



IOM CONTRIBUTION TO THE WRITTEN CONSULTATION ON THE POST 2016 STRATEGY AGAINST TRAFFICKING IN HUMAN BEINGS.

Human trafficking is our modern day equivalent of slavery; a gross violation of the human rights and dignity of its victims. It is the world's third most profitable criminal business and its underground/secretive nature makes it difficult to collect accurate data and assess its full scale.

As the leading organization in the field of migration, IOM started working in the area of counter-trafficking in the mid 1990's. At that time, little was known about trafficking in human beings. The actors were few; funding was slight; and the initiatives were modest. It was a field of work that nevertheless demanded comprehensive interventions: public awareness, prosecution, victim protection, institutional capacity building, and research. During the past 30 years, IOM have implemented hundreds of projects, trained tens of thousands of public and private representatives, and protected and assisted over 80,000 victims of trafficking. In 2015, IOM provided specialized protection to one in seven victims identified worldwide¹. Ensuring freedom and a chance at a new life, IOM's assistance includes safe accommodation, medical and psychosocial support, access to legal remedies, and assisted voluntary return and reintegration.

In 2014, IOM missions in the EU provided assistance to 252 victims of trafficking (VoTs) across 18 EU Member States, either as a country of destination or upon return in victims' countries of origin. The assistance was increased to 417 victims over 19 Member States in 2015. It is in the light of this field experience and of our close dialogue and partnership with the European Commission EU Anti-Trafficking Coordinator Office since its creation in 2011 that IOM has drafted this contribution.

The strategy towards the Eradication of Trafficking in Human Beings 2012-2016 is a very useful tool and has provided the framework for a number of important actions to address trafficking in human beings. All priorities identified in the strategy remain relevant. The EU Strategy is recognized as one of the only documents in the field of combating trafficking in human beings, which suggests that the instruments of policy coordination cannot be reduced to a mere creation of a coordinating body and development of a National Action Plan.

Bearing in mind that needs remain numerous in the field of combatting trafficking in Europe, IOM strongly believes that consistency, comprehensiveness and coherence remain the key pillars of any successful anti-trafficking work and has identified the following priorities for the future work of the European Commission in this respect.

¹ <https://www.iom.int/news/iom-assists-7000-victims-human-trafficking-globally-2015>

1. Protection: ensuring access for all children and adults.

While Europe has - both at Union and at Member State level - made considerable progresses in creating legal frameworks that better protect those identified as victims of trafficking, on the ground IOM sees that the number of victims accessing and benefiting from this protection remains small.

1.1 Continue efforts on better identification

There is a consensus that progresses are still needed to better identify victims, particularly cases of trafficking for the purpose of labour exploitation and trafficking in the context of the current arrivals to Europe. In the context of the current Mediterranean migration crisis, migrants are highly vulnerable to exploitation and abuse, however only a few are identified as victims of trafficking. IOM's experience is that the line that separates a smuggled migrant from a trafficked person, or from many exploited or abused migrants, is blurred at best. Actors working in the field, who are confronted daily with the stories of each individuals, observe that there is no clear cut distinction. A migrant – especially if young, male and working illegally – away from the classical stereotype of a victim – is unlikely to be screened for possible trafficking and/or exploitation. However, IOM's recent *Survey on Human Trafficking and Exploitation Prevalence on Eastern Mediterranean Migrant Routes*² has found that rates of positive response to a trafficking or other exploitative practices indicator were higher amongst men.

Recent influxes of asylum seekers into the EU have put unprecedented strain on Member States' asylum systems and overwhelmed service providers along migration routes, making it increasingly difficult to identify vulnerable individuals in need of protection, including victims of trafficking.

IOM also witnesses that number of identified victims still fall through the cracks of the system, particularly at status recognition stage and in cross-border settings and/or transfers. In this respect, it is crucial to continue the work started on National and Transnational referral mechanisms, including in partnership with IOM under the TACT Project (Transnational Action – Safe and sustainable return of Victims of Trafficking returning from France, Greece, Italy, Poland and Spain to Priority Countries: Albania, Morocco and Ukraine).

