



## Joint report of the JHA agencies' network on the identification and protection of victims of human trafficking

In 2020, under the chairmanship of Eurojust, the Justice and Home Affairs (JHA) agencies' network decided to focus on the respective roles and victims-related actions undertaken by the JHA agencies in the implementation of the 2018 *Joint Statement of commitment to work together against trafficking in human beings*<sup>1</sup>.

This report of the JHA agencies' network aims to make Member States more aware of the agencies' potential in helping the early identification and protection of victims and to encourage Member States to work closer with the agencies in this area. The report responds to one of the key actions of the EU Strategy on Combatting Trafficking in Human Beings 2021-2025<sup>2</sup>, presented by the European Commission on 14 April 2021. The strategy addresses trafficking in human beings (THB) in a comprehensive way, from the prevention to the conviction of criminals while emphasising the protection of the victims at all stages, taking into account in particular women and children. It focuses on reducing demand that fosters trafficking, breaking the business model of traffickers, online and offline, protecting, supporting and empowering the victims, especially women and children, as well as promoting international cooperation. This report is based on:

- The results of a **questionnaire** prepared by Eurojust in consultation with the European Commission, and distributed to all agencies within the network
- The outcomes of an **expert meeting of the JHA agencies' network** organised by Eurojust on 9 June 2021, with participation from the JHA agencies.

There are two main sections of the report, corresponding to the agencies' role and activities in two essential areas of combatting human trafficking: (1) **identification** of victims, and (2) **protection** of victims, as appropriate<sup>3</sup>. Additionally, the report includes information on the work of those agencies active in the area of access to justice, protection of victims in criminal proceedings, compensation, as well as prevention. The report contains infographics to help synthesize the data and allow national authorities to quickly get an insight into the assistance that they can ask and receive from the JHA agencies when it comes to victims of human trafficking.

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<sup>1</sup> [eu agencies joint statement of commitment to working together to address thb .pdf \(europa.eu\)](#)

<sup>2</sup> Communication on the EU Strategy on Combatting Trafficking in Human Beings 2021-2025, COM(2021) 171.

<sup>3</sup> Due to their different mandates, some of the agencies do not have a role in all areas covered by the report.

## 1. The identification of victims of human trafficking

The roles of the JHA agencies in the **identification of victims** is presented in the infographic below:



The main activities undertaken by the JHA agencies in support of the **identification of victims** of THB are presented below. The overview includes ongoing activities.

### Europol

- *Supports Member States of the European Union (EU) and partner countries in preventing and combatting* all forms of criminality associated with the THB affecting at least two Member States of the EU, as well as any associated criminal activities within Europol's mandate uncovered in the course of investigations into criminal networks.
- *Has set-up the Analysis Project (AP) Phoenix*, which is Europol's dedicated operational project that deals with all forms of THB and exploitation. The main role of AP Phoenix is to *crosscheck* Member States' operational contributions, *inform* them without delay about the possible hits and *provide analytical support* that could lead law enforcement authorities to identify further potential victims of trafficking.
- *Draws an intelligence picture* about new and emerging trends and *modi operandi*, including geographical and societal aspects. This might help competent authorities to focus on specific groups as potential victims (e.g. South American victims, child victims, victims of labour exploitation in a specific area of labour).
- *Effectively uses Passenger Name Record (PNR) data* that might result in the identification of new entities linked to the targets, such as victims of trafficking.
- *Supports the European Multidisciplinary Platform Against Crime Threats (EMPACT)<sup>4</sup>*, *participates in or coordinates THB Operational Actions (OAs) and Joint Action Days (JADs)*, with participation of several countries, also with a view to identify victims of THB in early stages and to safeguard them.

### Eurojust

- As part of its daily operational work, *supports Member States' efforts to locate, identify, rescue and help victims* to report the trafficking irrespective of where their recruitment, transit and exploitation took place in the EU.
- In February 2021, issued a *THB casework report<sup>5</sup>* that dedicates one of its two main parts to victims of human trafficking, giving examples of solutions identified with Eurojust support in the interest of victims, translated into *recommendations* addressed to practitioners in the Member States, including:
  - To involve *Europol* and to refer *more THB cases to Eurojust* at the very beginning of investigations for an early cooperation and exchange of information in respect to the rights of all victims. Eurojust *coordination meetings* allow competent authorities to exchange information on possible locations where victims might be being exploited and discuss the need for cooperation and investigative measures aimed at finding and identifying the victims.
  - To request information on *money flows*, as it often leads to the identification of the names and locations of potential (current and past) victims who have sent money via international money transfer services to suspects and their accomplices.
  - To actively monitor *adult websites*, to detect potential victims.
  - To request *PNR data* at the beginning of an investigation, to obtain information on the travel of suspects and potential victims accompanying them. PNR allows to quickly identify people who may be involved in a THB offence (including victims), without the need to request data individually from each air carrier.

