A Blueprint for
Return Counsellors

Counselling Victims of
Trafficking and People
Vulnerable to Trafficking
and Exploitation

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Table of Contents

Glossary of Terms

For the purpose of this document, all definitions and terms relate to their usage within the trafficking and exploitation context.

Assistance
Measures, programs and services aimed at the recovery of trafficked persons that might include, but are not limited to: appropriate housing; medical, psychological and material assistance; educational, vocational and employment opportunities; legal counselling and assistance. Assistance may be offered by non-governmental, governmental, international or other relevant organizations in countries of destination, transit and origin, and may involve one or multiple services.

Assisted trafficked person
A person who has been identified as trafficked and who has agreed to accept assistance from a non-governmental, governmental, international or other relevant organization.

Asylum
Protection given by a government to someone who has left another country in order to escape being harmed.

Asylum seeker
An individual who is seeking international protection from persecution or serious harm in a country other than their own. In countries with individualized procedures, an asylum seeker is someone whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum seeker will ultimately be recognized as a refugee, but every refugee is initially an asylum seeker.

Best interest of the child
The principle of the best interest(s) of the child is one of the four overarching guiding principles on children's rights (right to non-discrimination, best interests, the right to life, survival and development, and the right to participation or right to express views and have them taken into account). It is anchored in Art 3(1) of the UN Convention on the Rights of the Child (CRC) and in Art 24(2) of the Charter of Fundamental Rights of the European Union. Both instruments give children the right to have their best interests assessed and taken into account as a primary consideration in all actions or decisions that concern or affect children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies.

Case manager
The primary point of contact for a trafficked person who coordinates the services considered necessary for assisting the individual who has been trafficked throughout the entire referral process. The case manager works within a consultative multidisciplinary team of other professionals when decisions are being made about the assistance plan for each trafficked person. In the context of the

return process, a case manager should be appointed both in the country of origin and in the country of destination in order to facilitate transnational communication.

Child

Any person under 18 years of age (sometimes referred to as a "minor").

Country of destination

The country that is the ultimate destination of a trafficked person (also referred to as "returning country", "sending country", or "hosting country").

Country of origin

The country a trafficked person comes from (also referred to as "receiving country")

Country of transit

The country a trafficked person travels through to reach his/her final destination.

Exploitation

The act of using someone or something for personal advantage and profit.

Family reunification

The act of reuniting the trafficked person with his/her family after a thorough risk assessment has been carried out. It should be done with the consent of the person who has been trafficked and should be considered as a way of achieving or re-establishing the social inclusion of the trafficked person in the long-term. In the course of the process, follow-up visits should be carried out to monitor both the social inclusion of the person in the family, as well as making sure there is no risk of re-trafficking.

Family tracing

The procedure aimed at identifying the family of the trafficked person assisted when she or he cannot contact or reach them. Procedures to trace the family should be put in place only if the person who has been trafficked expresses their wish to return home and stay with their family. In the case of a trafficked child, the family should only be traced when this is in the best interests of the child given that it is sometimes the child's family that is responsible for the trafficking. Family tracing may involve different governmental and non-governmental institutions.

First point of notification

Institutions/organizations that act as central points of information, referral and initial support that may often spot signs of trafficking and trafficking-related vulnerabilities.

Forced Labour

Is defined by the ILO Forced Labour Convention, 1930 (No.29), as *"all work or service that is exacted from any person under the menace of penalty and for which the said person has not offered himself voluntary"*.

Forced Return/Expulsion

The act of expelling or removing an irregularly staying foreign national from a country, either to the country of origin or to a third country. In some cases, migrants are removed by force, or other forms of coercion are used. It is enforcement of an obligation to return, notably the physical transportation of the returnee to a third country.

Human rights

Are the fundamental and universal rights and freedoms all human beings are entitled to. They consist of civil, political, economic, social and cultural rights all states are obliged to respect fully according to common standards ratified by national and international legislation.

Identity document

A personal paper or card that provides identifying data (e.g. name, age, nationality, address, etc.) about a person, generally issued by local or national authorities.

Individual assistance plan (IAP)

A written agreement jointly developed by the stakeholders responsible for the case and the trafficked person who is being assisted, where goals, activities and services tailored to the individual's needs are clearly defined.

Informed consent

Any free, voluntary permission or approval to something proposed or requested based on all the facts being made known including an awareness of any risks involved (to the extent they can be known) and any available options in order to be able to make fully informed decisions. Information sharing is an essential component of "informed consent".

Irregular migrant

Someone who is not authorized to enter, stay or work in the country of destination.

(Legal) Guardian

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

Migrant

While there is no formal legal definition of an international migrant, most experts agree that an international migrant is someone who changes his or her country of usual residence irrespective of the reason for migration or legal status.

National Referral Mechanism (NRM)

A co-operative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, coordinating their efforts in a strategic partnership with civil society. NRMs can work to help to improve national policy and procedures on a broad range of trafficking-related issues such as residence and return regulations, compensation, and witness

protection. The structure of an NRM will vary in each country; however, NRMs should be designed to formalize co-operation among government agencies and non- governmental groups dealing with trafficked persons.

Operational Partnership Protocols (also called SOPs)

A set of step-by-step instructions to help professionals carry out routine operations.

Personal data

Identifying direct or indirect information or sensitive data related to an identified or identifiable person.

Protection: Reducing harm and providing safety

An essential component of any assistance scheme both for ensuring the trafficked person's physical safety but also for safeguarding his/her prospects of social inclusion in the country of origin, destination or in a third country.

Reasonable grounds to believe

Decision made by the competent authority, usually designated under the national NRM, on the basis of having identified signs that a person may be trafficked, made on the balance of probabilities**.**

Recovery

The process by which a trafficked person's psychological, social and physical wellbeing is stabilized and restored.

(Re)integration

The process that ensures that trafficked persons have the necessary opportunities and resources to be able to participate in economic and social life, and secure a standard of living that is considered acceptable in the society in which they live. Through such a process, vulnerable groups (in this case trafficked persons) are granted access to education, training, employment, accommodation, collective services, and health assistance. A reintegration program can take place either in the country of origin or in the country of destination, the aim of which is to achieve full social inclusion.

Resilience

The ability to resist trafficking and other abuses.[1]

Return counsellor/Return counselling

Return counselling is an approach through which return counsellors engage migrants in a discussion about returning to their country of origin. If and when they make the decision to return, they receive help to arrange their return. The return counsellor is the coordinator for the entire return process. The aim of return counselling is to help migrants make an informed decision about returning. It also supports the implementation of migration policies by encouraging voluntary return and ensuring compliance with return procedures.

Return

To return to one's country and/or community of origin. In the context of anti-trafficking work, return involves not only the physical transportation of a trafficked person but also mechanisms to ensure that the return is voluntary, assisted, safe and dignified.

Returnee

The term is used for returned foreign nationals in general, or the victims of trafficking from the country in which they were identified as trafficked persons to their country of origin. The process can be voluntary, forced and assisted or, alternatively, forced and not assisted.

Risk and needs assessment

A formal procedure to identify and assess the risks and needs associated with the trafficked person's situation and future plan of assistance in the country of origin and/or transit and destination in order to eliminate/minimize/respond to the risks identified.

Risk management plan

A plan that outlines the steps and measures that should be taken in order to reduce the risks to a minimum and effectively manage the actions that are planned for the trafficked person. The plan should be regularly reviewed and updated.

Service providers

Organizations and individuals that provide one or more of the support and assistance measures to trafficked persons. These service providers may include social workers, psychologists, shelter staff, medical personnel or legal professionals from non-governmental organizations (NGOs), international organizations (IOs) and governments.

Third–country national (in the EU context)

Any person who is not a citizen of the European Union within the meaning of Art. 20(1) of Treaty on the Functioning of the European Union, and who is not a person enjoying the European Union right to free movement, as defined in Art. 2(5) of the Regulation (EU) 2016/399 (Schengen Borders Code).

Trafficker

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

Transnational Referral Mechanism (TRM)

The mechanisms and systems designed for the comprehensive assistance and transnational support and protection of trafficked persons. Transnational referral mechanisms link the full process of referral from initial identification, through return and assistance between countries of transit, to the country of origin, and involve cooperation between different government institutions and non-governmental actors. TRMs may involve one or all of the steps in the process.

Travel document

Any identification document required to travel and enter into another country (e.g. passport, identity card, visa, etc.).

Unaccompanied and separated child (minor)

A child who is separated from one or both parents and/or other relatives and is not being cared for by an adult who, by law or custom, is responsible for their care.

Victim of trafficking/trafficked person

A person who has been subjected to the crime of trafficking in human beings about whom reasonable grounds to believe that he/she has been trafficked exist. The terms 'victim of trafficking' and 'trafficked person' refer to persons who qualify as victims of trafficking in accordance with the UN Trafficking Protocol (Art. 3) and/or relevant national legislation. The term 'trafficked person' is used to acknowledge a person's trafficking experience as central and in need of redress. For many people, the term 'victim' implies powerlessness and constructs identity around the individual's victimization. However, from a human rights perspective, the term 'victim' is important as it designates the violation experienced and the need for redress.

Voluntary return

The concept of voluntary return can be defined as the assisted or independent return to the country of origin, transit or another third country based on the free will of the returnee.

Vulnerability

The likelihood that trafficking (or other abuses) will take place determined by certain factors which cause certain people in certain situations to be trafficked.

Vulnerable categories of people

This includes: minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, e.g. victims of female genital mutilation.

Vulnerable person to trafficking and exploitation

A person whose likelihood of being trafficked is high owing to personal traits/characteristics/conditions which interact with contextual and situational factors placed on a development continuum in specific ways.

List of Abbreviations

AVR   Assisted Voluntary Return

BID   Best Interest Determination

CoE   Council of Europe

EC   European Commission

EU   European Union

ECHR   European Convention on Human Rights and Fundamental Freedoms

ECtHR   European Court of Human Rights

ERRIN   European Return and Reintegration Network

EU   European Union

ICMPD   International Centre for Migration Policy Development

IO   International organization

MoU   Memorandum of Understanding

NGO   Non-governmental organization

NRM   National Referral Mechanism

OPP   Operational Partnership Protocol

OSCE/ODIHR   Organization for Security and Cooperation in Europe/Office of Democratic Institutions and Human Rights

SIPPS   The Systemic Investigation, Protection and Prosecution Strategy

SOP   Standard Operating Procedure

TRM   Transnational Referral Mechanism

VoT   Victim of Trafficking

1. Introduction

The *2021 European Union (EU) Strategy on Return and Reint*egration[2] promotes voluntary return and reintegration as an integral part of a common EU system for returns. To be effective, a common system for returns must consist of stronger structures inside the EU through a reinforced legal and operational framework. This would enable swift and fair return procedures that respect fundamental rights in compliance with the *Charter of Fundamental Rights of the EU*[3], and strengthened governance at EU and national level, as proposed in the *New Pact on Migration and Asylum*.[4] **Effective return counselling is essential to strengthen the links between the pre-departure and post-arrival phases and to make reintegration of the individual(s) in their country of origin a success.** Therefore, the return process needs to be combined with more effective cooperation with partner countries on return, readmission and reintegration.

To improve the quality of return counselling, the European Commission (EC) has developed an EU framework on return, in the context of the European Migration Network, that provides guidance to Member State organizations in the setting up, management and development of structures for returning migrants. This framework acts as a reference for creating national return programs by addressing the challenges associated and promoting good practices.

However, the *2021 EU Strategy on Return and Reintegration* **does not specifically address the return and reintegration of victims of trafficking and people vulnerable to trafficking and exploitation**. The Commission Staff Working Document on the EU framework on return counselling and the Reintegration Assistance Tool[5] states that **in managing vulnerable cases**, **a lack of cooperation and information-sharing between the different organizations involved in the return process can put the individual at risk of even greater vulnerability**. Given that human trafficking is itself a form of psychological, physical or sexual violence, victims of trafficking (VoTs)/trafficked persons and people vulnerable to trafficking and exploitation due to their individual vulnerabilities fall within the scope of the EU framework on return and reintegration assistance. It is therefore vital to **put in place effective channels of communication and information-sharing between providers at every stage of the return process**.

Purpose of the Blueprint document

It is within this context that this Blueprint Document has been developed. It aims to provide **EU return counsellors and other relevant frontline practitioners with practical tools and guidance for working with vulnerable people, including victims of trafficking.** The specific purpose of the Blueprint is to:

- **Increase the knowledge of EU return counsellors and other frontline practitioners about trafficking in human beings** and the process of detecting signs suggesting a possible situation of vulnerability to exploitation and/or trafficking among returnees;

- **Improve the skills of EU return counsellors and other frontline practitioners in** conducting risk and needs assessments of trafficked persons/persons vulnerable to trafficking and exploitation **prior to return;**

- **Improve communication and coordination practices between the relevant actors in** EU countries and countries of origin **prior to, during, and in the post-return period,** including: cooperation in risk and needs assessment procedures of vulnerable persons/victims of trafficking; tailoring individualized reintegration plans; and social inclusion assessments**.**

The Blueprint document was developed within the framework of the pilot project: *Strengthening the Provision of Support for Reintegration of Vulnerable Persons*, *including Victims of Trafficking*, *returning to Nigeria (PROSPECT),* funded the by European Return and Reintegration Network (ERRIN) and implemented by the International Centre for Migration Policy Development (ICMPD), ERRIN's Implementing Partner. The *PROSPECT* project aims to strengthen the reintegration of vulnerable returnees returning to Nigeria by creating links between ERRIN service providers responsible for the reintegration, and other relevant organizations in Nigeria who provide core services. The project is targeted at EU return counsellors and frontline service providers in Nigeria dealing with returnees post arrival with the aim of encouraging information-sharing on return techniques and how to conduct risk and needs assessments for vulnerable persons, including victims of trafficking.

Human rights standards framework applicable in planning and executing the return of third country nationals vulnerable to exploitation, including trafficking victims, to the country of origin

States have the responsibility to provide protection to all persons on their territory or under their jurisdiction, in accordance with their obligations under international law. All people, regardless of their motivations and legal status, have basic rights under international law. Alongside these basic rights, specific categories of people on the move, such as refugees, stateless persons, victims of trafficking and children, are entitled to additional rights under international, regional and national legal frameworks developed to respond to their specific protection needs. States also have a '**duty of independent inquiry',** **that is, a duty to establish whether return of the person concerned would result in a breach of the principle of** *non-refoulement* under international refugee law and international human rights law, **when the state knows or ought to know that a person is in need of protection**.

Fundamental rights/general principles of EU law applicable in the return context

✔ Prohibition of ***non-refoulement*** (Article 19, EU Charter[6])
✔ Prohibition of **collective expulsions** (Article 19, EU Charter[7])
✔ Prohibition of **slavery, forced labour and trafficking in human beings (THB)**
✔ (Article 5, EU Charter[8])

Non-refoulement is a fundamental principle of international human rights law that forbids a country to return asylum seekers and migrants to a country in which they would likely be in danger of persecution or serious harm. It applies regardless of a person's migration status, in all contexts, including mass influx situations.

