from the justice system, the police, the prefecture, the Departmental Management of Social Cohesion, the academy, municipality authorities, the order of doctors and the certified association.
After the commission gives its opinion, and under article L 316-1-1 of the CESEDA, the prefect can grant the person a provisional six-month residence permit and a work permit. The temporary residence permit is renewed for a up to two years. During this period, the person is supported to implement their socio-professional integration project by the approved association and will receive approximately €300 per month of financial assistance for social and professional integration (AFIS).

Institutional stakeholders involved in the fight against trafficking and protecting victims of human trafficking

In France there is no national referral mechanism. The Interministerial Mission for the Protection of Women against Violence and the Fight Against Human trafficking (MIPROF) was created in November 2012 to ensure the national coordination in the fight against human trafficking. MIPROF has drawn up the first national action plan to combat human trafficking (2014-2016) in consultation with the relevant ministries and specialised associations on this matter. It manages this plan and is in charge of drawing up a second national action plan. MIPROF is a co-author with the ONDRP (National Observatory of Delinquency and Criminal Responses) of a report on the victims of human trafficking cared for by associations in France, which gives an overview of the extent within the country. Since 2014, the National Consultative Commission on Human Rights has been the independent national rapporteur on human trafficking and exploitation. It assesses the actions implemented by France to combat trafficking and protect victims, and gives its opinions and recommendations.

ITALIAN ANTI-TRAFFICKING SYSTEM

The Italian system of protection for victims of trafficking aimed at the exploitation (sexual, labour, etc) is operating since 2000, is managed and is funded by the Department of Equal Opportunities (Dipartimento per le Pari Opportunità – DPO) at the Chairmanship of the Council of Ministers.

It provides in the whole nation an assistance for victims based on 2 tools:

1 - Unique Program of **emersion, assistance and social integration**: each anti-trafficking company funded by the DPO provide for victims of trafficking;

2 - **Green number 800-290-290** H24 free number to give aid to a victim; It manages also the MIR, a tool that allows the movement of the victims across different anti-trafficking programs in the nation, first of all for safety reasons.

24 - https://www.osservatoriointerventitratta.it
25 - http://www.pariopportunita.gov.it/
In situation of violence or grave exploitation and serious danger for his safety, the victim can:

1. Receive a special permit for social/humanitarian protection reasons (PdS - permesso di soggiorno per motivi umanitari art. 18 T.U.), Validity of 6 months, renewable for 1 year, convertible in pds for study/work reasons. It allows access to healthcare and studying services, subscription to the job seekers’ list; the victim can decide to report or not (Social course VS Legal course).

2. Start a program of assistance and social integration: the beneficiary are foreign citizens EU and extra EU citizen’s victims of the crimes art. 600 and 601 of the Criminal Code or that can have the permit for social reasons;

26 - http://www.camera.it/parlam/leggi/03228l.htm
It guarantees accommodation, food and healthcare as well as social integration; Can provide for it just the certified subjects registered in the specific register (art. 52 par. 1 letter b) DPR 394/1999).

On the 3rd of December 2018, the so called “Decree Salvini” n. 113/2018 brought about significant changes to the Italian legislative system. The above-mentioned art. 18 of the Single Text on Immigration was amended. With the new legislation the “Humanitarian” residence permit was cancelled. The residence permit (pds) released to the victims of human trafficking and exploitation was renamed as “Special Cases”.
While the rights recognized to the victims of human trafficking by the Italian law were not modified, the cancellation of the humanitarian permit, in practical terms, reduced the possibility for a large number of victims of human trafficking to receive assistance. Over the last years, in fact, the majority of the victims of human trafficking from Third Countries received assistance in the context of asylum process and have been granted with a Humanitarian protection.

EUROPEAN DIRECTIVE 36/2011 AND THE D.LGS (LEGISLATIVE DECREE) 24/2014

D.lgs 24/2014 carries out the European Directive 36/2011 into the Italian legislation\(^\text{27}\).
The Italian government adds just some changes into pre-existing rules of law (art. 600 - Reduction or maintenance in slavery or servitude and 601 - Trafficking human beings of Penal Code) or creates some new ones, but it doesn’t create an organic regulation to adopt as a whole the dispositions of the European directive, oriented to create a complete and integrated system to prevent, prosecute and protect victims. For ex. It doesn’t introduce the definition about the position of vulnerability and the disposition about the irrelevance of the consent.

NATIONAL ANTI-TRAFFICKING PLAN 2016-2018

In February 2016, with an important delay, the Cabinet approved the text of the National Anti-Trafficking Plan. The creation of a National Plan was requested by the D.lgs 24/2014 as a transposition of the European Directive 36/2011.
At the moment the Plan is expired and we know that the Cabinet is working to renew it.