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<sup>4</sup> More information on EMPACT is accessible at <https://www.europol.europa.eu/empact>

<sup>5</sup> [Eurojust Report on Trafficking in Human Beings | Eurojust | European Union Agency for Criminal Justice Cooperation \(europa.eu\)](https://www.eurojust.europa.eu/eurojust-report-on-trafficking-in-human-beings)

## **FRA**

- Published in 2021 the report [Border controls and fundamental rights at external land borders](#) with practical tips for border-management staff on identifying and referring vulnerable people including victims of human trafficking. *Developed tools and materials for the Frontex fundamental rights monitors*, some focusing on monitoring the identification of vulnerable groups, including victims of trafficking.
- According to the *proposal for a Screening Regulation (2020/0278 (COD))*, FRA will have an advisory role and issue general guidance on setting up independent monitoring mechanisms at borders. This monitoring aims to also help identify vulnerable persons, including victims of trafficking.
- *Takes part in the meetings of Lesvos Task Force* in Greece and the European Regional Task Force (EURTF). Some of FRA's interventions in the past focused on identification of victims of trafficking, including child victims.
- *Participated in five training sessions on trafficking in human beings* organised in Greece in 2019 for staff from Reception and Identification Centres, Asylum Service, police, national public health organisation, IOM, UNHCR, civil society, and labour inspectorate. The training included steps for identifying victims of trafficking in the hotspots and raised awareness about trafficking indicators.
- *Participated in training sessions in Spain on trafficking in human beings together with EASO and UNHCR* for 102 staff of selected reception facilities in Spain.

## **Frontex**

- *Developed and implements the VEGA Children handbooks* (sea, air and land) in all Frontex-coordinated Joint Operations at external borders. Awareness sessions on the VEGA Children and other related THB products, in support to the identification of potential victims of THB.
- *Developed and implements the Handbook on risk profiles of THB victims* targeting specifically the early identification of potential victims of THB in a border setting.
- *Implements EMPACT THB related activities* in cooperation with other partners, including JADs and EADs targeting THB, such as JAD on labour exploitation, EAD on child trafficking, having among the objectives the early identification of possible victims of THB in a border setting.
- *Recently developed an interactive training support tool* offering a variety of real-life based scenarios involving children, to which participants must adequately respond, based on recognised risk indicators. This tool aims to better ensure border and coast guards' operation skills related to identification of children in need of protection and in particular victims of THB.
- *Frontex will have access to the Schengen Information System (SIS)* to help the officers on the ground in the context of border procedures, including in the THB area.

## **CEPOL**

- CEPOL is the *action leader of the EMPACT THB Operational Action on 'Capacity building through training, networking and innovation'*. Under this operational action, CEPOL carries out multidisciplinary training activities related to all aspects of combating THB, including victim identification. Key EMPACT stakeholders, such as the European Commission, Europol, Eurojust, Frontex and Member States' competent services, deliver dedicated training sessions and study materials.
- *Delivered CEPOL Online Module on Trafficking in Human Beings*, providing law enforcement officers with the knowledge and skills needed to identify and assist potential victims of trafficking.
- *Delivered yearly CEPOL onsite courses* on THB for sexual exploitation, for labour exploitation, and Child trafficking, all including sessions and study material on the early identification of victims of THB.

- *Organizes on a yearly basis webinars addressing new and emerging trends, focusing on the early identification of victims exploited in specific or new forms of exploitation. The recorded versions of the following live webinars are available as self-paced learning activity on CEPOL's Learning Management System (LMS):*
  - *webinar 17/2021 THB for the purpose of sexual exploitation and Victim Engagement*
  - *webinar 18/2021 Children in migration at risk of trafficking*
  - *webinar 17/2020 New and emerging trends of human trafficking networks operating in the EU-Europol perspective, including new modus operandi, helping the early identification of victims.*
  - *webinar 18/2020 Child trafficking for the purpose of forced criminality – case study*
  - *webinar 20/2019 Best practices for prevention of THB for the purpose of labour exploitation*
  - *webinar 21/2019 Use of OSINT in the detection and investigation of THB*
  - *webinar 72/2020 Identification of vulnerable persons, delivered with the support of FRA.*
  - *The use of services which are objects of sexual exploitation, in particular the use of escort websites was covered in CEPOL online course on "THB as cyber-enabled crime".*

#### **eu-LISA**

- *Continued its work on the design and development of new large-scale IT systems, such as the Entry Exit System (EES), the European Travel Information and Authorisation System (ETIAS) and the European Criminal Records System (Third Country Nationals) (ECRIS-TCN) to help ensure that the national authorities responsible for border management and security and the EU Agencies concerned will have access to the necessary information when and where needed.*
- *Continued its efforts towards the implementation of the interoperability architecture which should be in place by the end of 2023, and will also contribute to boost the fight against THB by enabling cross-border information sharing of data stored in the existing and new large-scale IT systems, including biometric data, and allowing for a more effective identification of victims and perpetrators of human trafficking related crimes. Furthermore, the Common Repository for Reporting and Statistics (CRRS) as part of the future Interoperability architecture, will provide the opportunity to completely revamp statistical data for the purposes of specific crime-related analysis and support risk/vulnerability assessments, which on its side should contribute to better enhance the fight against THB;*
- *Continued the development of new functionalities brought by the SIS II Recast, namely the creation of a new type of alert targeting fast cross-border identification of children and vulnerable people who need to be prevented from travelling, if that travel would put them at risk of becoming victims of THB or forced marriage, genital mutilation, etc.*
- *Took over the management of ECRIS Reference Infrastructure (ECRIS-RI) in April 2020, which contributes to combating THB by providing judges and prosecutors with a faster access to comprehensive information on the criminal history of persons convicted in the EU Member States, including in which EU Member State the person has been convicted.*
- *Contributes to the Digital Criminal Justice, aiming to enhance the necessary technical platforms at EU level to improve exchange of judicial information, contributing also to improving the access to justice of victims.*