✔ **Right to claim asylum** (Article 18, EU Charter[9])
✔ The best interest of the child[10]

Why should return counsellors be aware of the human rights framework?

Return counsellors are among those professionals through whom the State **fulfils its positive obligation to ensure that upon returning, fundamental rights enshrined in the EU and international law will (continue to) be upheld for the returnees.**

Return counsellors may be the last stakeholders in the whole chain of actors to respond to the specific protection needs of individuals, including those who have been trafficked or who may be vulnerable to trafficking and exploitation. In the context of a State's 'duty of independent enquiry' (see above), return counsellors work with migrants who have been issued with a return decision prior to their return, but also with irregular migrants not previously known to the authorities. They may spot trafficking-related vulnerabilities and identify reasonable grounds to believe that the person has been trafficked.

In the pre-return process, return counsellors may:

■ Detect/identify previously unidentified victims of trafficking;
■ Encounter individuals who have already been identified and assisted under the national anti-trafficking frameworks;
■ Engage with individuals who fear they will be trafficked in their country of origin when they return, potentially having identified a particular reason for their concern;
■ Meet individuals who may have been involved in criminal pro-ceedings against their traffickers in the country of origin, or another EU country.

Recovery and reflection period is a sufficient period (min. 30 days) to allow the person about whom reasonable grounds exist that he/she has been trafficked to recover, escape the influence of traffickers/exploiters and take an informed decision about the next steps in full compliance with international human rights norms.

In such situations, return counsellors need to take steps to give individuals the recovery and reflection period they require to adequately prepare their return.

Return counsellors act as a point of safeguarding that persons who may have been trafficked and those who are vulnerable to trafficking and exploitation will return in a dignified manner and will not face harm such as retaliation or re-trafficking in their country of origin. They are central to the creation of individualized reintegration plans before the person leaves the country of destination. They fulfil this duty by engaging and coordinating with vulnerable returnees and victims as well as with other partners/organizations nationally, and in the countries of origin. This process must not be to the detriment of ensuring that those who have been trafficked or who might be trafficked are protected from suffering further harm such as being subjected to retaliation or re-trafficking. If it

is, then returning trafficking victims and people vulnerable to exploitation would be in breach of international and European legal obligations.[11] The infographics below illustrate the role that return counsellors are expected to play to ensure the safe, dignified and voluntary return of trafficking victims and people vulnerable to trafficking.

Information exchange nationally and with counter-parts in the country of origin prior to return	Design reintegration plans in coordination with the post-arrival actors	Conduct the return	Monitor the social inclusion process

2. Understanding Human Trafficking and Related Vulnerabilities

This section aims to give return counsellors a more nuanced understanding of the complexities of human trafficking, going beyond the definitions provided by legal instruments and policy documents.

The definition of trafficking includes three different elements: Act, Means and Purpose.

Trafficking in human beings (THB)[12] is the **recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control (ACT)** of persons, by **(MEANS)** of the **threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits** to achieve the consent of a person having control over another person, **for the (PURPOSE) of exploitation.**

ACT (What) **+** **MEANS** (How) **+** **Purpose** (Why) **=** **THB**
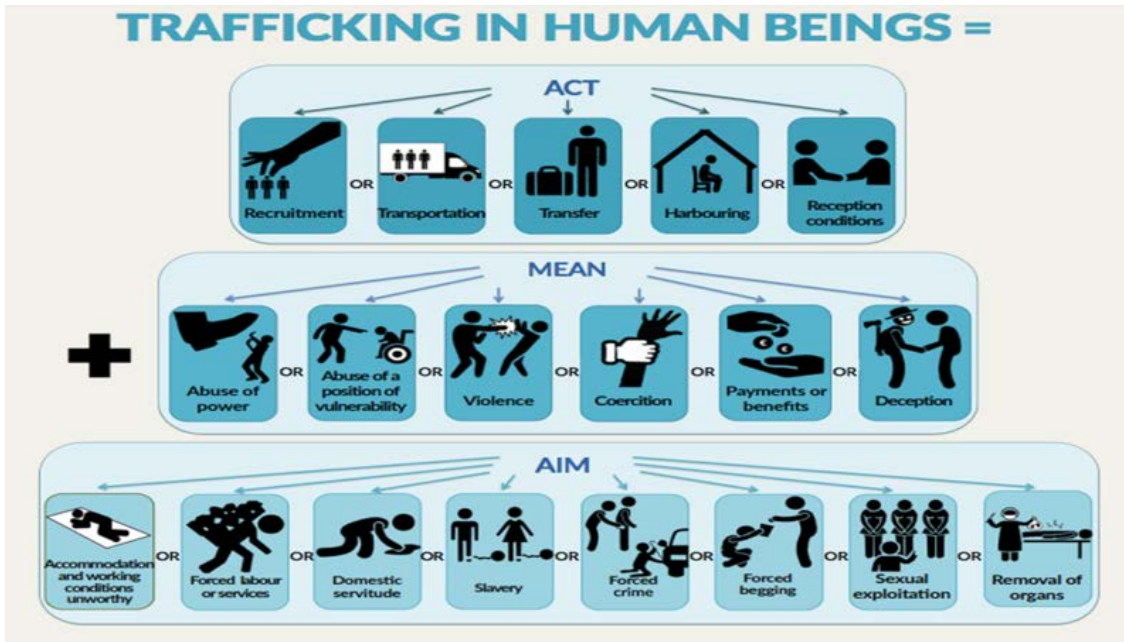
Source: Trafficking in human beings, Irish Immigration Council

A **position of vulnerability** means a situation in which the **person concerned has no real or acceptable alternative but to submit to the abuse** involved. Exploitation shall include as a minimum: the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or exploitation of criminal activities, or the removal of organs.

The consent of a victim of trafficking in human beings to the exploitation, whether intended or actual, **shall be irrelevant where any of the means (of exploitation) have been used**. When the conduct involves a **child**, it shall be a punishable offence of trafficking in human beings even if none of the means has been used. Child shall mean any person below 18 years of age.[13]

Who are the traffickers?

Traffickers range from sole operators, to loose-knit networks, to highly sophisticated organized crime syndicates that operate internationally. They often initiate romantic relationships with their victims before forcing or manipulating them into prostitution or other forms of sexual exploitation, forced labour, or into committing criminal activities. Traffickers lure victims with false promises of a job, a better life or a pathway to immigration status regularization/citizenship. Parents or other family members and/or acquaintances can also be traffickers who force or lure the victim into commercial sex or other forms of exploitation. **A common tactic of traffickers is to trap and manipulate individuals into a cycle of abuse and multiple layers of dependency in order to exploit them.** Typically, they induce emotional dependency in the victim, offering them help, love, affection, affiliation, encouragement, and affirmation. They are able to withdraw all of this when the victim is noncompliant, has failed in some way or simply to encourage them to do more of what traffickers ask them to do.[14] Sometimes the victim's dependency on the trafficker may relate to their perception that the trafficker offers them protection or may be substance-related. Over a period of time, traffickers will isolate the person from their usual support networks, and use increasingly psychological and physical coercive techniques. They take increasing control of the victim's money, other resources and movements. **Total dominance is achieved when the trafficker controls every aspect of the victim's life to the extent that they do not even have to be physically present**. **The victim may be simultaneously terrified, but dependent on the trafficker, which leads to a paradoxical attachment to the perpetrator**.

> Traffickers instil fear and exploit vulnerability in their victims while convincing and manipulating them into believing that they are lawbreakers and thus, unable to go to the authorities for help or protection. The traffickers' principal motive is financial gain.

Who are the victims?

Human trafficking is caused and exacerbated by structures of socio-economic disparity, limited employment opportunities, lack of a living wage, education inequality, and discrimination. Victims may be trafficked for a few days or weeks, or may remain in a trafficking situation for years. The person **may have, for example, been trafficked within national territory or may have escaped from**

her or his traffickers and fled abroad in search of international protection. The individual concerned **may not have been trafficked but may fear becoming a victim of trafficking** and for example, have fled abroad in search of international protection.

Common misconceptions: [15] Victims of trafficking (VoTs) will not immediately ask for help or assistance and will extremely rarely self-identify as a victim of a crime. There are a variety of reasons for this, including: a lack of trust in the authorities to protect them; self-blame; thinking that no one would believe them; or specific restrictions the traffickers impose on them about how to behave when talking to law enforcement officers or social service providers. Even when, for example, recounting their stories during interviews, victims of trafficking might defend their actions as being their own choice or a matter of personal autonomy. It is important on the first encounter to avoid making a quick judgment about whether the person is a victim of trafficking or not. *No one consents to being trafficked! The individual may consent to being in a particular situation but not to having their rights violated!* Return counsellors need to patiently build trust and use trauma-informed interviewing techniques in order to learn about the individual's background and what they have been through.

VoTs are routinely arrested, detained, prosecuted, convicted, and, in some cases, imprisoned or deported, without ever being identified as victims. Foreign national victims with irregular migration status face the additional risk of falling through the cracks of overwhelmed and overburdened systems that often fail to consider individual circumstances. Even where screening systems have been implemented, a variety of factors including trauma, language and communication barriers, fear of the authorities or fear of retribution can impede victim identification.

Understanding pre-trafficking experience vulnerabilities

What factors can cause certain people in certain situations to be trafficked? How does the context and an individual's personal traits and circumstances interact and increase their vulnerability to being trafficked or on the other way round? It is important to remember that **the root causes of trafficking are the same as for re-trafficking.**[16] Vulnerability relates to the likelihood that trafficking/exploitation and abuse will take place.[17]

Why is it important to understand the factors that give rise to vulnerable people/individuals becoming victims of trafficking?

A clear understanding of the trafficking related vulnerability factors at the pre-return stage enables return counsellors to rightly identify them, and act upon them.

A fuller understanding of the various factors determining vulnerability to trafficking at the pre-return phase will enable return counsellors to correctly identify the key issues and take them into account when liaising with national partners (e.g. in the asylum system, the anti-trafficking system, social services, child protection, and THB police units) and with colleagues in the countries of origin. This knowledge will also be useful for informing the risk and needs assessments they write and for suggesting the options for reintegration prior to an individual's return.

What is the goal?

The ultimate goal of the work carried out by return counsellors is to prevent someone from being trafficked or re-trafficked and suffering further harm after they are returned.

Different types of vulnerabilities

Vulnerability to poverty, hardship, adversity

A background of destitution, cyclical/generational poverty and adversity is highly prevalent among victims of trafficking because such backgrounds are often the context for a combination of connected vulnerabilities, which heighten the risks of being trafficked.[18] Factors that can lead to individuals being particularly vulnerable to manipulation by traffickers include: poverty and expectations of upward social mobility; exclusion or marginalization; discrimination; lack of parental care; neglect; domestic violence; sexual violence or substance abuse in the family home; harmful cultural practices such as female genital mutilation, forced marriage or within a context of contemporary forms of child trafficking. Human trafficking may also thrive in conditions where overall law enforcement capability is weak in relation to criminal predation targeting vulnerable groups, especially women and children. Victims may lack (extended) family and community protection, which in patriarchal societies may help to safeguard and protect them from traffickers. However, victims may be trafficked by their own family members. Families may be involved intentionally or may be complicit in the trafficking process. Peer pressure is a significant push factor especially if others seem to have "made it" and there is an influx into a community of a transient, cash-rich workforce, which managed to earn a profit or is perceived as having earned a profit by migrating to Europe.

> The imposition of debt bondage upon whole families is highly significant in trafficking cases. The concept of 'debt bondage' is strong and individuals are obliged to repay debts to traffickers for the sake of themselves and their families, for many years after leaving their control. This increases their risk of further trafficking including by new perpetrators, who **manipulate** their fear of being unable to repay.

Vulnerability due to socio-cultural norms, gender roles, family background, stigma and marginalization within the community

Understanding expectations linked to geographical mobility in relation to how in some cultures it is believed it will secure upward mobility (such as those in Sub Saharan Africa), is fundamental to understanding pre-existing vulnerabilities due to socio-cultural norms. Recent studies on the deportation of women to Nigeria emphasize how deportation and the stigma of coming back empty-handed is intimately intertwined with their gender, kinship and morality.[19] In the pre-return context**,** it is crucial to understand **how individualization of failure adds to the stigma and undermines returnees' support networks in some societies**. Marginalization and exclusion may be due to race, gender, caste, ethnicity, culture, religion, sexual identity or orientation, low socio-economic circumstances/status, situations of debt, being associated with criminality, substance abuse, being born out of wedlock, or not fulfilling the expectations attributed to the social and cultural norms.

Vulnerability due to health condition, injuries and disabilities

Victims may have **pre-existing mental or physical disabilities, illnesses and conditions that traffickers can exploit**. In some cases, victims of trafficking have learning difficulties which may make them less able to evaluate and weigh up the risks from others to themselves. Victims may (also) have cognitive problems, mental health problems, other disabilities or illnesses which are taboo in certain communities, or result in discrimination and stigmatization. These factors therefore heighten their vulnerability to trafficking. Addressing psychological health problems as a norm in certain societies may be to suggest to someone that they "man-up" or pray to God or turn to the spiritual world, rather than providing support and services to help them. Psychological assistance to address e.g. depression is accepted practice in certain societies, such as in Western societies, but may be taboo in others, which practitioners in the field should acknowledge. Illnesses and conditions that carry stigma may include for example, AIDS/HIV, albinism, epilepsy, and psychological problems. This is particularly the case in countries where there are limited medical resources and healthcare services and/or in contexts where certain illnesses are associated with beliefs in the supernatural.[20]

The specific vulnerability of children

Children are more vulnerable than adults because of their lack of life experience, their developmental age and emotional immaturity. Those who lack safe and appropriate family care, such as unaccompanied and separated children, are easy targets for traffickers who view their young age as a long-term, saleable commodity for profit. Traffickers are known to prey on children and young people who have lived through adverse experiences during their childhood and whose primary needs are not met, such as those who have been orphaned or who live on the street as well as children who have dropped out of school, or been bullied.

Vulnerability due to a change in personal circumstance or situation[21]

This may involve **a combination of factors** including: the loss of family protection (especially in the case of children and young adults); a reduction in safety, stability and security; the loss of a home, wealth, occupation or profession. A change of circumstances can be caused by multiple factors, including: **losing income-generating activity** (falling ill, death of a significant other, distance or end of relationship etc.); **disruption of social relationships** (kin relationships, such as that caused by return/deportation); **natural disasters** (pandemics, earthquakes, hurricanes, floods, drought etc.); **suffering human rights violations** (persecution, torture and inhuman and degrading treatment); **armed conflict and community violence.**

Factors increasing the vulnerability of irregular migrants

Isolation: Irregular migrants experience different levels of isolation once they are outside their countries of origin. They usually have none or extremely limited economic and social capital and struggle with cultural capital. While they may have some good connections, the precariousness of their status means these connections cannot thrive. Factors that increase their vulnerability include: language and communication difficulties; lack of social and community networks, relatives, friends or acquaintances; geographical and cultural disorientation; risk of destitution; different laws and procedures; different social and cultural norms and interactions; discrimination; and restrictions on their freedom of movement.