The National Plan represents an important step forward for the definition of the Government strategy in the fight against and prevention of the crime of trafficking, but also in the protection of victims.

I was also preparatory to the unification of the two typologies of program (one art. 18 D.lgs 286/1998 and the other one art.13 law 28/2003) in a unique program of emersion, assistance and social integration.

The National Plan has 4 main directions:
- Prevention
- Protection
- Prosecution
- Partnership to achieve policy action of multilevel governance
We can point out some particularly relevant goals of the National Plan:

1. the need of multidisciplinary training,
2. the definition for guidelines aimed at the correct identification of potential victims of trafficking,
3. the introduction of a National Referral Mechanism,
4. the updating of reception measures,
5. the implementation of specific protection measures for child victims of trafficking putting first of all the best interest of the minor.

LABOR EXPLOITATION

In 2011, a new article on labor exploitation (Art. 603) was introduced in the Penal Code and it was changed again in 2016. It was an important conquest, but sometimes law enforcement agencies forget the trafficking that can result from labor exploitation.

CHILD VICTIMS OF TRAFFICKING

The law 47/2017 “Provisions on measures to protect unaccompanied foreign minors”, has a specific article, the art. 17 “Children victims of trafficking” that changes art. 13, co. 2 of Law 228/2003 (which establishes a special assistance program for victims of trafficking).
The article 17 establishes special protection for minors through:

Paragraph 1
The establishment of a specific assistance program that ensures adequate reception conditions and psycho-social assistance, health and legal, providing long-term solutions, even beyond the completion of the age.

Paragraph 2
The establishment of a mechanism to guarantee the child adequate assistance for the compensation of the damage and say more about it in the art. 15 and 16.
Article 15

In the art. 15 emotional and psychological assistance is ensured during the proceeding, by the presence of suitable persons. The minor has the right to participate through his/her legal representative in all judicial and administrative proceedings concerning him/her. He/She has also the right to be heard and for this purpose, the presence of a cultural mediator is ensured.

Article 16

The art. 16 establishes the right to appoint a trust legal representative and to have free legal aid.
Analysis of Observed Professional Practices
The Erasmus+ training participants reported that many of the NGOs which they visited, in their daily work with trafficking victims, apply victim-centered approach. Potential and recognised victims assisted by NGOs receive holistic support, including psychological, social and legal counselling. Additionally, some of the NGOs operate shelters for human trafficking victims.

The Cypriot government operates shelter for victims of trafficking / sexual exploitation who are in a high risk situation. For security reasons, women who reside in the governmental shelter cannot leave the shelter without being accompanied. The support provided in the shelter is sufficient, but the available places are limited.
The National Identification and Guidance System mechanism aims to ensure an effective access to protection and support for victims of trafficking, through a coordinated system of collaboration between the public social services, the Anti-Trafficking Unit, other NGOs and various governmental institutions and organisations.

In the event a service involved or a non-governmental organisation is of the opinion or reasonably suspects that a person might be a victim under the provisions of this Law, it shall refer this person to the Social Welfare Services, and/or notify the Social Welfare Services, who shall inform the person of his/her rights and the possibilities under this Law. The Social Welfare Services will provide information to the potential victim, including their rights as victims, the services that can offer assistance, the procedure for them to be recognised as victims etc. in a language the victim understands, and they shall refer him directly to the police, which is the competent authority to determine and identify whether the said person is a victim.
In practice, the Anti-Trafficking Unit evaluates the situation of the person based on nationally defined indicators and through various interviews being the only competent institution to officially grant to a person the status of victim of trafficking. When a person is officially recognised as a victim of trafficking, she/he is guaranteed specific rights and protection measures. In case of the victim status denial, the Anti-Trafficking Unit does not specify the reasons for this decision.

One aspect that came forward during the meetings and shared discussions between the European training participants and the local NGOs highlights that, despite the formalisation of the cooperation between the various institutions, in practice, the process of identification of victims carried out by the NGOs “is not taken into account” by the other public institutions when granting this status.
Based on the considerations of the local NGOs gathered by the training participants, other characteristics are limiting the effectiveness of the identification system: the procedure for victim formal identification done by the Anti-Trafficking Unit seems too long and the indicators would lack clarity and transparency.

As a positive element, the organisations offering care services to persons-victims of human trafficking have developed accompanying methods with embedded psychological support of paramount importance for the victim rehabilitation.