- *Publishes annual statistics*, e.g., on the usage of Eurodac<sup>6</sup> and SIS<sup>7</sup>, to define trends and support the EU decision-making process. With the new Eurodac recast proposal, within the framework of the New Pact on Migration and Asylum, Eurodac will be transformed into a modern system connected to the interoperability architecture, with a new focus on the applicants/persons instead of only applications and allowing for access to other relevant categories and types of data by the concerned authorities, including those responsible for combatting THB. Finally, the statistics produced on various crime areas could be translated into a tool to define trends in the THB area and to support the EU decision-making process.

## EASO

- EASO enhances practical cooperation on vulnerability related topics through the *EASO Vulnerability Expert Network*. The network addresses cross-cutting issues in a holistic manner and THB is one of the layers in this network's work.
- In 2019, organised a *thematic meeting on identifying and assessing the International Protection needs in cases of victims of Trafficking in Human Beings*. Participants discussed nine cases of victims following the migration route in three workshops.
- In May 2020, hosted a series of *webinars devoted to forced marriage and child marriage and FGMC* (female genital mutilation and cutting) to discuss common challenges and good practices to properly identify cases and process the victims' applications of international protection. In this regard, cases with trafficking elements were discussed as well.
- Developed *operational trainings and training modules*<sup>8</sup>, including, but not limited to: (i) module on THB providing officials with knowledge and skills to detect signs and indicators of THB, handle an initial encounter with (potential) victims, prepare and conduct an asylum interview with a (potential) victim of trafficking and issue a well-reasoned decision on the need for international protection in such cases; (ii) module on Interviewing Children, including the interviewing of child victims of specific forms of exploitation (iii) module on Interviewing Vulnerable Persons, which focuses on equipping asylum case officers with knowledge and skills to conduct an interview with a vulnerable person (including THB victims) taking into account the legal, procedural and social contexts affecting the applicant; as well as a module of Gender & SOGI (Sexual Orientation and Gender Identity) which tackles, inter alia, THB from a gender-specific perspective.
- Training based on these modules is regularly *delivered to asylum officials*, including in the form of Train-the Trainers sessions, to assist national authorities with the identification and provision of adequate support - including procedural safeguards - for victims of THB and other applicants with special needs.
- EASO *country of origin information (COI)* products and *country guidance* documents provide a useful reference for the identification of THB as a potential issue of relevance in applications for international protection.

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<sup>6</sup> The statistics for Eurodac in 2020 indicated 82 285 sets of fingerprints of persons apprehended when irregularly crossing the external border of a Member State (whereas in 2019 those were 111 761) and 206 sets of fingerprints were sent by law enforcement authorities for the purpose of prevention, detection or investigation of terrorist offences or of other serious criminal offences, including THB (whereas in 2019 those were 449).

<sup>7</sup> In 2020 alone, SIS was searched more than 3.7 billion times (in 2019 those were more than 6.6 million) and by the end of the year the SIS alerts amounted to 93 million, amongst which alerts on persons searched with a European Arrest Warrant. THB related crimes are also included.

<sup>8</sup> More information on the modules can be found in the EASO Training Catalogue <https://www.easo.europa.eu/sites/default/files/EASO-Training-Catalogue-2018-EN.pdf> and on EASO blended learning methodology <https://www.easo.europa.eu/asylum-support-training/training>

- EASO has provided *capacity development activities* on THB to Western Balkan administrations, Turkey and Egypt.