Fear: They are often **highly fearful of national authorities** in countries of transit and destination, **fearing criminalization, imprisonment, detention or deportation**. This makes them **less likely to seek help even when they suffer human rights violations** and are placed in situations of danger and abuse. **Traffickers benefit from this** fear as individuals will remain silent, or tell the authorities and NGOs pre-rehearsed stories.

Lack of funds: Along with the **need for funds to physically survive**, migrants are often **indebted**, finding themselves in a system of debt bondage in lieu of fees. **Societal and cultural factors** and the fear of being **perceived as a failure by their family** and community **if they do not send remittances**, and do not remain and succeed abroad as expected, is a driving force behind some of the decisions they make. Families may rely on relatives who go abroad to move up in society, which may **only** be **possible if those abroad continue sending back vital funds** to support them. These factors make migrants especially **vulnerable to trafficking exploitation**. The many situations in which migrants are left in extremely vulnerable conditions contributes to the impunity of traffickers and strengthens irregular migration networks.

How to assess the vulnerability among migrants

Return counsellors **need to use a comprehensive methodological framework to assess vulnerabilities and risk factors before migrants are returned**. Such a framework will provide them with a tool which they can use to evaluate individual vulnerability. **It will also enable them to assess factors, which if present when they return, are likely to enhance the risk of re-trafficking and further harm. The reintegration plan should, therefore, reflect this and frame it adequately.**

> **SIPPS Analysis Framework as a promising practice methodological tool for vulnerability assessment[22]**
>
> The Systemic Investigation, Protection and Prosecution Strategy (SIPPS) is a methodological framework developed and used in the UK that emphasizes the fact that trafficking and exploitation of adults and children can be placed upon a developmental continuum. It enables professionals to organize complex evidence quickly and efficiently and identify patterns and gaps so that they can formulate structured, clear decisions. It is extremely effective as a risk assessment and management protocol, which allows practitioners to work with the individual to produce the most appropriate support plan based on individual needs and resilience.

The organizational structure of the SIPPS comprises seven domains/areas, which are assessed against historic conditional, current conditional and current consequential factors. These assessments are used to answer the questions of WHAT happened in the past, WHAT is happening currently and WHAT are the consequences of that for the future.

SIPPS will be discussed further in Part III of this document: *Pre-return phase - Needs and Risks Assessment.*

Nexus between the Asylum, Trafficking and Return Systems: Enhancing Early Identification and Referral, Broadening Space for Individualized Procedures and Identification of Vulnerabilities

Within Europe, in some specific cases, **trafficking victims of certain nationalities are "channelled" by their traffickers into the international protection system, where they can recruit or continue exploiting the victims while they are seeking asylum.** Victims are also re-trafficked within Europe numerous times (in the context of so-called secondary movements) and many fall within the scope of the provisions of the EU Dublin Regulation.[23] Some of them may qualify for refugee status on account of trafficking amounting to persecution. Others who may not, may nevertheless qualify as refugees on other grounds that fall within the Refugee Convention. They may also qualify for subsidiary protection in line with provisions of the EU recast Qualification Directive. Some may not qualify for any of the above and still be trafficked/vulnerable to trafficking and exploitation.

> *Victims of trafficking and other people vulnerable to exploitation are frequently incorrectly identified among asylum applicants and even more so among irregular migrants.*

Case study:

Identifying victims of trafficking in Italy

In 2015-2016, at disembarkation points/entry points in Italy, thousands of young women and girls displaying signs of vulnerability linked to trafficking/exploitation arrived in Italy via the Central Mediterranean route.[24] As a way of identifying "trafficking indicators", in 2016, the Italian Red Cross adopted **a common identification practice aimed at establishing reasonable grounds of trafficking/exploitation at disembarkation units and reception facilities.[25] The non-conclusive** "signs of trafficking of human beings" **were agreed by all the authorities/ different mandates** involved. Such signs, when observed during disembarkation operations/ in reception facilities gave rise to reasonable grounds of trafficking indicators. Prior to such screenings, the nationality of the women and girls involved meant many of them were typically channelled towards the accelerated/border asylum procedures. Thanks to the screenings, they were not only able to access the regular asylum procedure, but could also be referred if necessary, to anti-trafficking organizations in line with the national Guidelines for Territorial Commissions on Identification and Referral of Trafficking Victims[26]. The following non-conclusive indicators were used in the screening:

- ✔ Nationality (at that time West Africa), but subject to changes in modus operandi. (In 2021, it was mostly women and girls arriving from Nigeria[27], Guinea, Ivory Coast, and Eritrea);
- ✔ Possible pregnancy/current pregnancy/recent pregnancy (recent abortion or miscarriage on the way);
- ✔ Presence of an older woman within a group of very young girls;
- ✔ Request to call a European number on disembarking (for example, having the number written on a small piece of paper hidden in their hair);

✔ Declaring themselves to be older even if the person was clearly underage;

✔ Presence of tattoos (e.g. little stars) on the neck or other parts of the body which may have been done by a trafficker to denote "ownership";

✔ The person having not paid for the trip (others, including the family may have paid);

✔ The person not knowing which countries she/he had passed through during the trip and may not have known which country she/he was in now;

✔ The person may believe/may have said that she/he had a job in the country of destination.

After disembarkation, the traffickers would most commonly contact the women and girls while they were placed in the reception facilities for asylum seekers. Non-conclusive examples of signs of reasonable grounds for considering cases of trafficking within the reception facilities/shelters were: signs of physical violence (e.g. cuts, scars, burns on the scalp and body) and vulnerability (fear, isolation, aggression); constant/persistent presence of a so-called female friend who spoke instead of the person; a male acquaintance/"friend", tasked by the trafficker to provide the girl with the bus/train ticket and make sure she boarded the bus and reached the destination where madam's accomplices would meet her, returning to the shelter/reception facility at unusual times in the evening etc.

Why does it matter if the person is a victim of trafficking/person vulnerable to trafficking in the return context?

In the return context, knowing if the asylum seeker or an irregular migrant may be vulnerable to trafficking and/or may have been trafficked or exploited is fundamental for:

🔸 The question and nature of **his/her asylum claim** *(so called trafficking-related international protection)*;

🔸 Questions relating to **trafficking and its link *to non-refoulement* outside the context of refugee law** (applicable to all migrants and in particular to **irregular** migrants);

> **❗ Note: These questions will not be examined by return counsellors, but form key components of what is examined under the application for international protection.**

🔸 Conducting his/her **pre-return risk and needs assessment, planning and executing the return and preparing, agreeing and communicating his/her individual reintegration plan prior to the return with partners in countries of origin.**

> **❗ A wide range of guarantees, safeguards and series of enforceable rights apply when planning and executing the return of persons who may have been trafficked/are vulnerable to trafficking and exploitation.**

Member States who are parties to the Council of Europe *Convention on Action against trafficking in Human Beings* have a clear obligation not to carry out returns prior to completion of the victim identification process.[28] Member States are obliged to cooperate with, and among each other and to establish mutually agreed procedures to recognize the existence of indications of reasonable grounds of a case of trafficking provided by a particular agency and/or pass on the information. In this way, the individual can be treated as a victim of trafficking by all the competent decision-making authorities involved, including in the context of return pending the identification process. This may include trafficking-related claims for international protection, as well as granting a reflection period.

For return counsellors, this is particularly important for several reasons:

✔ Asylum seekers may have their claim for international protection on trafficking-related grounds rejected. However, they may still be victims of trafficking/vulnerable to trafficking, which is decisive for the entire set of protective measures upon their return to their country of origin;

✔ An evaluation of the individual situation of asylum seekers and irregular migrants, including possible individual vulnerabilities, special reception needs and trafficking-related experiences is already meant to have taken place before the return counsellor gets involved. Therefore, it is important that return counsellors ask for this information to feed into the risk and needs assessments they conduct as part of their pre-return counselling;[29]

✔ Irregular migrants and asylum seekers may have been previously identified as trafficked by the national anti-trafficking decision-making authorities, the police, prosecutorial and judicial authority or mandated service provider (NGO). It is important that return counsellors ask for this information for the same reasons as above;

✔ Irregular migrants and rejected asylum seekers may never have been screened for their individual vulnerabilities/identified as trafficking victims/vulnerable. Therefore, in most cases, responsibility for screening/identification, and for conducting a risk and needs assessment lies with the return counsellors who encounter the individuals prior to their return, including in the context of re-admission agreements.

The EU Trafficking Directive[30] **obliges Member States to establish appropriate mechanisms aimed at early identification of, assistance to and support for victims of trafficking, in cooperation with relevant support organizations.**[31] This obligation is particularly relevant for the early identification of trafficking victims among asylum seekers and irregular migrants, including in the context of re-admission agreements.

Return counsellors need to find out, if such mechanisms are in place in their national context. If they do not exist, return counsellors need to find a way to engage with and establish communication with the relevant national and local institutions. They may do so by contacting their colleagues mandated under different relevant systems to define ways of cooperating on particular cases. This would include those in the asylum, national anti-trafficking (National Referral Mechanism (NRM)), child protection and criminal justice systems. It would also involve participation in expert or working groups at ministerial level, as implementing partners of national anti-trafficking strategies, etc. Please consult Part IV of the Blueprint for further details on establishing cooperation frameworks.

Case study from Germany:

Detecting vulnerable persons including trafficked persons during asylum procedures

The professionals in the special reception centres for international protection applicants in Germany are trained to **detect vulnerable persons including trafficked persons during the asylum procedures or during the daily routines in the centres**. Once such a person is detected among the asylum seekers or people with irregular status, a reflection period of three months is granted (Art 59, par. 7, German Residence Act). During the three-month reflection period, such persons are entitled to benefits under the Asylum Seekers' Benefits Act, even if they are not asylum seekers or refugees. Assistance includes accommodation (in separate facilities in the centres), and legal, medical and psychosocial assistance. In cases where the victim opts for voluntary return to the country of origin, specialised centres take over the procedures (such as Solwodi, an umbrella association in Germany that supports women in emergencies, including trafficked persons).

How to proceed with the vulnerable/trafficked people who are being returned

It is very likely that return counsellors will encounter a significant number of returnees who have received a final rejection of their asylum claim. In most of the cases, return counsellors deal with preparing the return and conducting counselling sessions for vulnerable people and trafficking victims who have voluntarily agreed to return to their countries of origin or are obliged to return following the decision by EU national authorities. Trafficking and exploitation-related vulnerabilities have generally not been previously assessed for these individuals in any depth, or have been wrongly assessed, due to the speed with which the cases are processed and great complexity of THB assessments in this context.[32] In such cases, it is nevertheless important for return counsellors to find out if any information identifying THB/ any previous vulnerability assessment is available, what the eventual outcomes were and the reasons for those outcomes before proceeding with their own assessment.

In cases where individuals have received a final rejection of their claim for asylum, the provisions of the *Council of Europe Convention on Action against Trafficking in Human Beings* should guide the return counsellors as follows:

- **Returns shall be with due regard for the rights, safety and dignity of that person** and for the status of any legal proceedings related to the fact that the person is a victim, and shall preferably be voluntary;
- **Returns shall be carried out in the way set out in legislative frameworks, or where necessary and appropriate, other measures shall be made available to victims** in co-operation with any other relevant and required parties. Contact information of institutions and stakeholders that can assist them in the country of origin, such as details for law enforcement officers, non-governmental organizations, legal professions and social welfare agencies;
- **Child victims shall not be returned to a State, if there is any indication, following a risk and security assessment** that such a return would not be in the best interests of the child;

! **Establishing communication and cooperation with the relevant actors in the countries of origin is essential in the return process.**

In the context of organizing their return, it is essential that return counsellors **communicate the nature of the special needs of victims of trafficking and other people vulnerable to exploitation** to the relevant actors in the countries of origin. At a minimum, return counsellors must inform the relevant people in the country of origin about the health, housing and safety needs of the people being returned with **sufficient time prior to the persons' return** to allow for things to be set up or provided if needed. The aim is that the return counsellor, together with the relevant people in the countries of origin design, plan and prepare the return and reintegration plan, involving the returnee in the whole process. Assessments that are initiated in the country of destination can later be fine-tuned or modified by partners in the country of origin after the individual has returned. The process is gradual and should take into account the short-term, medium-term and long-term needs of the individual as well as any goals regarding social inclusion. How to do so, will be explained in detail in PART III of the document.

3. Overriding Principles. Trauma-Informed Care and Counselling Code of Conduct for all Professionals Working with Vulnerable Persons Including Victims of Trafficking

The previous chapter aimed to provide return counsellors with the relevant information to enable them to better understand what trafficking is, the related vulnerabilities of people subjected to it, and the connections between the asylum, trafficking and return systems. The objective of this section is to equip return counsellors, both in Europe and in the countries of origin, with a **counselling code of conduct** and with the **basic tools of trauma-informed communication** in order to appropriately identify and address the needs of individuals who may have experienced exploitation and abuse. It also aims to clarify how to uphold the *do-no-harm* principle throughout the different stages, in both the pre-return and post-return counselling process.

PRE-RETURN PHASE
STEP 1: Establishing first contact with the returnee

A trauma-informed approach to communication and care is one that commits return counsellors and others to providing services in a manner that is **welcoming and appropriate** to the identified needs of vulnerable individuals during the pre-return and post-return phases. **The first impression that professionals give**

> **Tip for non-clinicians:**
>
> *People may not remember what you have said, but they will remember how you made them feel!*

must be one that immediately distinguishes them both verbally and non-verbally from traffickers and **from other people who have harmed or abused them in the past.** S*peech, movement, gesture and approach* are integral to the impression that the professional gives.[33] A trauma-informed approach to communication helps people understand that the professionals are committed to ensuring their health and safety. From the outset, all the professionals involved should follow simple, trauma-informed methods of communication, demonstrating gentle but pro-active interest in an individual's wellbeing.

It is important for people to know:

✔ **The reasons why** the information is required;
✔ **How** the information **will be recorded, stored and used;**
✔ **How they can access** their file and information;
✔ **The identity of all the people** and agencies **who might** receive **and use** the information;[34]
✔ From the **outset, any duty the return counsellor has to share a person's information** with other organizations, statutory agencies, the immigration authorities or the police.

In order to gain the trust of the people they are working with, it is important that return counsellors both in the returning countries, and in the countries of origin understand the processes related to trauma re-enactment by vulnerable persons.