Proposed Actions

- Increase training of frontline actors who can come into contact with migrants and asylum seekers to increase their knowledge on trafficking and their ability to identify potential victims both children and adults.
- Encourage cross-border, multi-stakeholder approach in order to close protection gaps and increase the exchange of good practices in addressing trafficking in the context of asylum.
- Recall that migrant smuggling and THB are different phenomena but that the former can easily turn into the latter when smuggled adults and children end up as victims of THB (for instance debt bondage or long periods in transit) and urge that the competent authorities in the Member States pay attention to this overlap during their police, judicial-cooperation and law-enforcement activities.
- Emphasize the cooperation with National coordinators and consular staff who are instrumental actors to close the protection gap in cross-border situations.

² http://doe.iom.int/docs/Analysis%20-%20CT%20Survey%20-%2017%20Mar%202016%20_FINAL.pdf

- Encourage access for IOs and NGOs in administrative detention to allow for timely identification in closed settings.
- Encourage Member States to put in place firewalls between immigration authorities and labour inspectorates, in order to combat the fear related to irregular status instilled by traffickers, encourage victims to lodge complaints and to ensure that if cases are detected that there is no action taken by immigration authorities against victims. Member states should lead by example and publicize widely successful cases in order to destroy the myth or change the reality.

1.2 Ensure effective access to rights, particularly socio-economic assistance and legal remedies.

IOM has continuously advocated that a human rights-based approach should be the basis of protection and support provided to victims of trafficking. This means that full support and assistance be provided to all victims of trafficking irrespective of their willingness to engage in criminal proceedings. Besides, victims of trafficking have the right to an effective remedy in line with international standards and Directive [2012/29/EU](#), including access to justice, restitution of liberty, recognition of legal identity and citizenship, return of property as well as appropriate reparation.

However, in many Member States and under many funding schemes IOM encounters that a) access to essential socio-economic support remains conditioned upon status, cooperation with law enforcement authorities and successful prosecution probability, b) victims of trafficking who are EU nationals are left outside of assistance scope in the country of exploitation and / or upon return.

Although EU nationals constitute the majority of registered victims of trafficking in human beings in the EU (65% in 2013-2014), they often are unable to access certain services that are available to victims who are third-country nationals.³ In other words, although accounting for the majority of such victims in the EU, this vulnerable group is frequently not covered by existing assistance frameworks and initiatives, possibly due to the wrong assumption that EU citizenship guarantees access to rights.

Hence, IOM recommends that efforts be geared towards removing all barriers to assistance for all victims, particularly children and EU citizens, as well as guaranteeing access to justice.

Proposed actions

- Promote comprehensive, adequate and accessible support to victims of trafficking that are gender sensitive and centered on the needs of the victims, including protection, rehabilitation, compensation, medical and psychological care, as well as legal and social services.
- Allow for non-conditional assistance provision and support to victims of trafficking who are EU citizens, including reintegration / integration support in case of return.
- Support timely information on legal rights, including adequate protection and assistance, and the protection of privacy and identity, in order to prevent re-victimization and avoid the danger of being re-trafficked.
- Encourage Member States law enforcement agencies to explore additional pieces of evidence to corroborate victims' testimonies thus reducing the heavy burden on the victim (such as special technical devices allowing victims to testify from secure locations or concealing their identity when

³ "Evaluation of the effectiveness of measures for the integration of trafficked persons" FIIT Study, 2013 http://publications.iom.int/bookstore/free/FIIT_study_ENG.pdf

necessary). This would allow to uphold victims' rights and the state's obligation to protect them while simultaneously enriching the probative basis for the prosecution, and securing lawful convictions.

- Support granting of residence permits for victims and their families whose safety upon return to their country of origin might not be guaranteed. Return should always be consistent with the principle of non-refoulement and should be guided by a comprehensive risk assessment on the viability of the return, including to threats from traffickers.
- Engage in a review of Directive 2004/81/EC, including by raising the minimum validation time of a residence permit.
- Encourage Member States to refrain from issuing re-entry bans for victims of trafficking, in order not to undermine the credibility of victims rights in the EU.
- Consider following up on the recommendation drafted within the framework of the CARE and TACT project⁴ to improve continuum of care for returning victims of trafficking and enhance development of transnational referral mechanisms.