## EIGE

- EIGE is not directly involved in activities concerning early identification of victims. Nevertheless, EIGE's victim-focused gender specific *Analysis of the Anti-Trafficking Directive and the Victims' Rights Directive* and EIGE's research on *Gender-Specific Measures in Anti-Trafficking Actions*<sup>9</sup> and the study *Cyber violence against women and girls*<sup>10</sup> provide an important insight on how to improve the early identification of victims. Parts of EIGE's analysis and recommended solutions are presented below:
- In the gender analysis of the Anti-Trafficking Directive, EIGE looked into specific barriers to the process of identification of women victims of trafficking for sexual exploitation, such as: (i) the need to prove lack of consent to their movement and exploitation, which can be difficult for those who are perceived to have willingly entered prostitution due to victim-blaming attitudes and gender stereotypes; (ii) risk for the victims to be (re)labelled as prostitutes or illegal immigrants; (iii) individual or contextual factors that facilitate situations of trafficking by increasing a person's or a group's vulnerability, which should serve as evidence or proof that there was an abuse of vulnerability that lead to a trafficking situation. In some cases, the absence of such vulnerabilities from the beginning leads to the conclusion that the situation does not constitute trafficking. Difficulties can also emerge in identifying national minorities who have been victims of trafficking for forced marriage.
- In 2017, EIGE published the report 'Cyber violence against women and girls' where 'electronically enabled trafficking' was included as a form of cyber violence against women and girls. The recommendation to Member States and EU institutions was to establish measures to tackle online luring or 'recruitment' of women and girls into trafficking. Trafficking of women and girls has, due to the increased use of the internet, been pushed underground where victims become less visible to authorities<sup>11</sup>. Accordingly, 'electronically enabled trafficking' will be analysed as a form of cyber violence against women and girls in EIGE's current work on cyber violence.

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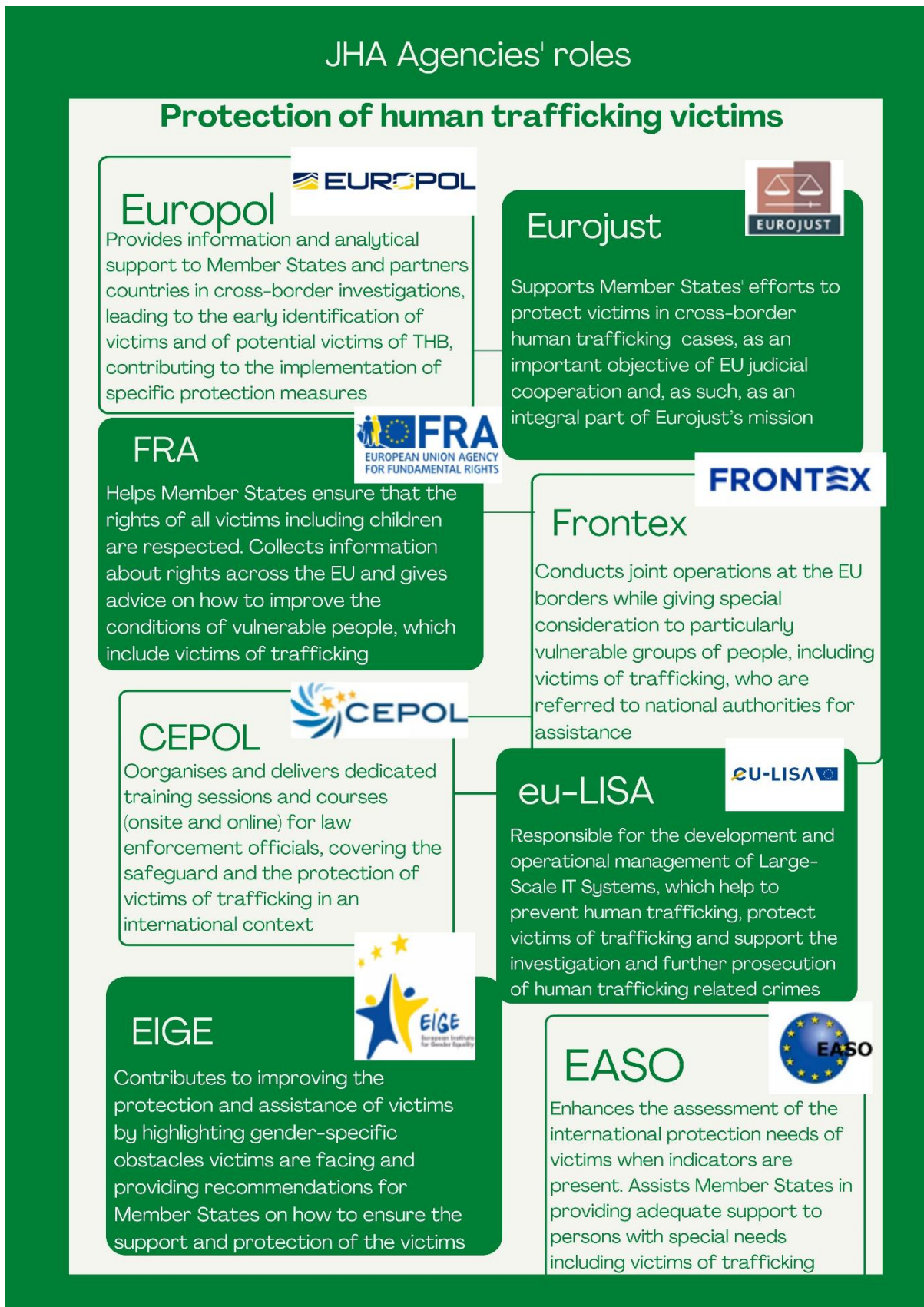
<sup>9</sup> <https://eige.europa.eu/publications/gender-specific-measures-anti-trafficking-actions-report>

<sup>10</sup> [Cyber violence against women and girls | European Institute for Gender Equality \(europa.eu\)](#)

<sup>11</sup> CEDAW, General recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration (CEDAW/C/GC/38)

## 2. The protection of victims of human trafficking

The role of the JHA agencies in the **protection of victims** is presented in the infographic below:





The main activities undertaken by the JHA agencies in support of the **protection of victims** of THB are presented below. The overview includes ongoing activities.