On one hand, these practices have proven to be relevant and supportive for the victims. But on the other hand, they counter sometimes the formal procedural system of most institutions and public authorities which are governed by stricter procedures and display different timeframes for implementation.
Asylum seekers - thus including persons who are potentially victims of human trafficking or identified as such - are allowed to work as soon as their application is processed, without having to wait till the end of the asylum procedure and any positive decision by the competent authority (as is the case in France). Support for integration into the labour market is therefore an integral part of the measures proposed and developed by MZC.

Participants in the training were particularly interested in the fact that a counsellor in vocational integration participates, together with a psychologist, in the work of first contact with potential victims of trafficking, both in agricultural areas and in places known for prostitution.
According to the participants in the training in Almeria, the job placement would mainly concern women of Maghreb origin and to a lesser extent, women from West Africa, due to some unwelcoming attitude by the local population towards African women.

At the same time, the association develops collective activities to encourage access to the labour market for both women in financial difficulties and women victims of trafficking.

The activities take place on the premises of MZC and are designed by social workers with the aim of encouraging victims of trafficking to make the decision to escape exploitation.

Who is concerned by the job placement?

Maghreb

West Africa
MULTIDISCIPLINARITY

The team of the host association consists of psychologists, social workers, a lawyer, a sociologist, and a sexologist. The resulting multidisciplinary approach makes it possible to offer holistic support to women who reach out to, whether or not they are victims of trafficking.

GENDER PERSPECTIVE

The gender perspective animates the missions and the modus operandi of the MZC association. The Italian and French operators who took part in the training in Almeria consider this approach particularly interesting. For example, they all stressed that the collective activities proposed to women attending the MZC premises have a positive impact on their ability to act.

Since vulnerability is one of the factors that could put people in a path of exploitation and trafficking, the approach based on the development of empowerment activities can have a preventive function for migrant women and support to emancipation for those who are already in a condition of exploitation.
The various activities proposed by MZC that aim at developing women’s capacity to act, as well as information on their rights, in particular on women’s rights, sexuality, access to the health system, are organized not only in the premises of the association, but also at the home of the target.

According to the participants in the training, this proactive method allows to get in touch with a very important number of people, who otherwise would not have the opportunity to go to the premises of MZC.
However, according to the participants in the Erasmus+ training, the informality of these meetings and the presence of women of the same nationality could represent a **limit**, as regards the **possibility of expressing themselves freely**, especially with regard to the **Nigerian community**, which is generally more distrustful.

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**IDENTIFICATION OF VICTIMS, EXCLUSIVE COMPETENCE OF LAW ENFORCEMENT AGENCIES**

Spanish law stipulates that the **representatives of the police forces** are the only ones who **can officially identify the victims** of trafficking.

Training participants consider that this practice, based on the investigative role of law enforcement agencies, to the detriment of a multidisciplinary approach of cooperation between the various institutions and NGOs, tends to **limit the overall responsibility of victims of trafficking**.

Moreover, according to the observations of the Italian and French operators, the representatives of the police forces in charge of identifying the victims are the same as those who deal with the repression of illegal immigration. This overlapping of roles may **not encourage potential victims to express themselves** on their history, with a view to formal identification.
In France, too, the identification of victims is the exclusive responsibility of the police. Only the persons reporting to the police are officially recognised as victims of trafficking and can therefore claim to benefit from specific protection measures.

Social workers who have taken part in the various training courses in France are assuming that this system is detrimental to persons who, although exploited, are not in a position to lodge a report.

The operators of the Spanish NGO MZC consider the measures provided for by the law of 13 April 2016 as an alternative to reporting for victims of sexual exploitation who wish to have access to protection and comprehensive accompaniment programmes.
However, the Cypriot and Italian participants consider that the French system, which focuses on trafficking for the purpose of sexual exploitation, leads to confusion between the phenomenon of trafficking and that of prostitution, to the detriment of victims of other forms of exploitation, which remain in the shadows.

And this hypothesis seems to be confirmed by the limited number of convictions for trafficking in human beings at national level, largely surpassed by those for the exploitation of prostitution.

**NEED FOR COMMON IDENTIFICATION INDICATORS AND CENTRALISATION OF DATA ON IDENTIFIED PERSONS VICTIMS OF TRAFFICKING**

The participants in the various training sessions in France regret the absence, at national level, of a national system of indicators for the formal identification of victims of trafficking, even though the various NGOs who met have developed grids of indicators, starting with the definition of trafficking contained in Article 225-4-1 of the Criminal Code.
According to the participants, the lack of a national system for collecting data on the number of potential and/or identified victims prevents a comprehensive and realistic view of the phenomenon, also because the data of NGOs and law enforcement agencies do not match. It must be emphasized that the second national anti-trafficking plan 2019-2021 was approved on 18 October 2019, therefore after the transnational formations.