> **People who have suffered complex trauma often re-enact it. As well as the trafficking and exploitation, a failed migration plan is also a traumatic event in itself.**

Human beings adopt several unconscious strategies to resolve or repress earlier, sometimes multiple, layers of trauma. People who have suffered inter-personal violence of any form need to feel they are in a place of safety, kindness and professionalism. Every professional who works with these individuals should be aware that whatever they are doing, whether it is through their speech, movement, gesture, eye contact or expression, they are always communicating with them. All activities should be done calmly, slowly and framed positively.[35]

The return counselling should be conducted in a way that is **culturally sensitive** to the individual and ideally, should involve working together with a **cultural mediator.** Cultural mediation is explained in more detail in the **Risk and Needs Assessment section** below.

A **cultural mediator** facilitates communication between the return counsellor and the returning person. He/she engages them in a joint problem-solving process in the multi-agency setting. The role of cultural mediators is to **enable the correct display, assessment, evaluation, and interpretation** of terms and events in a multilingual and multicultural legal environment impacted by trauma re-enactments.

PRE-RETURN PHASE
STEP 2: Applying basic therapeutic principles

It is essential to use **basic therapeutic principles** when working with people who may have been trafficked or who are vulnerable to trafficking by ensuring:

✔ An environment and approach that is **safe, calm and consistent**;
✔ **The individual knows who is working with them;**
✔ The individual **knows that they have time to be heard;**
✔ A demonstrated **interest in a person's immediate safety, health and practical needs;**
✔ A maintained **focus on the 'here and now'.**[36]

PRINCIPLE 1: SAFETY

! **The first step for return counsellors and other service providers is to facilitate and provide a safe and unconditional space of acceptance and non-judgment, where an individual can recount their experiences of migration and trauma and receive reassurance.**

Safety[37] is the first condition for healing. One way for a return counsellor to assess safety concerns is to ask the individual: "*When was the last time you felt safe*?" This is indispensable for making them feel calm and reducing the risk of relapsing because of any vulnerabilities after they return to their country of origin (illustrated in the example below). If psychological help is needed and the individual accepts it, therapy should be provided for an adequate period. If therapy has started, but is not concluded before their return due to a lack of time, it should continue after they have returned. This could be in the form of online therapy if there are difficulties in accessing face-to-face therapy in the country of origin. If the individual takes medication, it is important to ensure continuity of availability including after their return. **If these issues are not adequately addressed in the pre-return phase, any vulnerabilities post-return attributable to trafficking are further increased and the risk of re-trafficking is highly likely.**

> **Safety in trauma-informed care** in the pre-return phase should try to focus on asking people about the strategies they adopted to make their migration dreams or plans happen as a way of helping individuals console themselves and enable them to cope with the almost intolerable impact of multiple traumas and failure of the plans they had.

🧠 **Create a safe and confidential working environment for the first and subsequent interviews**

Every action the return counsellor takes within the counselling session should be done in a calm and predictable manner in order to help the person feel secure, and therefore more confident. How should this be done? Maximize the light and space in the room, both in the way the room is physically arranged and in how the person can choose to move around. The way the room is arranged can be

distancing and intimidating for the individual and suggest that the professional is a figure of authority. Sitting as equals in the room creates a feeling of safety and openness, which will help communication. Making these kinds of arrangements and having plants or other natural objects can be comforting and can be done even in a tiny room.[38] If it is not possible, the following arrangement can be adopted:

Source: British Red Cross (BRC), Churches Commission for Migrants in Europe (CCME), Spanish Commission for Refugees (CEAR), Immigrant Council of Ireland (ICI), Italian Red Cross (ItRC), Action for Equality, Support, Antiracism (KISA), in association with the Swiss Refugee Council (OSAR), TRACKS Project Toolbox

Being able to make choices is important.[39] Individuals should be offered a drink or a snack, and given the opportunity to make small choices such as where to sit, to take a break and whether to have the window open or the heating on. Demonstrating attentiveness to individual needs is especially reassuring for people who have been dominated or controlled. For some, being given choices can initially be confusing. At the same time, it represents a small step towards them recovering their agency and autonomy, and freedom to communicate their needs without fear. Making eye contact and maintaining a good and welcoming posture towards the individual is also encouraged here.

If a calm and consistent environment and approach can be maintained at each point of contact (with any agency), the person's confidence and trust should gradually increase over time and allow them to speak more openly. Specifically, people who have been trafficked may be easily confused about who is working with them. There are many reasons for this, but it is important to bear in mind that they may have had multiple interviews or exchanges with a wide range of professionals. Some will have come directly out of their trafficking situation or other disorienting experiences (e.g. detention or prison).

To ensure the person's increased confidence in the process, it is important to explain to them who the people in the room are, what their professional role is, why they are present and what their professional obligations are. It is important to check that the person understands who everyone is and that they know how to ask questions about any aspect of the work or about people's roles at any time. The use of professional interpreters and cultural mediators is essential in every case.[40] It is also important to get their consent to allow all those present to be part of the process.

PRINCIPLE 2: CONFIDENCE

At the first encounter, it is essential to establish if someone has already assisted the individual in the past. It is important to establish if information about their history and circumstances is already available. If it is available, the return counsellor can access the information without having to subject the person to the same questions, which will be repetitive, redundant, tiring and possibly upsetting for them. Instead, **the objective is to start building a rapport with them.** Return counsellors should spare the person from having to hear anything they do not need to know for the time being. A good way of giving someone a sense of empowerment is to establish their story in the first meeting but without necessarily trying to get all the information from them, Return counsellors should encourage a person to provide their account freely, and should initially only ask specific and non-leading questions.

> Care for the person can be demonstrated immediately through expressions of:
>
> - **concern for their physical comfort/safety;**
> - **acknowledgement of any pain or discomfort they may be experiencing, and;**
> - **interest in helping them solve their immediate practical needs.**
>
> It is important to avoid making the individual any promises **(or statements which may sound like promises) or guarantees, which may not be possible to keep.** It is advisable to try to end an interview by giving the person a few next steps they can focus on, e.g. **another appointment, changing their room requests or ensuring they are provided with other information that they need**.

As an example, the following questions, or similar ones may be asked:

- What would you like to focus on in this conversation?
- I understand that you may have already spoken to other agencies and professionals before. Maybe you have even had a caseworker or social worker? I am wondering if it would be a good idea for me to contact them in order not to overwhelm you with the same questions you may have already answered and having to repeat the same information again? What do you think?
- If I need to know anything else, or you would like to add anything, you can tell me and I will tell you, ok? You can also ask me anytime to explain something if there is anything about my work, or my role, or why I am asking something is unclear to you. For the moment, I would like to get a clearer picture (e.g. of your situation/circumstances) but without you having to tell me the whole story from the beginning again. How does that sound?
- I just need to ask if you are already in contact with any other organizations? If you are, which organizations are you in contact with? Do you remember the name of the person you spoke to? It doesn't matter if you don't remember, the name of the organization will do. Can you also tell me a little bit about when and why you contacted that organization and what the outcomes were.

In many cases, people may feel unable to accept the help that is offered at the time, but they will nonetheless remember their first impression and may feel more able to reach out at a later point. This is why it is also important to provide your contact details at the earliest opportunity. *Remember: Do not use the phrase: "We are only here to help you!". It automatically creates a link with the words used by the traffickers.*

Any information concerning a trafficked person or a person vulnerable to exploitation can be highly sensitive and **should be treated in strictest confidence**. The storage and use of the information must be handled with the greatest respect for the privacy and safety of the person at all times. However, there will also be information that is essential to share with others in order to secure their effective identification, protection, individual support, access to services, social inclusion, criminal justice and redress, return and reintegration.[41]

Examples of good practices in Europe and Nigeria in managing and storing information on vulnerable people/trafficking cases

✔ Limiting access to the complete file to the case manager/authorized personnel only;
✔ Anonymized numerical case file management storage and use;
✔ Anonymize documents and only share them with limited individuals;
✔ Password protect all documents to limit access;
✔ Use of specific software limiting access or the ability to download or copy files by unauthorized personnel and notifying when someone who is not authorized attempts access;
✔ Protected cloud storage;
✔ Only sharing partial relevant information for a given purpose;
✔ Only sharing non-identifying information pertaining to exploitation/trafficking for a specific purpose (such as rescuing other presumed victims, preventing others from being trafficked, etc.)

! **In exceptional circumstances, the duty to observe confidentiality and informed consent may be overridden by safeguarding issues. Exceptional circumstances, which may override the duty of confidentiality, can be considered if it is to protect the best interests of the individual or the best interests of the public. These circumstances should be set out clearly in the policies and procedures of each service and should be explained to people from the outset so that they are aware that there are specific, limited situations in which this may arise. [42]**

PRINCIPLE 3: SUFFICIENT TIME

It is important to **create the impression that you have plenty of time[43]** for the person, even when that is not the case. It is important not to make assumptions about the way people initially present themselves. For example, if someone appears calm on the outside it does not mean that they are feeling calm inside, but might instead be feeling profoundly anxious. If someone is verbally aggressive, it does not automatically mean that they want to offend you, but may instead be afraid, and this is how they cope with that fear. **Listen carefully and pace the conversation accordingly.** If it is apparent that the individual is finding it too difficult, simply agree to make another appointment to hear more about it then. It is not helpful or effective to rush the situation and can inhibit people from speaking openly.

! **Remember, no one has ever calmed down by being told to calm down.**

Rather than telling a person to calm down, it is more appropriate to say: *"I see that you are feeling very upset. Please talk to me about why you are feeling like this. I am listening."* Appearing to have the time to listen to the person will make them feel calmer and will make them feel more confident about sharing their story and information with you. Quick movements, not maintaining eye contact or anything that suggests that you are in a hurry (such as repeatedly looking at the clock, shaking your legs, etc.) or have authority over the person can have the opposite effect and can exacerbate any

anxiety they may be feeling. Having authority over the person means that even saying "*Calm down please, so that I can talk to you*" would likely be interpreted by the person as a value judgment on them being unreasonable or hysterical and could lead to them shutting down. A clear and demonstrated willingness to listen and spend time with them builds trust. For those professionals working in a busy or crisis environment (e.g. immigration detention facilities), this consistent approach can actually be a time saver. It enables people to overcome their anxiety, and other barriers and to explain their needs and background more easily.**[44]**

People who have been trafficked or who are vulnerable to exploitation and trafficking often find discussion of their **traumatic history or uncertain future overwhelming** and this can exacerbate any psychological problems and symptoms. [45]

An immediate 'debriefing' involving discussion of a person's traumatic history is **not recommended** and can be harmful. This engagement needs to be managed **at a pace that the person can cope with**, so that they do not become overwhelmed. Rather, the subject of the first encounter should **focus on practical issues and discussing or planning small actions that can be managed in the current moment or 'here and now'. This can be very effective in helping individuals feel safe and in control**.[46] It is sometimes helpful to simply say to an anxious individual that they are safe right now.

Dissociation[47] as a coping mechanism of response to trauma can sometimes be helpful to the individual by making them feel distanced from the trauma that they have experienced (a person may dissociate when reminded of a traumatic memory, or when she/he is under severe stress). With severe and/or multiple traumas, dissociation can lead to a person feeling psychologically numb or numb in certain areas of their body. Moving around can be helpful in managing this, so the person can be encouraged to take a break and walk around. Let them know that they can take a break whenever they need to but do not leave them on their own if they are very distressed or appear emotionally cut off or numb. It can be helpful to gently call their name to bring them back to the present situation and if necessary, to pause the interview. Return counsellors can also refer the person for psychological help to diagnose a possible dissociative disorder.

In practice, conversations about **health, housing and safety** are usually **relatively successful entry points for engaging in a discussion with vulnerable persons about their situation and their specific needs.** Talking about these issues rather than **addressing the issue of trafficking and exploitation** directly, **can be an effective way of building a rapport with the individual,** gradually creating a relationship of trust **which in turn will help return counsellors identify the individual's particular needs**. It will also lead to a gradual disclosure of details regarding the trafficking and exploitation they have experienced.

PRE-RETURN PHASE
STEP 3: Generating trust

Outwardly expressing disbelief or indifference or making a value judgment is detrimental to trust-building.[48] A relationship of trust has to have been established before anyone can be expected to discuss issues surrounding rape, or other forms of assault, or feelings of shame and stigma or intimate family details. In cases where ritualized violence (e.g. juju) forms part of the background, it may not be disclosed at an early stage, if at all. Where a background of ritualized violence or oath-taking is known or expected, it should not be explored without the person having the appropriate ongoing therapeutic support and care. Gaining the trust of someone who has been subjected to ritualized violence can be achieved by building a safety net of recognized professionals who have been vetted who can help the victims of trafficking feel calm and that they are in a place of safety and physical security. **If the individual begins to trust the system that has been put in place around them, they will begin to trust the return counsellor**. An essential prerequisite in building this relationship of trust is being clear and honest with the person, not promising what cannot be delivered by the particular professional involved and being truthful about what is going to happen at each stage of the process.

> **Juju ritualized violence:** Using very old belief systems passed down through generations is a psychological form of control imposed on trafficked persons. It involves a ritual practice that is performed in a shrine where the juju priest/a local healer uses pubic hair, nails, body fluids of a person as well as animal bones and ashes to seal the promise of obedience to people who 'help' the trafficked person. If the individual breaches this promise, they can be made to believe that they or their relatives or loved ones will suffer severe harm, including death.

! **Generating trust takes time**

People make decisions on the basis of **information they trust**. In order for information to count – for it to prove influential – it first needs to be trusted. **Who conveys the message matters as much as the message that is being conveyed. Information becomes trustworthy when it is conveyed by people the individual already knows**[49] and with whom they already share a relationship of (at least some) trust.

Return counsellors need to:

✔ Contact the National Referral Mechanism (NRM) partners in their country who may already have dealt with the person in past - **See Part IV of this document**;
✔ Establish contact with new partners, including those in the country of origin, and focus on small steps to build trust with the person, concentrating on their immediate needs, particularly if they are new to the situation.

! **As small as the problem may seem to the return counsellor, being able to resolve a problem that can be highly distressing for the trafficked/exploited/vulnerable individuals can, in practice, be decisive.**

Below are some examples of immediate problems in the context of immigration detention which cause distress and which return counsellors may be able to solve. In doing so, they may be able to gain the trust of the individual:

- Not being able to speedily see a doctor specialising in e.g. eyes, teeth, pain, anxiety, old injuries, gynaecologist, sleeping problems outside the facility;
- Feeling like they are not being listened to when they say that they need to communicate with a particular significant other and asking to be allowed to retrieve their phone number from their personal mobile phone stored in the immigration detention facility storage;
- Feeling like they are not being listened to when they say they have particular dietary requirements;
- Feeling like they are not being heard when they e.g. ask for an extra blanket, a haircut, an item relating to their personal hygiene, or communicating a complaint, using the pay phone in the facility, etc;
- Not knowing what is going to happen
- Not knowing if a letter/packet they are expecting has arrived.