### **Europol**

- Europol supports competent authorities of the Member States as well as those from partner countries and provides a platform for cross-border criminal investigations leading to the early identification of victims and of potential victims of THB, contributing to the implementation of specific protection measures.
- In cases of THB, victims' identities are stored within Europol's database.
- Europol encourages measures for the protection of vulnerable individuals who may not perceive themselves as victims of trafficking or are too afraid to cooperate with law enforcement agencies.
- The cross-matching analysis of victims' data allows the identification of linked cases and provides useful information to investigators, which Europol shares with the partners in the form of several types of analytical products. Such information and analytical support provides the basis for preventive measures taken on at national level.
- Special attention is given to THB cases with minors involved, especially when it is suspected that they may be potential victims of trafficking.

### **Eurojust**

- Eurojust promotes early cooperation and coordination between all countries and all actors involved, as part of the obligation to respect the rights of all victims of human trafficking. A greater focus on victims also leads to greater success in the prosecution of THB cases.
- Eurojust initiates discussions on the suitability of a joint investigation team (JIT) in all complex THB cases, in which the trafficking offence was ongoing and organised, and there was a need to save and protect many victims being exploited in one or more countries.
- The Eurojust *THB casework report* contains a number of *recommendations* for judicial authorities as regards to the protection of THB victims, including:
  - To always give considerable weight to the protection and welfare of victims when deciding which jurisdiction is best placed to prosecute. Eurojust issued joint recommendations for transfer of proceedings in THB cases, placing a central role on victims' rights in these recommendations.
  - During Eurojust coordination meetings, at Eurojust's initiative, participants share with one another how each country will protect the victims on *a joint action day* aimed at simultaneously arresting suspects, rescue and protect the victims (including using national structures and involving NGOs).
  - Judicial and law enforcement authorities always discuss in advance, and take actions to ensure, the interests and protection of THB victims during and after joint action days. Eurojust is able to help with the preparation and organisation of joint action days and provide real-time coordination. By setting up a coordination centre in THB cases, Eurojust is able to immediately provide help and ensure that joint actions are taken to benefit not only the judiciary and the police in all participating countries but, importantly, also the victims, to enable them to be rescued and protected.
- A *Eurojust Working Group on Victims' Rights* was established in 2021 to bring together the expertise of the Agency in this field. Victims' rights is a horizontal issue that affects all crime areas dealt with by Eurojust, all judicial cooperation instruments, and demands a holistic, across-the-board approach. The main objectives of the Working Group are: (i) to promote more systematically the victims' rights dimension in the prosecution strategies discussed and agreed upon with Eurojust's support; and (ii) to

ensure an effective and informed contribution to the EU Strategy on victim's rights and to the activities of the EU Victims' Rights Platform (since September 2020, Eurojust is a member of this Platform).

## FRA

- In June 2018, produced a *focus paper* on [migrant women exploited in domestic work](#) followed in September 2018 by a publication on [Protecting migrant workers from exploitation in the EU: boosting workplace inspections](#).
- On 25 June 2019, co-organised the *conference* '[From wrongs to rights – Ending severe labour exploitation](#)' in Brussels. [To tell the stories of severely exploited migrant workers](#), FRA produced [three videos](#) for the conference and for social media use – each of these building on rights holders' perspectives of severe labour exploitation and the report findings. The report, [Protecting migrant workers from exploitation in the EU: workers' perspectives](#), showed how exploitation often starts with false promises and fraud and identified factors that facilitate exploitation. In the afternoon, a practitioners' session with more than 25 participants from different EU Member States was organised to discuss the way forward in the fight against severe forms of labour exploitation. The report [Challenges and ways forward in the area of inspections and cooperation among monitoring bodies - The practitioners' session - Summary of discussions](#) summarises the main conclusions
- In June 2019, together with the European Commission, published the Guide on [Children deprived of parental care found in an EU Member State other than their own](#). The guide focuses on child victims of trafficking aiming to strengthen the response of all relevant actors for child protection and enhance national and transnational cooperation. A set of "10 actions" provide practical suggestions on how to identify, refer and support children, elaborating on how to implement principles such as the right of the child to be heard.
- Currently developing a *Manual for trainers on guardianship for unaccompanied children* in collaboration with the European Network of Guardianship. The manual, to be launched in 2022, will offer a uniform curriculum for guardians including how guardians can support unaccompanied children during legal proceedings, such as asylum and relocation procedures. The manual will reflect the different national contexts.
- In 2022, planning an *update of the 2015 report on Guardianship systems for unaccompanied children*, including all EU Member States plus North Macedonia and Serbia.
- In 2021, publishing a research on Unaccompanied children outside the child protection system who might be prone to labour or sexual exploitation.
- In 2021 finalised a report [Protecting migrants in an irregular situation from labour exploitation – Role of the Employers Sanctions Directive](#) that looks at *how the protective provisions of the Employers Sanctions Directive 2009/52/EC are implemented in the 25 Member States* bound by this Directive (i.e. all EU Member States, except Denmark and Ireland) with a focus on the impact they had on victims of particularly exploitative working conditions.
- Contributed to *CEPOL webinars on protecting victims of severe labour exploitation and trafficking for labour exploitation*.