**PROTECTION OF VICTIMS IN THE FACE OF SHORTAGES OF PLACES IN RECEPTION CENTRES**

Participants in the various training courses organised in France were particularly interested in the possibility offered to victims of trafficking at risk of reprisals at local level, to be protected in reception centres based in other cities, within the framework of the national Ac.Sé network.

The cultural mediators, working for some of the NGOs who met during the training, promote the establishment of relationships based on mutual trust between victims of trafficking and social workers and allow to experiment with projects and activities to attract the attention of European participants.

The thematic brochures on prevention and information aimed at specific targets, collective activities that favour the creation of social relations outside the context of trafficking and exploitation... are examples and good practices observed during training in France, which European operators would like to transfer and adapt to the local context of origin.
However, according to the participants at the transnational training in France, one of the limitations of the French protection and care system is the lack of places available in reception centres and their non-specialisation.

European social workers are accustomed to working with centres which receive only victims of trafficking. While the French system makes it possible not to stigmatise victims of trafficking, it can still have a negative impact if the reception centre is unable to provide specialised support.

**RIGHT OF ASYLUM LAW AND VICTIMS OF TRAFFICKING**

In France, victims of trafficking may be granted refugee status, if they fall into certain categories; this is the case of Nigerian women from Edo State, victims of trafficking, who have decided to distance themselves from the criminal network of exploitation. These women are considered to belong to a specific social group following a 2015 ruling by the National Court of Asylum Law.

If asylum allows for the protection of a certain category of victims of trafficking, i.e. those who can prove that they are no longer in contact with the criminal network that exploited them and that for this reason they risk persecution in the event of repatriation, the Italian social workers who participated in the training in Paris raise the problem of the absence of an official and coordinated system of cooperation between the police, the competent bodies for asylum and NGOs.

A cooperation between these different bodies would allow, as happens in Italy, to better assess the situation of each individual person, potentially a victim of trafficking and direct it towards the competent bodies according to his situation.
In the various Erasmus+ training sessions in Italy, held between March and May 2019, participants had the feeling that the Italian political situation of that particular moment crystallized numerous tensions on migration issues. These tensions seemed to be prejudicial to work with people potentially victims of trafficking included in an asylum application procedure.

In fact, one of the participants found that Nigerian women, in asylum application, are welcomed in first reception centres and extraordinary reception centres, often unsafe, where potential victims and potential traffickers are in contact.
The conditions for obtaining a residence card for victims of trafficking have also become more binding for persons who decide to integrate into a protection programme involving reception in a specialised centre and social supervision of the person.

A positive element noted by social workers visiting Italy is the presence of protocols that establish effective and formal cooperation between local commissions for the right of asylum and NGOs specialized in the protection of victims of trafficking. This cooperation favours the orientation to the NGOs of potential victims of trafficking identified by the local commissions.

This procedure has its limits in that, for example, on the basis of the information gathered, certain persons identified by the territorial commissions do not understand the reasons for their orientation towards the associations.

This system would also tend to focus the work of social workers on the legal and administrative side, to ensure that victims of trafficking have access to a residence permit, to the detriment of the work of taking into account their condition as victims of trafficking (psychological care, social care, etc.).
The participants in the training in Palermo highlighted some elements concerning the general situation in Italy, for example the insufficiency of protected places of refuge for victims of trafficking and the procedures for applying for asylum are too long. In fact, on the basis of the information collected by interviewing the various Italian operators who met during the training, it would seem that between the time the person arrives in Italy and the time when he/she receives a definitive response to the asylum application, it can take more than 18 months.

PRECARIOUS FINANCIAL CONDITIONS AND STRONG COMMITMENT OF THE NGOs

The training participants noted that the financial situation of some of the NGOs they met, which have to juggle regional, state and European funding in order not to risk disappearing, makes their work difficult, not to mention the presence and possible interactions between transnational criminal networks that manage trafficking and local criminal networks.
In Palermo, a land of reception of migrants and victims of trafficking (potential or identified) beyond the commitment of social workers of the competent associations, the participants at the training have stressed and particularly appreciated the presence and action of universities, churches, health services, volunteers, and actors of public institutions...

In this context, all participants at the training in Italy have been positively impressed by the **willingness and commitment of Italian social workers**, who despite the difficulties are always active and present on the various projects developed by their respective organizations.

The participants at the training also mentioned the fact that the Italian NGOs that are partners in the Erasmus + project have developed and managed, for several years, **solid partnership relations with local, regional and state authorities** that allow a better overall care of victims of trafficking.
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