Case Study:
Building trust

An NGO worker supported a young trafficking victim in an EU country who had been placed in an immigration detention centre while preparations were being made for his return to his country of origin (after evaluation by the immigration authorities that there was a risk of him absconding). He was traumatized and highly distrustful of NGOs, lawyers and state authorities that had "failed him". This was combined with being highly uncooperative with return counsellors who were visiting the detention facility on a regular basis. The NGO representative, who had been mandated to monitor the young person's human rights periodically on behalf of the Ombudsman, supported a request from the young person that an adult who he trusted be allowed to visit him regularly in the immigration centre. During the NGO worker's interview with the young man, he was told that his request for the trusted adult to visit him had been accepted. After this, there was a shift in the young man's behaviour and he asked to only speak with that NGO worker when they made their weekly monitoring visits. Over the course of four weeks, he revealed significant information for a criminal investigation into serious trafficking-related crimes which led to the successful prosecution of an organized criminal group involved in aggravated smuggling, trafficking in persons and drug trafficking. He later said: "What she did for me that day was more than anyone had done for me the whole time I was in Europe. She listened to what I needed and did not put me off by telling me to be patient, or that it was not her job to deal with that. She just did it. So, I knew I could trust her."

Summarizing Minimum Practice Standards to generate trust[50]

Return counsellors are more likely to gain the trust of individuals who may have suffered exploitation, abuse and trafficking over time by:

✔ **Being friendly and genuinely caring**;

✔ **Being genuinely interested in helping to resolve an issue the person perceives as being a problem**, no matter how small or insignificant it may seem to the return counsellor, even if it is not within their mandate;

✔ **Agreeing on how to get back to the person** if he/she calls or leaves a message including at usual times or outside working hours.

✔ **Allowing the individual to make some choices** e.g. where they would like to sit, when to take a break, when to stop, etc.;

✔ **Believing that individuals** are active subjects with their own agency; asking their opinion before assuming anything; explaining why you are asking a particular question; asking them about their needs, ideas, plans, and visions for the future and making every effort to incorporate them in drafting the reintegration plan);

✔ **Helping individuals identify their strengths**; identify their strengths and encourage them to put them into practice (e.g. a person copes with stress by writing a journal, poetry, by cooking meals, singing, etc.);

✔ **Providing resources to develop those strengths** make sure the person is provided with stationery material as well as a quiet place to write, meditate, exercise, cook, sing, etc.

✔ **Consistently following through on what is said** while not making false promises or saying anything that might be perceived as a promise. Saying for example, *"Do not worry, we are here to help you and everything will be fine"* can be interpreted as a false promise if everything does not work out as hoped (the concept of "it will be fine" is highly subjective);

✔ **Breaking down what you are going to do/what is going to happen into tangible steps** e.g. *"Now, we are doing this, the possible outcome is this and this, we can influence/control this* or that, we cannot influence/control that, if A happens then B, if not B, then C, etc.;

✔ **Not making generalizations,** being as specific and predictable as possible.

✔ **Creating a peaceful and respectful atmosphere**;

✔ **Allowing time and space** to work out issues according to the individual's own timetable e.g. finishing the interview earlier than planned, changing the subject of the interview if needed, re-scheduling if the person is unfit or unwell.

Provide safe accommodation during the counselling sessions in the pre-return period

During the counselling sessions, individuals must feel safe from their traffickers and from further possible victimization. Accommodation/facility arrangements for women should mean they sleep in a separate place away from male peers or adults. Staff, especially male staff working in facilities with individuals who may have suffered sexual violence, must honour appropriate staff/individual boundaries. **As far as possible, individuals should have their own space and be allowed time alone.** Dressing and bathing areas must be private. **The facility should be clean, quiet and orderly. Giving individuals a basic routine that is predictable with regards to meals, bedtime, school, activities and rules will help them feel safer. They should interact with a few trusted staff, rather than with many different people.** Such an environment is more likely to be conducive to them: starting to open up and share their experience(s); build trust as well as acknowledge and accept that what happened to them cannot be changed; revisit and redefine the negative experiences; discuss alternatives and possible future objectives; and take a first step in gradually also considering the option of a voluntary return.

✔ **Honour individual feelings/behaviours** as a way of working through the trauma; constantly encouraging people to make more positive life choices, and actively involving them in their future plans;

✔ **Return anger with calm assurance**;

✔ **Offer positive role model examples** such as peers and other inspiring adults;

✔ **Provide wholesome activities** referring and accompanying them to those activities if they are organized by a partner organization;

✔ With the help of cultural mediators, **build on a person's cultural tradition** to support their personal value separate from their past experiences and behaviours (e.g. to help to drive away feelings of shame or damage). Use their cultural tradition to help the individuals make sense of their trafficking experience and failed migration projects through: individual and group sessions; workshops; peer-to-peer support groups; provision of therapy, both individual and group therapy; faith support groups, etc.

PRE-RETURN PHASE
STEP 4: Writing a report about the pre-return counselling sessions

During the counselling sessions, return counsellors should draft a report as a '**first diagnosis'** of the case. The aim of the report is to summarise the relevant information about the case that is available so far from **the various agencies and systems involved**. The return counsellor collects some information during the counselling session(s), while the rest of the information (it may even be the majority of the information) is gathered by the police, the asylum authorities, NGOs who may have helped in the past, social services, medical practitioners, etc. The **report provides a "diagnostic picture"** – as complete as possible - for the return counsellor and their organization. It also serves as a basis for the Risk and Needs Assessment stage and enables the return counsellor to have a clear picture of what is relevant from the report to share with the partners in the country of origin prior to return, for validation.

PRE-RETURN PHASE
STEP 5: Assessing peoples' vulnerabilities, risks and needs

Once a relationship of trust has been established, the return counsellor should begin an evaluation to carefully assess the safety of the trafficked person, and their needs and wellbeing prior to returning to their country of origin. In the case of trafficked children, such an assessment should begin immediately after identification. The evaluation is specifically aimed at:

- Identifying any imminent or future risks to his/her safety including, considering his/her mental health in relation to healing from the trauma experienced;
- Identifying any imminent or future risks to the safety of his/her significant others;
- Establishing the possibilities for social inclusion in the country of origin.

> **Every possible risk of re-trafficking, exploitation or further harm to trafficked persons and people vulnerable to trafficking should be distinctly and carefully considered prior to their return. This can be done using the SIPPS methodology factors as outlined below.**

Consideration of the risks should not be restricted to those presented by the original traffickers, but also take into account the possibility of being targeted by other perpetrators.

The Systemic Investigation, Protection and Prosecution Strategy (SIPPS): Assessing the Risks and Needs against Factors/Domains[51]

Home and Environment

What is the person's home environment like? Does the person come from a harmful home environment? How harmful is the person's home environment? Does the person or their family have a history of substance abuse? What are his/her parental relationships like? Are there any instabilities present (e.g. possible ostracization of the individual/family)? Does the person have any problems with other relatives/friends/neighbours/community? Do they have problems with family? What de-stabilizing factors have they been exposed to? Is there a pattern of homelessness? Have they been a previous victim of sexual, physical or psychological abuse from an individual abuser? Have they been a previous victim of sexual exploitation by two or more abusers? Has there been any emotional abuse or neglect? If so, by whom and for how long?

Education and Employment

What is the person's education history? Do they have a history of truancy, non-attendance or expulsion? Was there a regular breakdown of school placement? Nature and degree of sex education? Have they received further/higher education and what is their level of educational attainment? What is his/her employment history, training and skills? What other resources and capabilities does he/she possess to date?

Behaviour

Are there or have there been any signs of verbal aggression, physical aggression, or withdrawal? Has the person absconded, disengaged, or gone into hiding in the past? Are they likely to in the future?

Psychological Health

Does the person have a history of stress or anxiety and has it been treated? Do they have a learning disability, suspected or identified Autism Spectrum Disorder (ASD), history of suicidal ideation or clinical depression?

Physical Health

Do they have any physical disabilities, chronic health problems, previous injuries? Does the person have a history of regular drug or alcohol abuse? Has there been any previous concern regarding drug or alcohol dependency?

Sexual Health

Had they had sex prior to abuse (and if trafficked, prior to departure)? Have they had any previous miscarriages or terminations? Have they had any sexually transmitted infections?

Safety/Suspected/Actual Abusers and Facilitators

Who are individuals that the vulnerable person may fear? What is the history of the relationship between those individuals and the vulnerable person? In what circumstances did the last contact occur? What are the reasons the vulnerable person fears this individual(s)? How does the vulnerable person think he/she may be protected from these individuals? What does the vulnerable person fear the individual(s) could do to him/her and to their significant others? Does the vulnerable person know the whereabouts of this/these individual/s? Does this individual(s) know the whereabouts, contact details, habits of the vulnerable person/his or her significant others?

How do return counsellors do the initial Risk and Needs Assessment?

✔ Through a review of the **case file, interviews with the person in question, and through contacts in different institutions and individuals** via conversations with the victim, phone contacts, e-mail contacts, trusted third parties e.g. police liaison officers, police records, social services, health professionals, anti-trafficking authorities, immigration/asylum, NGOs, IOs, etc., and complying with the national data protection laws in order to ensure that personal data is recorded, stored and shared in line with legislation;

✔ By **actively involving the returnee in the process,** regularly informing them about the steps being taken, discussing his/her views and opinions, providing feedback received from the various organizations and individuals involved in the case both in the country of destination and country of origin. On completion of the initial risk and needs assessment, the trafficked person should immediately be informed about the final outcome.

> During this phase, the return counsellor may contact the relevant embassies or consulates to ask them to issue the necessary documents (though NOT if there is an asylum claim pending). If the travel documents cannot be obtained by the country of the returnee's nationality, the person may be given a temporary document by the national authorities of the country of destination. The travel documents should not state that the person has been trafficked or is an irregular migrant as this might lead to criminal prosecution or administrative proceedings and stigma. In order to ensure their security, it is best that the returnee's personal information is kept confidential.

The initial assessment should include the risks and vulnerabilities identified, specifying the related minimum standards of security and the appropriate procedures to ensure that each of the identified risks on the list has been reduced and is being effectively managed. The risks that have been identified should be regularly reviewed and updated in the place/country of origin once the trafficked person has been returned.

Case Study:
UK Home Office Guidance on Nigeria[52]

Whether a woman returning to Nigeria having previously been trafficked to the UK faces on return a real risk of being trafficked afresh will require **a detailed assessment of her particular and individual circumstances.** Factors that will indicate an enhanced risk of being trafficked include, but are not limited to:

- the **absence of a supportive family** willing to take her back into the family unit;
- **visible or discernible characteristics of vulnerability**, such as having no **social support network** to assist her,
- **no or little education or vocational skills,**
- **mental health conditions**, which may well have been caused by experiences of abuse when originally trafficked,

> - **material and financial deprivation** such as to mean that she will be living **in poverty or in condition of destitution;**
>
> The fact that a woman was previously trafficked is likely to mean that she was then identified by the traffickers, as someone easily manipulated, disclosing characteristics of vulnerability such as to give rise to a real risk of being trafficked. On return to Nigeria, it is probable that those characteristics of vulnerability will be enhanced further, **in the absence of factors that suggest otherwise.**

PRE-RETURN PHASE
STEP 6: Establishing operational workflows with the professionals in the country of origin

Trafficked returnees cannot be left without a confirmed and individualized support plan and detailed step-by-step information about what is going to happen following their return. Therefore, once the the return counsellor has established a rapport with the individual, it is helpful to **build a 'team' for their protection with other known and trusted professionals in the country of origin,** to create and maintain the trust of persons vulnerable to exploitation, including trafficking victims**. How is this done?** Return counsellors can act as a conduit between the services they provide and the services they refer trafficked returnees to in the country of origin. It means **proposing to the returnee that they meet the partners/trusted professionals in the country of origin via online (video) call, explaining why it is a good idea and what these professionals can do for the returnee once they return home.** The return counsellor should **organize the online meeting, introduce everyone on the call and discuss the options together**. A cultural mediator can also be present. **The aim of this interaction is to complete the risk and needs assessment, and based on that, to prepare reintegration paths**. In other words, the return counsellor should create referral pathways in order to: reduce re-traumatization or distress in facing the unknown; repeat important information to other professionals in the country of origin; and plan what is going to happen following the return. Such assessments should be well planned with multi-agency partners based on operational protocols.

Communication workflows between the country of destination and country of origin

In order to ensure a coordinated, dignified and safe return process, the following **series of notifications between the return counsellors in the country of destination and the receiving organization in the country of origin** are recommended[53]:

1. Country of destination: REQUEST

- **Notification of a request for assistance** by the referring organization (first contact by phone/Zoom/sending an email, agreeing on sharing documents in a Drive or via the cloud, on data protection principles; identifying the key individual/contact within the organization, including his/her alternative contact, agree a timeframe within which a receipt of confirmation is required);
- **Confirmation of request for assistance** by the receiving organization.

Together with the notification of a request for assistance, the information provided **by the sending organization to the receiving organization** should include:

- **Personal details** (name, date of birth, place of residence/domicile);
- **Individual vulnerability assessment** carried out by return counsellors in the country of destination (**by using SIPPS methodology or other method**);
- **Risk and Needs Assessment commenced in the country of destination (see in detail below) specifying any need for corroboration by the partners in the country of origin** (mainly regarding family, community, related risks of re-trafficking, including the timeframe for sending the necessary information);
- **Outline of the type of assistance needed**, including the baseline assistance e.g. housing, health, safety domains in the short and medium term;
- **Outline for possibilities of individual social inclusion** pathways (short, medium, long-term) based on a continuity of support which the vulnerable person will have received prior to return;
- **Proposed dates for direct consultations with country of origin frontline partners** (online, phone/Zoom, with the returnee, with the cultural mediator);
- **Indication of how much time** is available to prepare a safe and dignified return.

2. Country of origin: ANSWER

- **Confirmation of receipt** of the request for assistance;
- **Information on who is the key individual/contact** and his/her alternative contact within the organization for all future communication with the return counsellors in the country of destination;
- **Feedback about the Risk and Needs Assessment carried out in the country of destination and sent to the country of destination**, including **corroboration of possible outcomes as requested by the European return counsellor** and suggestions as to how to mitigate the risks identified as requested;
- **Feedback about the request for the types of assistance requested as needed**; outlining **what kind of assistance could be provided** (housing, health, safety domains). If not, providing full contact details and possibly **referring the returnee to other (partner) organizations (**in a different city/region/State) who might provide assistance **and facilitating the contact**;

- **Feedback on the outline of possible social inclusion pathways sent** (short, medium, long term), including other requests for any missing information that is required e.g. any information about the kind of education/vocational training the returnee is doing in the European country that they could continue in the country of origin;

  NB: This arrangement can change over time. It can be fine-tuned after the individual has returned and as their reintegration gradually progresses, based on how is he/she is doing;

- **Confirmation of the dates for direct consultations** (online and on the phone, with realistic timeframes).