## Frontex

- According to Article 38 of the Frontex Regulation 2019/1896<sup>12</sup>, all operational plans for joint operations supported by Frontex include provisions related to the *referral of vulnerable persons*.

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<sup>12</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1573722151667&uri=CELEX:32019R1896>

- Furthermore, the Frontex Code of Conduct includes provisions on the obligation to give special consideration to particularly *vulnerable groups of people, including victims* of trafficking in human beings. The Code of Conduct is legally binding to all participants of the operational activities.
- All members of the teams receive instructions and guidance on the *application of the Code of Conduct* during the operational briefing.

## **CEPOL**

- *CEPOL THB training activities*, carried out under the EMPACT THB Operational Action led by CEPOL, are all encompassing the safeguard and the protection of victims, with specific learning activities focusing on multi agency support and victim`s rights to protection and justice.
- Improving the protection and assistance of victims of THB is one of the key elements of CEPOL`s training activities, covered by various dedicated training sessions, modules and study materials.
- *CEPOL Online Module on Trafficking in Human Beings*, available on the CEPOL`s LMS as a self-paced learning activity includes a chapter dedicated to protection of victims. It describes the mechanisms that need to be established to assist victims, including a reflection period, a national referral mechanism (NRM) and an appropriate victim support network.
- *Child sensitive actions* are covered in *CEPOL onsite and online courses* specifically dedicated to *Child trafficking*, in CEPOL`s online module and in dedicated webinars, delivered with the support of FRA: *CEPOL webinar 70/2020 `Child protection and child trafficking`*  
*CEPOL webinar 71/2020 `Unaccompanied children in return procedures and fundamental rights`*  
*CEPOL webinar 65/2021 Rights of Child Victims of Trafficking*
- *Gender specific actions* are covered in all CEPOL training courses and it`s online module. In 2020, together with EIGE and the European Commission, CEPOL organised a *Webinar 07Ad-hoc/2020 Gender-specific measures in anti-trafficking actions* (recorded version being available on CEPOL`s LM).
- *Attending to victims` special need*, including pregnancy, health, a disability, a mental or psychological disorder, or a serious form of psychological, physical or sexual violence are covered in CEPOL`s residential and online courses as well as in the THB online module.
- *Multidisciplinary approach* is covered in all CEPOL THB training activities supporting joint activities with all relevant stakeholders including labour market intermediaries and recruitment agencies.
- *Increasing regional and cross-border cooperation* is covered in all CEPOL THB training activities with dedicated training sessions, including case studies of successful cross border operations and JITs.
- *Actions regarding non-prosecution or non-application of penalties to the victim* for crimes compelled to commit during their exploitation is covered by relevant training material.
- *Actions so that assistance and support for a victim are not made conditional* on the victim`s willingness to cooperate in the criminal investigation, prosecution or trial is covered by relevant training material, including EU recommendations and Member States best practices.
- *Actions concerning information on a reflection and recovery period, granting international protection* are covered by relevant training material, including EU recommendations and guidelines, as well as Member States` best practices.

## **eu-LISA**

- *See above section 1.*
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## EASO

- Supports Member States in the implementation of the Qualification Directive 2011/95/EU<sup>13</sup>. Not all non-EU victims of THB fall within the definition of a refugee nor will all qualify for subsidiary protection as provided by the Qualification Directive. However, there are numerous cases where the elements of the refugee definition or the grounds for subsidiary protection are present and therefore status recognition would be strongly substantiated. *EASO Vulnerability Expert Network* and its THB component address these vulnerability related topics and crosscutting issues.
- *EASO Practical Guide on Best interests of the child in the asylum procedures* addresses child trafficking. *EASO Guidance on Membership of a Particular Social Group* (MPSG) addresses commonly encountered profiles (including of former THB victims) for which the ground of MPSG may be considered.
- Is developing the *Referral Toolkit* as the third tool in the EASO Vulnerability package. The other two tools in the package are the IPSN Tool, a tool for the identification of persons with special needs, and the Special Needs Assessment Tool aimed at supporting the systematic evaluation of the situation of the applicant. All the tools address THB and the protection of their victims as well as other vulnerable persons. The Referral Toolkit complements this three-step approach by supporting the referral of applicants with special needs to adequate support after identification and/or assessment. The objective of the Referral Toolkit is to facilitate the referral of applicants<sup>14</sup> with special needs to adequate support. Member States could incorporate the toolkit in the framework of a more comprehensive referral mechanism. The modalities of its use would depend on the national set-up and needs.
- *EASO training module on Trafficking in Human Beings* focuses, amongst others, on victims of trafficking who may be in need of international protection. It explains how to prepare and conduct an asylum interview with a victim or potential victim of trafficking and how to approach decision-making of applications from victims.
- *EASO training module on Interviewing Children* focuses on children's developmental stages, legal and procedural safeguards for children in the international protection procedure, and child-specific interview techniques, including how to assess the maturity of the child before and during the interview, in order to adapt the interview to the maturity and to the particular situation of each child. Child-specific forms of exploitation and persecution (sexual exploitation, labour exploitation and criminal activities such as child soldiers, etc.) are analysed in the Module.
- *Other relevant EASO training modules* target (i) Gender, Gender Identity and Sexual Orientation; (ii) Interviewing Vulnerable Persons; (iii) Reception of vulnerable persons: Identification of vulnerability and provision of initial support; (iv) Reception of vulnerable persons: Needs assessment and design of interventions. These latter modules on Reception of Vulnerable Persons aim to support reception practitioners in assessing the special reception needs of vulnerable applicants for international protection, including THB (potential) victims, and provide appropriate support.