1.3 Continued attention to the specific needs of children

Children represent 15% of identified victims of trafficking in 2013-2014 in Europe. Child trafficking has been reported as the most sharply increasing trend in the EU. Indeed, children are the most vulnerable group, and as such a particular target for traffickers. Bearing this in mind, and considering the high number of children among refugees and migrants who have arrived on Europe's shores (almost 25%) it is absolutely essential that all responses at national and European level focus on the particular protection risks and challenges faced by children on the move in the EU - particularly in the context of high pressure on national asylum and child protection systems. The European Commission's Study of High Risk Groups for trafficking in human beings has identified numerous very important recommendations related to structural, institutional, and socio-economic factors of child trafficking, such as provision of targeted training for all professionals likely to come in contact with children at risk, the need for clear guidelines on implementing child centred and victim centred approach, as well as the need to promote integrated child protection systems. IOM welcomes very much the recommendations of this report and stands ready to assist in the implementation of its recommendations as relevant.

Proposed actions

- Continue mainstreaming special attention to children in all Trafficking in Human Beings related policies.
- Urge Member States to ensure that the Best Interest of the Child is the cornerstone of any decision involving a child and that a Best Interest Assessment and Determination guides any decision affecting a child.
- Encourage the development of integrated child protection systems and the implementation of the 10 EU principles on Integrated Child protection Systems https://ec.europa.eu/anti-trafficking/eu-policy/coordination-and-cooperation-integrated-child-protection-systems-reflection-paper_en.

⁴<http://iomfrance.org/sites/default/files/Enhancing%20the%20Safety%20and%20Sustainability%20of%20the%20Return%20and%20Reintegration%20of%20VoTs.pdf>

- Promote the follow up on DG HOME and the Fundamental Rights Agency (FRA)'s recommendations concerning guardianship and on child protection systems.

2. Partnership

Work on addressing human trafficking is not possible without on-going and sustainable cooperation with all stakeholders to enhance efforts that support the prevention, protection and prosecution as well as victim assistance. Cooperation is critical in ensuring that our efforts become more effective and, importantly, more sustainable. In this time of multiple crises, we must also look beyond our traditional partnerships and re-think our approach to include as broad network of actor as possible.

2.1 Continue business engagement

In today's globalized labour market, labour exploitation and human trafficking cannot be addressed without governments, the private sector and civil society working together to ensure that minimum decent work standards are met, and that global supply chains are free from trafficking and other forms of exploitation and abuse. Legislation such as the *(UK) Modern Slavery Act*, the *California Transparency in Supply Chains Act*, or the revisions to the *US Federal Acquisition Regulations*, have had a tremendous impact on the way companies target their efforts in mitigating and addressing human trafficking in their operations and supply chains. Regulation alone, however, cannot fully resolve this issue, partnership, dialogue and cooperation with the private sector are key to ensure prevention of trafficking and abuses at all stages: recruitment, deployment and employment.

The latest Eurofund report on Regulation of labour market intermediaries and the role of social partners in preventing trafficking of labour intermediaries and trafficking in human beings which was commissioned by DG Home under the 2012-2016 strategy largely acknowledges the key role played by labour market intermediaries in preventing trafficking in human beings. The impact that unethical recruitment practices have not only on the migrant workers, but also on employers, on governments and on the recruitment industry itself. IOM, together with a group of likeminded partners, has developed a voluntary certification process for international recruitment intermediaries, the International Recruitment Integrity System (IRIS). The goal of IRIS is to enable employers to make better informed decisions regarding the procurement of recruitment services, and thereby mitigate the risk of becoming party to labour exploitation and human trafficking in their operations. In the framework of this initiatives, IOM has now carried out monitoring of supply chain and tailored roadmap for way forward for several global companies and produced a certification and compliance framework which will enable businesses to identify and support agencies that demonstrate a commitment to ethical recruitment.

Proposed actions

- Incentivize European enterprises to respect workers' rights and carry out due diligence in their operations in line with relevant international standards such as the Guiding Principles on Business and Human Rights, the UN Global Compact Principles, the ILO Tripartite Declaration of principles concerning Multinational Enterprises and Social Policies and the OECD guidelines.
- Encourage full transposition of the Directive 2014/95/EU on disclosure of non-financial and diversity information and closely monitor its implementation targeting high risk sectors in order of priority.

- Promote engagement and cooperation of Member States with the business community and in particular, financial sector.
- Promote a platform for the cooperation of criminal justice actors with the financial sector, including financial sector coalitions (banks, money transfer companies), aimed at identifying specific customers and suspicious financial transactions that could be connected to trafficking in human beings.
- Create opportunity for monitoring of supply chain and training within companies.
- Consider supporting voluntary accreditation frameworks such as IRIS to bridge international regulatory gaps governing labour recruitment in countries of origin and destination.