3. Both countries: FOLLOW-UP STEPS

- **Direct consultations** (*bilateral*), plus (*multi-lateral*) with the returnee and ideally the cultural mediator (online);
- **Joint finalization of the Risk and Needs Assessment** (agreed timeframes);
- **Finalization of the Individual Assistance Plan** (focusing on housing, health, safety, livelihood options/further education), in the short, medium, long-term to be **implemented** upon return. This may be adapted/updated in the country of origin, following an evaluation of the outcomes of their return– e.g. after the first three months in the country of origin, an evaluation of how he/she has settled, their well-being, healing. *(For instance, if the person had ambitions to run a small business but they are not ready yet to open and run it independently, this may be further postponed. If he/she is doing really well, it can be anticipated)*;
- **Practical aspects of organizing a safe and dignified return** i.e. documentation, decision if the person will travel accompanied, who will wait for the person at the airport, how and when funds will be disbursed, what the safety precautions will be if needed, how return counsellors in the country of origin will be doing the reporting to the sending organization, how the sending organization will monitor the reintegration process;
- **Data protection principles** *(a few tips were provided at the beginning of this section).*

> **!** **The best interest of the child should be the primary consideration at every stage in planning the return of children.**

Responsibility for sharing the information referred to above is transferred **to the child's legal guardian (in the country of destination), and only through official (governmental) child protection channels in the country of origin**. This exchange of information should only take place after the process of determining the best interest of the child has been completed. If the assessment to corroborate the risks and needs by the authorities in the country of origin shows that the safety and care options available in that country would not be in the best interest of the child, the child[54] should not return to the country of origin. Clear instructions regarding the transfer of guardianship and care duties (between the guardian and the authorities in the country of origin) should be defined and agreed between the two countries. More on the role of the return counsellor in this regard is provided below.

Sharing the necessary details from the information gathered from the various institutions and individuals involved with the country of origin should be done in line with established operational protocols (See Part IV on NRMs). The protocols may provide for assessments to be videoed and define exactly how the recordings can be used, as well as clarifying issues regarding confidentiality and data protection when sharing the information, etc.

What if a European return counsellor does not have any contacts with the relevant organizations in a particular country of origin in order to be able to corroborate the information needed for the risk and needs assessment?

In that case, it may be useful to contact national partners (National Anti-trafficking Coordinator Secretariat, NRM, etc.) and European partners in other European countries (Transnational Referral Mechanism) to see if they can help. While there may be no central directory of cooperating organizations in the country of origin available for European return counsellors to consult (and vice versa), there may be national and regional directories, as well as directories of partner European organizations available.

PRE-RETURN PHASE
STEP 7: Completing the Risk and Needs Assessment in partnership with the country of origin

The risk and needs assessment needs to be completed before the return, after the organizations in the country of origin have corroborated the necessary information. This will ensure that actions being repeated unnecessarily is minimised, that possible re-victimization will be avoided and the *do no harm* principle will be fully upheld.

The partners in the country of origin might make some adjustments to the initial assessment. They need to do so by mapping the risks of being ostracized and possibilities for social inclusion in a particular family and community. They should also provide suggestions for alternative options, including in a different community, city, state or region. Experience shows that engaging cultural mediators in the process, as discussed in a detail below, contributes to a greater likelihood that the mapping of the necessary information will be done more thoroughly.[55]

The questions that return counsellors together with the partners in the countries of origin need to answer before a vulnerable person is returned are: **How will the needs be met when the individual returns and who will meet them? How will the risk factors that have been identified be eliminated?**

> ### Case Studies:
> ### Assessments of returnees to Nigeria from Belgium and Denmark
>
> CARITAS Belgium carefully assesses the situation during the counselling phase by taking into consideration a vulnerable person's wishes regarding family tracing or alternative options. In some instances, CARITAS organizes Skype conversations between the returnee and the receiving organizations in Nigeria in order to obtain information about the available options in the native languages.[56]
>
> In Denmark, during the pre-departure counselling period, professionals from the Danish Centre against Human Trafficking (CMM) make efforts to reach out to an NGO in Nigeria, whose representatives will support returnees who have been trafficked or other vulnerable victims with advice and cooperation on the returns that have been prepared. Moreover, CMM professionals screen videos/films that contain stories of people who have successfully re-integrated into society in Nigeria to the potential returnees.

Risk and Needs Assessment of adults

There are a number of situations which could result in former victims of trafficking being trafficked again. An assessment of the possible risks to the individual should be carried out together with the relevant partners in the country of origin. The situations that could give rise to someone being re-trafficked include those involving:

- **The original traffickers:** This requires those involved in the case to consider each of the known traffickers originally responsible for the trafficking, all their known associates and other victims who may still be under their control and in contact with the returnee. It is important to ensure that the individual who is returning to their country of origin has a phone and contact details, which are not known or cannot be detected by the traffickers and to sensitively check their presence on social media and current relationships to find out if they are using the internet safely and if there are any online risks;

- **Associates, relatives, friends, acquaintances or others who may be implicated in a person's original trafficking**: In many cases, the person who has been trafficked may not have recognized that a person who they remain close to or are in contact with was complicit in their trafficking. Return counsellors should approach this carefully and in a non-confrontational manner. It can take time for them to recognize and be able to fully confront the extraordinary deception practiced by traffickers posing as partners and friends, and in many cases, it is particularly challenging for them to comprehend or manage the fact that members of their own family were implicated in their trafficking;

- **They may require specialist therapeutic care which the return counsellor should arrange.** It is vital to ensure that the individuals do not become overwhelmed and lose contact with the service because they feel unable to continue. The return counsellor should be looking out for this possibility from the outset without causing any alarm or demanding the person confronts

the issue directly at an early stage in the process. The emphasis should be on ensuring that the person is able to maintain their personal safety, has the next appointment or meeting arranged, and has the level of individual support that they need;

- **Potential traffickers** who may target or groom the victim in the future and commit further crimes against them. **This should always be considered a risk for victims who have been trafficked in the past due to their increased vulnerability to trafficking after leaving the control of their original traffickers**.[57] The risk of re-trafficking can stem from the individual's continuing vulnerabilities relating to the impact on them of trafficking, including mental and physical health issues, as well as their personal circumstances, including destitution and situations of adversity and/or economic hardship. These risks will become more visible to the return counsellor after he/she has done the SIPPS analysis;

- **Situations of poverty or destitution** where individuals are highly vulnerable to trafficking due to their need to support themselves and in some cases to care for their dependent/s;

- Situations of '**debt bondage' or ones where the individuals are obliged to send money to relatives.** These individuals are at particularly high risk of exploitation;

- Situations where victims are **living in areas with high levels of crime**, particularly those from marginalized backgrounds, and lack equal access to law enforcement and the criminal justice system. These individuals are especially vulnerable to further trafficking;

- **Substance dependency issues** which have not been addressed. These individuals are also at high risk.

> **!** **The question is not only '*how vulnerable is this person now?*' but '*how vulnerable will they be if they are left without professional support?*[58]**

There may be indications that a person returning to her/his country of origin after being trafficked and left without adequate support is at enhanced risk of being trafficked. These indications include being:[59]

- ✔ Rejected by her/his family, village, community;
- ✔ Psychologically damaged as a result of the serious harm she/he suffered during the period they were trafficked (based on the psychological expert report/assessment requested by the return counsellor, or done previously under different proceedings and used by the return counsellor). This may make her/him less able to find work, and result in her/him being at enhanced risk of destitution, especially if psychological help is lacking when she/he returns and there are no family members to support her/him;
- ✔ Stigmatized and ostracized;
- ✔ Subjected to spiritual and psychological pressures and being easily manipulated;
- ✔ Subjected to pressure from her/his family to provide income.

It is not only that a returnee may face poverty and destitution, mental health problems, or lack access to education that renders a returnee vulnerable to abuse and at a real risk of serious harm. On returning to the country of origin, a returnee's vulnerability and the indicators of vulnerability to abuse may increase.

Returnees may find their options so limited that they approach the same trafficker or another one, or sell the business that was established through the reintegration package to pay off so-called debts, etc. They may face numerous obstacles that include, but are not limited to: financial hardship, difficulty in finding secure employment and housing, poverty, discrimination, stigma, isolation, peer pressure, limited access to mental health services.

The factors that led to trafficking originally may still be present to a greater or lesser extent. The return counsellor will be able to ascertain this after completing the SIPPS assessment. He/she needs to reflect this in the agreed reintegration plan and take steps, together with the partners in the countries of origin, to mitigate these risks.

The return counsellor should pay particular attention to post-return vulnerability to re-trafficking that may be a result of certain societal norms and value systems. This aspect needs careful consideration when the risk and needs assessment is being drawn up with the partner organizations in the countries of origin.

If the family, village or a community refuse or cannot support the reintegration of the returnee, alternative social and income-generating support options need to be put in place prior to the return and defined in the reintegration plan.

In some societies, an individual is not defined by their qualities, rights and intrinsic capabilities, but **rather acquire status through the fulfilment of obligations, responsibilities and rules that give him/her social relevance**. In many societies, the principal context in which one's personal autonomy is achieved is through the family. Furthermore, personal success in life, often defined by material prosperity, is eagerly sought, not only for the individual's own benefit and satisfaction, but for the status the person acquires within the community and the benefits for the community itself. If the person returns empty-handed, and is not in a position to be a breadwinner (due to the harm suffered), or to assume such a role within a short period without specific support, he/she should be evaluated as being at risk of being trafficked, if such expectations persist.

Example of pressures exerted by the extended family that result in trafficking and exploitation

According to ICMPD's study The Strength to Carry On[60], one of the driving factors behind the vulnerability of teenage boys and young men to exploitation and trafficking is the **gendered expectations and pressure exerted by members of their immediate and extended families**. These expectations include the need to repay the money spent on their journey, earning additional money and sending money to family members.

Risk and Needs Assessment of children/young persons in transition to adulthood[61]

The assessment of a child and young adult's essential needs conducted by the return counsellor includes the **best interest determination procedure (BID),** which is conducted with a focus on *permanence planning* for each child. This requires considering and drawing up long-term plans that provide the child with stability and a route to fulfilling their long-term potential. Return counsellors need to find out what the national procedures for BID are and tailor the return-related procedures accordingly.

A legal guardian for the child should be appointed immediately. Unless return counsellors are also the child's legal guardian, they will not be able to carry out the BID alone. Instead, it should be carried out jointly with the child's legal guardian and under the supervision of the court. Where the child who has been trafficked/is vulnerable to trafficking does not have a legal guardian, return counsellors must immediately see how to initiate the process of appointing one. If the child has been appointed a legal guardian in the host country, every action undertaken by return counsellors involving the child's current and future needs must be done with the appointed legal guardian. This includes:

- ✔ Family tracing;
- ✔ The child's family-related needs and circumstances;
- ✔ Alternative care options;
- ✔ Transfer of guardianship procedures prior to return;
- ✔ Mental and physical healthcare (regardless of where the child lives now and where he/she will live after he/she returns);
- ✔ Any disability requirements (now and to be met upon return);
- ✔ Individual support needs (now and to be met upon return);
- ✔ Assessment of age, if necessary;
- ✔ Practical, material and financial needs (now and upon return);
- ✔ Safe and appropriate child accommodation (now and upon return);
- ✔ Child specialist legal advice and representation for any legal matters (now and upon return);
- ✔ Police or criminal justice system liaison and support needs (now and upon return);
- ✔ Travel requirements;
- ✔ Any needs which are specific to the child, which may be met by specialist services and NGOs;
- ✔ Access to child specialist services;
- ✔ Education and social inclusion.

A report from the relevant authorities of the child's country of origin verifying that the state has **(a) established jurisdiction over the child**, and (**b) developed a durable solution for the long-term care and protection of the child** is needed in cases of trafficked children/children vulnerable to trafficking. Only on receipt of such a report, or a court judgment ordering the return of the child to the country of origin, should the returning state proceed with the arrangements for the return.

> **Case Study:**
> **Germany's risk assessments in cases involving children**
>
> Germany has special procedures for conducting risk assessments in cases involving children. The **child welfare services responsible must be informed before repatriation and they assess whether the welfare of the child concerned would be endangered if they return. The family's circumstances are assessed in order to determine whether it is in the child's best interest to return, and whether their protection and continued support can be ensured.** The guardian must give his/her written consent for the child's return in advance.

Risk and Needs Assessment of young adults

A young adult is defined as someone who is between the ages of 18-21 years old. The security of each young adult begins with an awareness that (former) child victims of trafficking are extremely vulnerable after trafficking and at risk of being re-targeted by the original traffickers or new ones. Assessing the risks to young adults can be a complex process and should only be conducted by child specialist professionals and preferably their former legal guardian (or equivalent), together with the return counsellor.

It should be assumed that all young adults who are assessed in relation to trafficking are at a high level of risk. This includes their risk of 'disappearing' or being re-trafficked by their original traffickers, or new ones. Traffickers may force older children to recruit other children in sheltered accommodation and child services (this applies to young adults as well).[62] This fact should be a key consideration at all times to ensure the safety of all children/young adults. If this is spotted by the return counsellor or other social workers, it should be considered a major indicator that the child is at risk of re-trafficking.

> **!** **Avoid information overload, specifically when counselling young people.**

- ✔ **Pace** the provision of information to avoid confusion;
- ✔ Repeatedly **check the young person understands what you are telling them;**
- ✔ **Use visual cues** to prompt recollection;
- ✔ **Ensure** that the **information provided relates to the current situation or the near future;**
- ✔ Include work that allows the young person to understand the **timing and sequencing of events;**
- ✔ Use **child-friendly/simple language**

Cultural mediation as an integral part of return counselling processes

(!) Every cultural mediator working in the field of trafficking and exploitation and assisting return counsellors should also be trained in using the SIPPS framework. A cultural mediator should be a facilitator for the entire enquiry process set out in the SIPPS methodology.

What are the main barriers and challenges in the return counselling process that cultural mediators can help address working together with return counsellors?

Their knowledge and ability to facilitate communication between people with different cultural backgrounds and speaking different languages may help with:

Cultural mediators have typically studied forensic linguistics and/or socio and linguistic forensic anthropology, and may come from the same country, ethnic or minority group. Return counsellors should find out **what the national practice for engaging cultural mediators is, if a contact directory is available, procedures for engaging them, etc. Partners in law enforcement and anti-trafficking may be able to help return counsellors gain access to vetted and experienced cultural mediators. Vetted and THB-trained cultural mediators from other EU countries may be engaged online as well where necessary.**

- ✔ **The lack of understanding of the reactions of trafficking victims** such as their perceived passivity, delays in reporting/coming forward, not self-identifying as victims of trafficking, inconsistent accounts, changing their account, withdrawing their statement, hi-functionality (that is, acting as if everything was fine,) absence of visible symptoms of trauma, possibly demonstrating positive attitudes towards the suspect(s);
- ✔ **The continuous assessment of the credibility of vulnerable returnees** on the basis of possibly inconsistent statements and behaviour;
- ✔ **Cases of individuals who had not been previously identified as trafficked, assisting in establishing "*reasonable grounds*"** to believe that the person has been trafficked. Recording the interview may be necessary to be able to comprehensively assess verbal and non-verbal cues.