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<sup>13</sup> [Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted \(europa.eu\)](#)

<sup>14</sup> The EASO operational definition of a referral mechanism: a mechanism aimed at identifying, protecting and assisting persons who have special needs through referral, and involving relevant public authorities and civil society. This definition is based on the Organisation for Security and Co-operation in Europe (OSCE) definition of the National Referral mechanism for victims of trafficking in human beings.

- Produces *country of origin information (COI)* in support of asylum decision-makers and policy-makers. A number of COI products refer to the topic of THB, notably the recent [EASO COI report 'Nigeria - Trafficking in Human Beings' \(April 2021\)](#).<sup>15</sup> THB-related aspects are also included in other COI reports, all of which are available on the EASO website.
- Develops jointly with Member States *common analysis and guidance in relation to international protection needs* of applicants from main countries of origin. The topic of THB is often addressed, notably in the 'Country Guidance: Nigeria', an updated version of which is expected in October 2021.<sup>16</sup>

## EIGE

- Reported on *Gender specific measures in anti-trafficking actions* with practical and gender-specific guidance to Member States on how to implement the provisions of the Anti-Trafficking Directive<sup>17</sup> and the Victims' Rights Directive<sup>18</sup>. The report identifies main challenges regarding early access to support, duration of assistance, conditional support and consent in obtaining services. It stresses that more guidance is needed on how to ensure that all victims can access services without any discrimination and provide victims with continuous and long-term support and assistance before, during and after any criminal proceedings, especially for trafficking victims who have been sexually assaulted and have likely suffered severe physical and psychological harms. The specific situation of female victims of trafficking who are third-country nationals need to be taken into account as well by extending residence permit, in order to avoid premature discontinuation of assistance and support measures.
- Developed a list of *indicative indicators to support Member States in ensuring the implementation of the provisions of the Anti-Trafficking Directive, and the Victims' Rights Directive*, from a victim-focused, gender and child-specific approach. The use of indicators allows for monitoring the impact of the implementation of the measures set out by the directives on assistance, support and protection to victims of trafficking for sexual exploitation, and other policies and actions taken in this regard. They also enable consistent data collection across Member States and allow for the identification of gaps, contributing to ensure the accountability of all stakeholders. The list of indicators is available here: <https://eige.europa.eu/publications/gender-specific-measures-anti-trafficking-actions-report>

<sup>15</sup> See also, [Iraq](#) report: Treatment of Iraqis with perceived affiliation to ISIL ([1.1.1](#)), [Afghanistan](#) Security situation (2020), [Côte d'Ivoire](#) released in June 2019, Syria - Situation of women (February 2020) [\[EN\]](#) (section 1.1.3), Syria - Actors (December 2019) [\[EN\]](#) (section 6.3), Socio-economic situation: Damascus City (February 2020) [\[EN\]](#) (section 4.2).

<sup>16</sup> See also, 'Country Guidance: Iraq' (January 2021), sections 2.17.4 and 3.2; Country Guidance: Afghanistan (December 2020), sections 2.10.4 and 6.4.2.; 'Country Guidance: Syria' (September 2020), sections 2.13.1 and 6.4. The country guidance documents are available at <https://www.easo.europa.eu/country-guidance>.