2.2 Create a global partnerships to end human trafficking

In support of global approach to prevention and combating THB - IOM recognizes EU AT Coordinator's office achievements in mainstreaming anti-trafficking in all EU led dialogue and cooperation platforms at national and regional levels. The development of a list of priority third countries and regions for partnerships (making use of the potential of the EU Delegations operating in these countries and regions) and the important financial support to projects/programs to combat trafficking in human beings in these countries have been very important efforts. To take this efforts further, IOM recommends to establish an Anti-Trafficking coordination platform at global level which would allow for coherent, comprehensive and consistent approach across regions.

Proposed actions

- Set up, under the leadership of the EU Anti-Trafficking Coordinator and in partnership with other Commission services, annual or biannual meetings with the heads/chairs of the Regional Consultative Processes and Regional Policy Dialogues focusing on the issue of trafficking in human beings. This would allow for coherence and provide a Global / inter-regional Platform for coordination.

3. Evidence based policy

The crime of human trafficking is complex, dynamic, and clandestine, taking place in a wide variety of contexts and often perpetrated by organized criminal networks. A principal challenge in developing targeted counter-trafficking response and measuring its impact is the lack of reliable, high-quality data, both on the effectiveness of past actions and on the actual cases and trends.

3.1 Systematic evaluation of policies, action plans and projects.

Referring to combatting trafficking in human beings the collection of information should meet practitioners' need of knowledge relative to: a) the status and trends in evolution of the phenomenon of trafficking in human beings, which are necessary for policy planning in this area; b) measures taken to counter this phenomenon, which should be compiled in the form of reports on the monitoring and evaluation of policies. Monitoring and evaluation of policies are elements of a single cycle of the results-based policy management.

The field of anti-trafficking policies has experienced a lack of systematic investment in measuring, evaluating and learning from the multiple and evolving efforts to date. The Inter-Agency Coordination Group against Trafficking in Persons (ICAT) has recently commissioned a discussion paper to review the state of evaluation in the field and to develop a road map for guiding and growing evaluation of counter-trafficking efforts. One of the findings was that the sector suffers from a lack of systematic information collected from intervention participants. This information, however, is critical to assessing the relevance and quality of support available and to identify gaps in services.

IOM welcomes the upcoming review of projects funded by the EU to map the geographical areas, fields, different actors and types of projects, as well as their outcomes and recommendations. This review will strengthen future projects and provide a solid basis for coherent, cost effective, and strategic EU policy and funding initiatives.

Proposed actions

- Encourage that evaluation of Member States and partner / target country policies be carried out in the mid-term of the policy implementation period and/or at the end of the implementation of policies and serves as basis for the development of a new policy document for the next planning period.
- Increase funding available within EU funding schemes for inclusion of evaluation activities at project level.
- Further strengthening the capacity of NREMs in policy evaluation and impact assessment.

3.2 Enhanced and harmonized data collection.

A principal challenge faced by all concerned actors, including in Europe, is the lack of reliable, high-quality data. Through its centralized case management system, IOM has case data on approximately 50,000 victims of human trafficking, with 5,500 cases now being added to this every year. As a result, IOM has the largest database of its kind in the world, which has the potential to be an enormous asset in the fight against trafficking.

In October 2014, IOM launched two parallel processes: The first focused on increasing the quantity and quality of victim data available to IOM, by (i) improving the consistency, volume, and quality of data entered across the Organization, and (ii) enabling external NGOs to contribute comparable data they collect on victims. The second process focused on providing wider, appropriate public access to information derived from this broader dataset. IOM is now developing the IOM Human Trafficking Information Exchange Platform. The Platform will host and anonymize IOM's and external partners' human trafficking data. It will be the first centralized, multi-stakeholder, open access source of data in this field. It will make these data accessible to policy-makers, practitioners, academics, researchers, and the public more generally, allowing these stakeholders to rapidly strengthen the evidence base for counter-trafficking response.

Proposed actions

- Promote systematization of data collection through further strengthening of NREMs within the EU and promotion of similar practices outside the EU – including through the above mentioned establishment of a Global / inter-regional Platform. IOM stands ready to support this efforts.
- Explore synergies between IOM and EU in relation to data, including by contributing to the repository created by IOM (IOM HT Information exchange platform), resulting in a much bigger sample of data, better analysis of the trends and risk-profiles as well as, eventually, formulation of priorities and targeted responses.

30th May 2016