In cases where cultural mediation (in person or online) is required in return counselling prior to an individual's return, it is important to ensure that:

- ▪ The return counsellor (and other agencies when applicable e.g. a returnee's previous case manager, or counsellors in the country of origin) participating in the interview with the returnee, agrees beforehand the terms of the cultural mediator's engagement in the process;
- ▪ The organization responsible for leading the interview is established (in this case the return counsellor's organization) and ensures that **it** takes the lead during the entire interview. Victims might not always feel able to assert their needs, so the return counsellor should remain vigilant and notice any behavioural changes that could be indicative of discomfort with the cultural mediation;
- ▪ Family members or friends are **not used as surrogate interpreters**;
- ▪ Victims and vulnerable returnees are, when possible, **able to choose the sex of the cultural mediator;**

- **Cultural mediators are qualified professionals** who have been **vetted, background checked and referenced and selected** in cooperation with their anti-trafficking partners, including return counsellors (in some cases, trusted cultural mediators operating in a different European country may be used in online interactions);

- Cultural mediators fully understand the **duty of confidentiality**. This should be clearly explained to the returnee with the cultural mediator present at the beginning of the first session. If the interview is being recorded, its purpose needs to be explained to the returnee and his/her consent must be received prior to recording;

- Cultural mediators seek to clarify that a particular message has been interpreted and understood correctly by the returnee when there are any doubts, but that they always accept that the return counsellor is responsible for leading the interview;

- **Cultural mediators do not express, either verbally or non-verbally, any judgment or opinion** about a returnee's conduct or experiences;

- **Cultural mediators are briefed prior to, and following appointments/**interviews and are guided by the return counsellor including information about the complaints mechanisms available.

Case study:
Italy's use of cultural mediators

Since 2015, cultural mediators trained in human trafficking have been an integral part of the international protection hearings in front of the Italian Territorial Commissions (the first instance decision-making authority in the asylum proceedings). An Operational Secretariat was created which manages the programming and provision of the cultural mediation service, co-ordinates the teams of mediators located throughout the national territory and carries out constant actions to select new resources to face the numerous requests from the Territorial Commissions. Every day, the Operational Secretariat place about 200 cultural mediators of different nationalities and backgrounds. More than 150 languages are covered by the service, including official languages, those in the vernacular and dialects, even very rare ones, from Africa, the Middle East and Asia.

PRE-RETURN PHASE
STEP 8: Preparation of the reintegration plan and obtaining consent from the returnee

Once the Risk and Needs Assessment is completed and the outcomes have been determined, return counsellors can begin preparing the **reintegration plan in cooperation with the partners in the country of origin.**

What is an Individual Assistance Plan (IAP)?

It is a plan that **clearly details the concrete steps** and related measures that will be provided to a trafficked person/vulnerable returnee who has expressed his/her wish to receive further assistance. The trafficked/vulnerable person should be given **a clear description at this stage of the services that will be offered after the return**. He/she should be given **adequate time to consider the available reintegration options** presented by the return counsellor before the plan has been finalized. He/she should have the possibility to ask questions, ideally in the presence of a cultural mediator and a return counsellor in the country of origin (online), to ensure that the consent procedure and its implications are fully understood and that the plan can be endorsed. A joint consent form, developed by the return counsellors in the two countries, may be helpful.

Obtaining consent[63] from the returnee

When introducing possible individual reintegration plan options to the trafficked person/vulnerable returnee, his/her return counsellor should provide information and obtain his/her consent, at a minimum, on the following:

- ✔ **Placement with(in) their family/community:** If assessed as viable, what support will the family receive, from whom, who is the case manager, what is his/her role, timeframe for the support, arrangements, safety plan, support for the trafficked person if any risks in the family context re-emerge, who will provide that (NGO, community leader, focal point with the police, etc);

- ✔ **Placement in a flat/shelter/NGO accommodation: Note that accommodation in de-facto detention conditions does not meet the minimum standards for returning trafficking victims;**

- ✔ **Proposed housing** and related conditions: Shelter, shared rented apartment, room arrangement occupancy, common facilities, open/closed facility, time of curfew, use of mobile phone, social media, visits, email/phone communication, cooking meals and grocery shopping, options for recreational activities, etc;

- ✔ **Case manager in the country of origin:** Who she/he is, what his/her tasks and responsibilities are, how he/she can help, setting up an online introduction, any complaints mechanisms;

- ✔ **List of concrete services and activities planned to be offered to the person, where they are living or walk-in** (within the shelter, or at a different location), including a description and con-

ditions attached to their use (psychological assistance, medical assistance (internal, external, access to it)), legal advice, what vocational training and education is available, what guaranteed income generation program/job placement options are available, what religious support, family/community inclusion activities as applicable are available;

✔ **Duration of each service to be offered** e.g. psychological assistance, medical assistance, individual/group therapy, peer to peer support; frequency and how long;

✔ **Financial support possibilities** what ones exist, the amount, conditions attached, duration, mentor support;

✔ **Transportation to reach services/school/work** and whether they will travel alone, accompanied, who pays for the ticket, whether the is transport organized by the service provider;

✔ **Rights and obligations to be respected** withdrawal of consent, complaints mechanism, confidentiality, safety precautions, disclosure to third parties, admissions policy to the accommodation/particular service;

✔ **Safety arrangements and safety plan** within or outside the facility, how often it will be assessed, what information is/will be needed by the returnee for this purpose;

✔ **Procedure for re-assessing needs and risks** after the return: when, by whom, how, using what criteria/factors such as health and psychological condition, personal situation, and external situation, and if they move to another location, who will carry it out;

✔ **Adapting the Reintegration Assistance Plan in the country of origin procedure** how it will done, what milestones, criteria, timeframe**;**

✔ **Case monitoring and follow up with the returning organization** explain the purpose of monitoring, if the person agrees, for how long, how will the contact be maintained, etc.

The returnee's consent will be limited to those services that are listed on the form. **These should include at a minimum:**

Safety: Is it safe to stay with the family or elsewhere, what are the safety precautions within the family and elsewhere**;**
Health: covering their physical, mental and psychological health, how access to services is guaranteed, covered and made available in the long term;
Housing: What type of accommodation is available and attached to services?
These must be covered, based on a **completed risk and needs assessment**. Procedures that may happen later e.g. testing for sexually transmitted infections (STIs) and other administrative procedures linked to return require separate consent procedures.

> **!** **The Reintegration Assistance Plan is finalized after the returnee has given their consent. If the trafficked/vulnerable person does not consent to receiving further assistance, he/she should be provided with a contact list of available service providers, and offered standard services for irregular migrants in AVR schemes.**

RETURN PHASE
STEP 9: Coordinating the return

Return counsellors in the European country **coordinate the actual return** journey with return counsellors in the country of origin. They inform the trafficked person about the travel/transfer process including: travel documents, ticket, who will accompany him/her to the airport, emergency phone, mobile phone with SIM card and charger, how to recognize the person who will be waiting for them when they arrive, meeting point at the airport, etc.

Return counsellors in the European country will have obtained confirmation from the return counsellors in the country of origin that the trafficked person will be received and assisted **before the actual return journey begins** (see the Operational Workflow in 3.2). The service providers in the country of origin meet the person at the airport or border point and immediately confirm to the return counsellors in the country of destination that the person has arrived safely. **They provide the person with preliminary orientation and assistance and inform return counsellors in the country of destination within the first week how the person has been settling in over the first few days.**

How to ensure a coordinated return process between the sending organization and the receiving organizations?[64]

There are several principles relevant for conducting the return itself:

> **Voluntary Nature of the Decision to Return**
> A person vulnerable to trafficking, including a person who has previously been trafficked, decides of his/her free will to return home and makes use of the services offered in the return counselling e.g. psychological assistance, accommodation, agreed type of vocational training/education, driving license, etc.

> **Protection**
> The safety and privacy of these returnees is paramount and, therefore, all necessary measures should be taken to ensure their protection.

Tailor-made solution

The needs, concerns and preoccupations of the returnees should be fully considered when the return and procedures for social inclusion are being prepared. Consent is an integral part of any solution that is tailor-made to the individual. The active participation of the vulnerable person(s) in coming up with solutions/seeking their opinions on solutions is also part of this.

Accuracy

The information given should be accurate and returnees should be fully informed in a timely manner about any aspect of his/her return and reintegration assistance and procedures.

Co-operation

Close collaboration between the designated support agencies (i.e. NGOs, IOs, GOs) in the returning countries, transit and destination countries is crucial for a successful return and social inclusion program.

Case study:
A coordinated return process from Denmark and Italy

CMM in Denmark cooperates directly with IOM Nigeria (based in Lagos and Abuja), the NGO Society for Empowering Young Persons (SEYP), based in Benin, and works to establish collaboration with Girls' Power Initiative (based in several cities in Nigeria). While accompanying returnees to Nigeria, CMM Denmark representatives seek to meet with relevant stakeholders in the country and continue the established cooperation on return and reintegration issues with the Nigerian state authorities, mainly NAPTIP, as well as with other local partners.

The same is done in Italy, where NGO staff and cultural mediators often accompany returning people who were trafficked. Channels of communication between WOTCLEF and Italian NGOs regarding the condition/heath status of the returnees are established.[65]

POST-RETURN PHASE
STEP 10: Reintegration in the country of origin

Once back home, partners in the country of origin are **responsible for implementing the pre-agreed Individual Reintegration Assistance Plan** based on the risks and needs already identified. They **also carry out any further risk and needs evaluations** and may amend the plan accordingly. Country of origin partners should conduct a rapid assessment as soon as the returnee arrives in the country of origin as circumstances might have changed between the time of the pre-departure assessment and the returnee's arrival in the country of origin.

The service providers in the country of origin should also make any *ad hoc* adjustments that are needed at the time and subsequently at different phases following the person's arrival e.g. the immediate post-return phase, short-term reintegration phase, long-term reintegration phase. The partners in the country of origin should inform the sending organization about these adjustments as part of the follow-up process for an agreed period of time. The aim of the entire process is the full reintegration of the returnee.

What is reintegration?

Reintegration refers to the process of recovery, rehabilitation, economic and social inclusion following a trafficking experience. This inclusion is multifaceted and must take place in both the social and economic arenas. It means being able to settle in a safe and secure environment, having access to a reasonable standard of living, mental and physical wellbeing, opportunities for personal and economic development and access to social and emotional support. A central aspect of successful reintegration is one that empowers people, that enables them to create a life plan, and supports them to develop or enhance their skills. They should also be enabled to use those skills to gain independence and become self-sufficient. Social connections, social bridges, social bonds and links are fundamental in this respect. Social connections that are broken, undermined, impaired or non-existent are a major cause of post-return vulnerability to re-trafficking.

A lack of continuity and connection between the various programs that provide mental health support, vocational, educational or job placement activities for trafficked and vulnerable individuals undertaken by NGOs/public services before and upon their return makes social inclusion more difficult when trafficked and vulnerable persons return to their countries of origin. Reintegration programs with **short timeframes can also prompt a lack of trust in the support available and create further uncertaint**y. Moving from short-term programs (one-year) to longer-term programs (up to four years) can significantly improve the scope to focus on structural aspects of return counselling, including continuity of process, quality standards, meaningful evaluation and the monitoring of counselling services.

In general, **the typical reintegration assistance that is provided to irregular migrants who benefit from assisted voluntary return (AVR) schemes is not sufficient for people who have experienced trauma as a result of trafficking and exploitation**, and who are still vulnerable when they return. Instead, comprehensive reintegration options that offer long term psychological assistance (such

as therapy, including online therapy), continuing vocational training and education begun prior to return, and income-generating activities in the form of a direct investment into local communities should gradually become the norm. As a starting point, this would allow returnees to complete the healing process and empower them to directly involve themselves in the development of their community, while at the same time offering them some financial independence and gradually regaining their status

! **"A *comprehensive reintegration plan should not be limited to a business plan but become a life plan.*"[66]**

Adjustment and Social Inclusion Process

The assisted trafficked/vulnerable person begins to adjust to the new conditions and gradually aims to be able to take part and to be socially included in their society. The individual should be given no less than three months and preferably at least six months to adjust to the new situation, during which time intensive individualized support should be available/provided.

During this initial period, the assisting organization in the country of origin should regularly monitor the implementation of the Reintegration Assistance Plan (e.g. once a month). It should report progress to the return counsellors in the European country in line with agreed procedures, identify and address new risks or needs, and if necessary, adapt the Plan in consultation with the person they are assisting. Their social inclusion can be said to have been reached when the assisted person does not need the organization's help anymore and there are indications that they are thriving in their community.

This process is very individualized, and happens when victims of trafficking are well supported. Typically, it takes between one to four years after the trafficking experience for the person to be able to fully integrate back into their society. Social inclusion involves the gradual process of building stability and independence that can be maintained over time. This requires the formation of positive relational networks within communities which trafficked/vulnerable persons can remain safely involved in and can participate in through their interests and activities, education, training and employment and family pursuits.[67]

It is extremely helpful to the individual if they can rely on a trusted mentor/professional from the assisting organization as a point of reference for guidance until the process of their social inclusion in society is judged to have been successfully completed.

Case studies:
Bulgaria, US and Bangladesh

In Bulgaria, through specialized shelters, consultation centres and labour offices across the country, victims of THB continue to be offered the vocational training that began while they were being helped in the country of destination prior to their return. This is a result of the contacts and cooperation established with frontline professionals, including return counsellors in the countries of destination, and the referral pathways that were created/initiated prior to victims' return to Bulgaria.

The aim was to continue to empower victims, both before their return through education, vocational training, job training/placement, therapy, and to help with their social inclusion into society once they had returned. In 2018, nine returned victims of THB were provided with jobs, education or training as a result of this scheme. Of the nine, three of the victims in the shelter in Varna gained employment (two in the restaurant sector and one as a manicurist); the three victims in the shelter in Burgas gained employment packaging salt and sugar, and of the three victims in the Sofia shelter, two started in domestic work under a program run by A21 Foundation, and one was accepted at Sofia University and worked in a café part time). In addition, one victim was accepted at Burgas Free University to study pharmacy.[68]

Kristi House (private, non-profit organisation in Miami, Florida), works with children who are victims of sexual abuse and children who are victims of trafficking for sexual exploitation, providing them all the necessary services for reintegration. This includes access to treatment that is individually tailored to their specific clinical needs; victim advocacy and legal, medical and emotional support. The victims are assigned a specific staff member for mentoring and coordination for their specialised needs relating to exploitation. They have the opportunity to earn financial rewards by attending thematic vocational activities groups. Additional incentives are available through educational initiatives and through part-time internships and fellowships.