<sup>17</sup> <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32011L0036>

<sup>18</sup> [EUR-Lex - 32012L0029 - EN - EUR-Lex \(europa.eu\)](#)



### **3. Access to justice, protection of victims in criminal proceedings and compensation of victims**

#### **Eurojust**

- Supports investigations and operational actions to bring traffickers to justice and give ability of victims to *access legal remedies*.
- Facilitates discussions between national authorities and formal requests for *arranging of interviews of victims* to be used in proceedings in cross-border THB cases and for ensuring the *admissibility of evidence from victims*. It encourages in its cases the seconding of specialised officers to interview potential victims of trafficking and take into consideration the particularities of child victims of THB.
- Helps national authorities to *prevent secondary victimisation* of victims during the criminal proceedings. In some cases Eurojust helped to arrange that interviews of children could be tape-recorded and transcribed for presentation during the trial proceedings, to avoid the children having to be summoned and undergo further trauma.
- Facilitates discussions and decisions of judicial authorities regarding the *access to witness protection* programmes or other similar protection measures.
- Collects information on the *outcome of the trial proceedings - final verdicts* - including on the compensation of victims, through JIT evaluation forms, Case Information Forms and other ways.
- *Eurojust's Working Group on Victims' Rights* is collecting relevant Eurojust's expertise and experience on underlying procedural aspects, including compensation rights of victims.

#### **FRA**

- The reports, [Protecting migrant workers from exploitation in the EU: workers' perspectives](#) and [Protecting migrants in an irregular situation from labour exploitation – Role of the Employers Sanctions Directive](#) outlined, amongst others, what can be done to help exploited workers access justice.
- Supported some of the *CEPOL training activities* on trafficking.

#### **CEPOL**

- Ensuring access to justice, compensation of victims of THB are covered in *CEPOL training activities*.
- Dedicated training session and material in CEPOL onsite courses, online modules and webinars covering: (i) *Operational actions to bring perpetrators to justice*; (ii) *Child specific actions*; (iii) *Gender specific actions*; (iv) *Actions for appropriate protection of victims based on an individual risk assessment*; (v) *Specific treatment aimed at preventing secondary victimisation* of victims during the criminal proceedings; and (vi) *Actions with regard to free legal counselling and free legal representation*.

#### **eu-LISA**

- *Contributes to the Digital criminal justice*, aiming to enhance the necessary technical platforms to improve exchange of information, contributing also to improving the access to justice for victims.

#### **EIGE**

- Contributes to ensuring *access to justice and compensation of victims* by disseminating the reports published by EIGE on the Anti-Trafficking Directive and the Victims' Rights Directive and the 'Gender-specific measures in Anti-trafficking Actions'.

- Provides Member States with *recommendations* on how to improve their national mechanisms and actions, measure the impact of the implementation of the policies set out by the directives on assistance, support and protection to victims of trafficking for sexual exploitation, and other measures and actions as well as how to improve data collection.

#### **4. Prevention as a mean to protect vulnerable people from criminals**

##### **Europol**

- Within EMPACT THB, Europol promotes the importance of prevention of THB and raises awareness amongst relevant public and private actors.
- Together with Member States and other agencies, Europol regularly supports and participates in several joint preventive activities, such as awareness raising campaigns and promotional initiatives on best practices for the protection of vulnerable individuals from criminal networks involved in THB.
- Victims' identities are stored within Europol's database to assist their further protection, especially in view of preventing their potential re-victimisation.

##### **Eurojust**

- Investigations, prosecutions, protection, and prevention are closely intertwined and complementary. Eurojust supports successful prosecutions that aim to act as a deterrent, which would potentially prevent the occurrence of THB crimes.

##### **Frontex**

- All new recruited *Frontex Standing Corps members* follow sessions on identification and referral of potential THB victims.
- *Anti-trafficking training for border and coast guards* including awareness, identification and interviewing victims of trafficking with focus on vulnerable persons and children.
- *Specialised and tailored fundamental rights related modules*, offering adequate considerations on THB, were embedded in all Profile-Related Advanced Specialisation Trainings.
- *The Course manual for Frontex fundamental rights trainers* provides comprehensive and operational guidelines on protection of the rights of all migrants in border procedures, including the victims of THB.
- *Frontex's course manual on the protection of children at borders* was published to support trainers in an in-depth analysis of risks faced by children at borders and the applicable counter-measures.

##### **CEPOL**

- The THB training portfolio aims to educate law enforcement officials of Member States and Operational Partners, including front line officers and investigators from Police, Border guards and Customs.
- A dedicated session in the THB online module addresses the need for preventing THB as it has become increasingly important. It covers various aspects of prevention, including partnerships between public and private sector stakeholders, (self-) regulation and inspections, awareness-raising campaigns, and the 'barrier model' by which the opportunities for THB are obstructed.
- Dedicated *webinar on Prevention of labour exploitation* to protect vulnerable people from criminals.

##### **eu-LISA**

- The *EU JHA IT systems* have a horizontal scope, contributing to preventing THB, protecting the THB victims and supporting the related investigations THB.

- In this sense, eu-LISA is making continuous efforts to ensure that the existing EU JHA information systems are fed with *quality and complete data*, and that the relevant authorities receive the *adequate training* on their use. In particular, eu-LISA is working effortlessly with the Member States and the European Commission in order to ensure the start of operations of the modernised Schengen Information System, which will include also alerts on vulnerable persons aiming among others at preventing THB.

#### **EASO**

- Actions on *awareness raising* (education, training, campaigns) for reducing the risk of people, including children, becoming victims of THB. In cooperation with FRA, delivered awareness raising sessions on fundamental rights in Spanish reception facilities. Each session addressed THB.