IOM Bangladesh developed a mechanism that gives trafficked returnees who are not suffering with significant mental or psychological issues/distress and have moved through the initial stages of return, the option to invest in a social enterprise as part of a larger group of people who have had the same experiences and with the backing of a local NGO. They effectively become shareholders in a community-based social enterprise, which offers them economic opportunity and full social inclusion. Moreover, the scheme creates a supportive community amongst the trafficked returnees who are working on these projects together.[69]

POST-RETURN PHASE
STEP 11: Monitoring of reintegration programs, case follow-up and reporting

Monitoring the reintegration programs stands out as being a critical element of the whole reintegration process[70], as it is only through monitoring that it is possible to verify the extent to which programs have been useful in supporting trafficked and vulnerable returnees, how their social inclusion was achieved and how the risk of re-trafficking was mitigated.

Monitoring is also an essential element for improving reintegration programs and their outcomes. It contributes to sense of accountability, creates space for reflection, learning and a sharing of findings. It is a source of reliable information for program managers, return counsellors/case managers and donors on how to model and improve reintegration assistance to vulnerable and trafficked returnees. It is therefore important for monitoring to have answers to the following questions:

| What has been done? | → | How has it been done? | → | When has it been done? | → | Why has it been done? | → | What were the outcomes? |

In the adjustment phase following the return, the assisting organization in the country of origin should seek to monitor the following:

- How do trafficked/vulnerable persons feel about the assistance provided?
- Are activities leading to the outcomes they expected?
- Are activities being implemented on schedule and within budgets? What's causing the delays or unexpected results?
- Are any other needs/risks emerging?
- Is there anything that should be modified in the pre-return reintegration plan to meet those needs/risks?

Monitoring should be discussed and agreed in the pre-return phase and also be defined in the Reintegration Assistance Plan. It is helpful to develop a **(joint) template** for this purpose**.** This information should be shared with the return counsellor in the country of destination according to the methods agreed. As the person gradually progresses through the process of social inclusion, monitoring can take account of the **milestones reached over time**. At the national level, best practice would involve a case being monitored until the person is fully independent and stable. The person should be consulted and consent to being part of this follow-up process.

Ideally, the re-integration of trafficked persons/individuals vulnerable to exploitation returned to their countries of origin should be programme-based, not project-based. In the development of such programmes by European and other donors, information and findings collected by return counsellors

through individual progress monitoring, as well as through research focusing on monitoring programs for this particular group of returnees, should be reflected.

> **Case Studies:**
> **Monitoring reintegration**
>
> The SOLWODI return counsellors in Germany have some practice in monitoring reintegration through regular communication and periodic reporting, specifically in the context of general AVR schemes. Danish CMM and Italian stakeholders also do so, including specifically for trafficking victims/vulnerable returnees, sometimes conducting on-site visits as well. Some reintegration actors in Nigeria monitor the cases for a period of up to three years. During the first year, the service providers, such as Idia Renaissance NGO, maintain regular contact with the returnees, through regular and formal meetings or phone conversations. Over the next two years, contact is maintained, but in an informal way.

It is important to further educate return counsellors about findings from different field studies on reintegration of trafficked/vulnerable returnees so that they can reflect these findings in the budget planning attached to the design and implementation of reintegration plans. For example, they may be able to allocate (within budget limits) more financial support to enhance the capacities and capabilities of partners from returnees' country of origin, to provide services that are lacking. Even if return counsellors are not directly responsible for a policy, program development or budget allocation, they may be important advocates for necessary changes at the policy level to improve reintegration programs based on the real and concrete data they have gathered.

Monitoring mechanisms between European return counsellors and frontline actors in countries of origin should be put in place to ensure[71]:

✔ **Agreed minimum standards** of reception and regular contracting partner/donor/independent assessment of services (*return counsellors may agree with their colleagues in the country of origin what these minimum standards should be and how, if they are met, monitoring will be done*);

✔ **Sharing of information among stakeholders** to avoid duplication of programs and inadequate support to beneficiaries, with increasingly effective **coordination with the country of origin stakeholders and** adequate **use of the existing European information tools**, notably the European Return and Reintegration Assistance Inventory and the Reintegration Assistance Tools[72] (*return counsellors may want to actively use these tools in the process of Operational Partnership Protocols/Standard Operating Procedure /MoUs development*);

✔ **Enhanced coordination with return counsellors in Europe** where vulnerable returnees **may have undertaken vocational training prior to return during a recovery and reflection period** (*through established communication and coordination channels in OPPs and through Return and Reintegration Assistance Inventory which should have a specific section on trafficking*);

✔ **Implementation of a follow-up process** after beneficiaries leave shelters/supported accommodation, (including designing incentives for returnees to take part in such a follow-up) (*agreed in the pre-return phase as explained above*);

✔ **Sharing of good practices among stakeholders** at the national and transnational level, with the full involvement of vulnerable returnees who can best provide feedback on their reintegration experiences (*dedicated budget to organize such (online) exchanges, incentives for returnees to participate in feedback provision*).

4. Operational Partnership Protocols as an Integral Part of National and Trasnational Referral Mechanisms Return Pillars

What is National Referral Mechanism (NRM)?

National Referral Mechanisms (NRMs), developed by the OSCE/ODIHR[73], have been established and become operational in countries across the globe. The purpose of the NRM is to create a co-operative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, co-ordinating their efforts through strategic partnerships with civil society.

However, in practice, NRM systems vary widely and lack uniformity in how they are interpreted and implemented nationally, and in the delivery of laws, procedures and services. A coordinated and effective response to human trafficking both within national states and across borders, requires a correct understanding of the NRM concept. Also required are thoughtful insights into the different ways that NRMs are implemented in different States, based on a sound understanding of different working methods, procedures and services in place. NRMs are not a fixed concept, meaning their design and the way they function needs to be regularly evaluated, assessed and fine-tuned to reflect constant operational realities.

NRMs usually encompass Standard Operating Procedures (SOPs), which, in the return context, enable the safe and dignified return and reintegration of trafficked persons and people vulnerable to trafficking and exploitation. Therefore, SOPs should contain precise terms of reference and describe mandates and methods of cooperation between return counsellors in the EU and the countries of origin. In addition, SOPs should be used to fine-tune the mandates of agencies in the return countries who are involved in the identification of those whose trafficking/vulnerability to trafficking may not have been spotted in the country of destination.

Case study:
Standard Operating Procedures in Nigeria

The Nigerian National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) has developed The Standard Operating Procedures for the Conduct of Return, Re-admission and Reintegration of Migrants in Nigeria in cooperation with IOM. It deals with **voluntary, forced, assisted or spontaneous** (without the involvement of States or other national

and international actors) **return**, and the **repatriation of stranded** Nigerian migrants. It also defines **sustainable reintegration as achieved when returnees have reached levels of economic self-sufficiency, social stability within their communities, and psychosocial** well-being that allow them to cope with "(re)migration drivers".[74]

> **!** **All actors working on a regular basis with persons who may be trafficked/vulnerable to trafficking, including return counsellors, need to be a part of an NRM.**

How can multi-agency NRM-cooperation be established?

Operational Partnership Protocols[75] (OPPs) and Memoranda of Understanding (MoU) need to be an integral pillar of national NRM cooperating and coordinating systems. Agencies involved in the return pillar of NRMs in the sending countries should jointly sign OPPs and MoUs. At the same time, agencies in the destination and origin countries should have in place OPPs that regulate their entire coordinated response to the return of vulnerable people, including victims of trafficking. These OPPs create a basis for NRM-driven and coordinated responses to maximise early identification, referral and quality of support to vulnerable returnees pre and post return. OPPs are also a key prerequisite for a functioning Transnational Referral Mechanism (TRM) between the country of destination and country of origin.

OPPs enable the establishment of clear channels of communication, information exchange and operational responsibilities in pre and post-return phases, across the different systems involved. In this way, they can maximize coordinated return-planning responses, and access tailor-made reintegration opportunities aimed at preventing re-trafficking. OPPs also determine how the funds available for an agreed type of reintegration program will be disbursed, spent, and how implementation progress will be reported. The role of return counsellors in this process is outlined below.

> **Case study:**
> **Nigeria**
>
> Nigeria has signed a Cooperative Agreement with Switzerland on Return and Reintegration of Migrants.
>
> NACTAL (Network of Civil Society Organization against Child trafficking, Abuse and Labour) platform in Nigeria suggests that more rigorous collaboration between the actors in the sending and receiving countries would be beneficial for the returnees, aided by establishing MOUs between the sending and receiving institutions. Moreover, this large network of NGOs in Nigeria can support European return counsellors by linking the sending institutions in the countries of destination with the receiving local partners in Nigeria.

Quite simply, this linking might be supported with the provision of contact details of the Nigerian service providers, by organizing regular (on-line) meetings between (and among) the Nigerian service providers and EU counsellors, and so forth). NACTAL is also very well placed to carry out the mapping of services available (organizational and NGO anti-trafficking services) of the receiving local partners in Nigeria. This could be very useful for return counsellors both in the sending countries, and within Nigeria. In addition, this information could be fed into and contribute to the better use of existing information tools in Europe, notably the Return and Reintegration Assistance Inventory and the Reintegration Assistance Tool.

Example of a cooperative framework for information exchange in the NRM
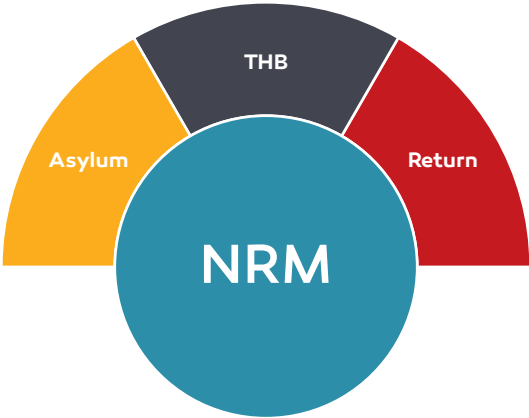
In some countries, return counsellors may already be an integral part of the NRM system. For example, this can mean that their organization regularly participates in trafficking identification multi-agency interviews, coordination meetings and working groups. Therefore, return counsellors need to understand if they form part of the operational framework of an NRM. If they are not part of a formal or informal NRM, they need to establish cooperation channels to be able to feed in and exchange relevant information as a part of their case management.

Case studies:
Italy and Nigeria

Italy has had a coordinated anti-trafficking multi-agency response based on the Operational Partnership Protocols, or SOPs for more than two decades. One of the first such Protocols was the "Protocollo di Teramo" which involved the participation of various anti-trafficking stakeholders. Existing Protocols are regularly evaluated, revised and updated, and new Protocols are being signed. They constitute the backbone of the Italian NRM response.

The **National Agency for the Prohibition of Traffic in Persons in Nigeria (NAPTIP)** is mandated to coordinate efforts in combating trafficking in persons. NAPTIP developed the **Guidelines for National Referral Mechanism for the Protection and Assistance to Trafficked Persons in Nigeria**, as a collaborative framework between the government and the other stakeholders. The general principle of the NRM is to ensure that every trafficked person is empowered, supported and protected with a view to ensuring that he/she is effectively rehabilitated and re-integrated. This is achieved by providing protection through identification, rescue, reception, security (safety); prevention services through awareness raising, advocacy, vocational, entrepreneurship and economic empowerment and mentoring for vulnerable groups; rehabilitation by undertaking victim referral, psycho-social support, micro credit and grants, shelter provision, health care, legal support, literacy & education, life skills building etc.

! **It is vital that a return counsellor coordinates nationally, the multi-agency feeding in of information necessary for a Risk and Needs Assessment, before the return.**

The return counsellor should have **a recognized role across the** asylum, immigration, trafficking, criminal, and return systems and be able to communicate and coordinate with all the professionals involved. Any decisions taken need to create the basis for the commitment of all the partners involved. For example, if a decision has been approved by all that a person will return to their country of origin in a month's time with the agreed safety measures, and reintegration options in place, the return counsellor must be able to prevent any sudden changes in the dates, times, and procedures, which would have a negative impact on the agreed procedures and outcomes of the risk and needs assessment.

! **Services are not all linked to the NRM. The assistance that is needed cannot all be provided at one location. The arrangements that are made for trafficked persons change all the time as they move through the different systems.**

In the OPPs, it is important to have devolved, **multi-agency regional/local NRM teams and networks**. These teams can help to ensure swift and even responses to human trafficking nationwide and within local communities, with the ability to focus on early identification, protection and individual support. The authority, structure and composition of these teams and networks vary across different countries and locations.

The teams should include, at a minimum, regional NRM Coordinators, representatives from local law enforcement authorities, municipal/local authorities and councils, statutory services, social services, healthcare services and specialist, anti-trafficking and other related NGOs and IOs where applicable. The most effective NRMs are ones that are multi-agency in addition to state authorities, including frontline statutory services and anti-trafficking specialist NGOs.

Case study:
Denmark

Since 2009, the Danish Centre against Human Trafficking (CMM) has run a health and drop-in service centre in Copenhagen, where foreign nationals and asylum seekers, many of them Nigerian nationals, can seek information, as well as health and legal support. Through this centre, CMM makes contact with the foreign nationals with an irregular status and disseminates information about return possibilities for those with no working permits or those who can no longer remain in Denmark due to their asylum application being rejected.

The police also communicate with the CMM prior to police operations. As a result of police operations, Nigerian nationals who do not have valid residence permits to remain in Denmark are often brought to detention centres. When this happens, the CMM is alerted within 72 hours if there are indications that there is a trafficking case. The CMM is also advised prior to police operations, where there is a probability that the police could come into contact with victims of human trafficking. This allows CMM staff to be present at the police stations to carry out multi-agency identification interviews. In addition, it supports the process of granting a recovery and reflection period (in Danish "time to leave", granted by the police for migrants with irregular status and by the CMM to migrants who are legally residing in Denmark, and to prepare the individual's return). In the case of asylum seekers who may be trafficking victims, it is the Asylum Office in the Danish Immigration Service that grants the recovery and reflection period, on the basis of the identification interviews conducted by the CMM.

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41   International human rights law provides a clear and universal framework for the promotion and protection of the right to privacy.

42   Royal College of Nursing (n.d.), Disclosure or Confidentiality. If a child or young person does not agree to disclosure there are still circumstances in which information can be disclosed: when there is an overriding public interest in the disclosure; when the disclosure is in the best interests of a child or young person who does not have the maturity or understanding to make a decision about disclosure; or when disclosure is required by law. Royal College of Nursing (n.d.), Principles of confidentiality.
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54 Child is any person below 18. Young adults (18-21) who were trafficked as children are extremely vulnerable to re-
trafficking upon return. A thorough assessments need to be carried out in their case, comparable to standards
exercises in child trafficking cases.

55 Return counselors need to know that in the destination countries, the evaluation of the risks of ostracisation
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