



Ad-Hoc Query on Trafficking in Human Beings

Requested by FI EMN NCP on 19th November 2012

Compilation produced on 31st May 2013

Responses from Belgium, Estonia, Finland, France, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom plus Norway (18 in Total)

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1. Background Information

In Finland we are, currently, considering the revision of the provisions of the Aliens Act and the Act on the Reception of People Applying for International Protection concerning assistance and support for the victims of trafficking in human beings as well as identification of the victims. For this purpose the Ministry of the Interior would like to collect information from other Member States. Furthermore, this ad hoc-query will partly update the information received through the ad hoc-query made by the NL EMN NCP on 12 September 2008. We would very much appreciate your responses by **15 December 2012**:

2. Responses¹

		Wider Dissemination?²	1. Does your Member State have a specific law on assistance, support and identification of the victims of
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¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

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			<p>trafficking in human beings? Please provide the names of the relevant national laws covering assistance and support for the victims of trafficking in human beings and identification of the victims. If possible, please attach a link to any relevant national legislation.</p> <ol style="list-style-type: none"> 2. How is the assistance and support (subsistence and material assistance, medical treatment, accommodation) of the victims of trafficking in human beings organised? Which authority or other body is responsible for providing assistance and support? Which body has the competence to decide on applying and on ceasing to apply the provisions on assistance and support? Does your Member State have a national coordinator/body or a national coordination system for the assistance and support for the victims of trafficking? Do the reception centres for asylum seekers play any role in the assistance and support of victims? 3. Which authority or other body has the competence to decide on the identification of a victim? Which criteria are applied for the identification? Who else (if any) could be considered as an identified victim in addition to those who are considered to be victims on account of a pre-trial investigation or court proceedings or who have been given a reflection period? When does your Member State consider that the identification process has been completed (as a result of which a removal of the person in question from the country would not be in contradiction with the Article 10, paragraph 2 of the Council of Europe Convention on Action against Trafficking in Human Beings)? 4. In case an asylum seeker is claimed to be a victim of trafficking in human beings does it (according to the national law or practice) have an impact on the application of the Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national? Does your Member State apply Article 3(2) if the applicant is claimed to be a victim of trafficking in human beings?
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² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."






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			<p>5. What kind of residence permits does your Member State issue to the victims of trafficking in human beings? Does your Member State issue only residence permits corresponding to the regulations of the Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, or does your Member State use other categories of residence permits? If possible, please list the relevant provisions and attach links to the relevant national legislation.</p>
	Austria	Yes	
	Belgium	Yes	<p>1. Belgium does not have as such a specific law on assistance, support and identification of victims of trafficking. However, articles 61/2 to 61/5 of the Law of 15 December 1980 on entry, stay, settlement and removal of foreign nationals contains provisions for the issue of residence permit to victims. Article 61/2 states also that presumed victims (identified by police or inspection services) have to be referred to specialised reception centres. Moreover, the Circular of 26 September 2008 on the implementation of multidisciplinary cooperation regarding victims of trafficking in human beings and/or or certain serious forms of smuggling of human beings contains a.o. provisions on the national referral mechanism and on the type of assistance that specialized reception centres can provide to the victims.</p> <p>2. The assistance and support to victims of human trafficking is provided by three "specialized centres for victims of human trafficking": i.e. PAG-ASA in Brussels, PAYOKE in Antwerp, SÜRYA in Liège. These are independent NGO's which provide accommodation in a shelter, as well as legal, administrative and psychosocial support exclusively to victims of human trafficking. They also facilitate access to external services, such as medical, therapeutic, education, training, employment, housing, and social welfare services. All assistance and support is tailor-made, based on the needs and expectations of each individual victim. By entering the Belgian "victim protection procedure", the victim has access to all the above-mentioned services. The "victim protection procedure" is linked to three conditions: (1) cooperation with law enforcement (i.e. statement or complaint); (2) no contact with the presumed perpetrator; (3) accept the assistance of a specialized centre throughout the procedure. If one of these conditions is not respected, the reference magistrate will make an end to the procedure.</p> <p>On the one hand, there is an overall “national coordination mechanism” for the fight against human</p>

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			<p>trafficking, in which all relevant partners are involved, that is gradually including the three specialized centres. On the other hand, the three specialized centres coordinate among themselves through "inter-centra meetings" and by referring victims to one another, if necessary for reasons of security, capacity, logistics or psychosocial problems. The centre for equal opportunities ensures also a coordinating role, based upon a Royal Decree of 2004. The centre actually facilitates the cooperation between the centres by supporting the cooperation process of the centres. At the time of the drafting of this response, the government is implementing the national action plan with regard to the adoption of proper legislation to formally recognize the specialized centres.</p> <p>The reception centres for asylum seekers do not play any formal role in the assistance and support of victims. The staff of the centres, however, is sensitized for detection.</p> <ol style="list-style-type: none"> 3. The identified victims are the ones who benefit from the specific status of victim of trafficking, linked to the cooperation with the judicial authorities. The status of victim of trafficking is granted by the prosecutor who investigates the case. The victims also need to be accompanied by a specialised reception centre, which is allowed to claim a residence permit to the Immigration Office on behalf of the victim. Possible identification of a victim is made through his/her declarations and through indications of the case that this person might be a victim of trafficking. 4. With each asylum application, for which another Member State seems responsible to handle, it is examined if there reasons to apply article 3(2) of the Dublin Regulation. Being a victim of human trafficking is such a reason. In practice Belgian authorities will wait to apply the procedures of the Dublin Regulation until it is clear whether or not the asylum applicant could be considered as a victim of human trafficking. 5. In the first part of the reflection period – which is aimed at allowing victims to come to rest, to regain serenity and to reflect about the wish or necessity to file a complaint or make a statement - legal provisions impose the delivering of an order to leave the country (during 45 days). When the victim accepts the conditions of the "victim protection procedure" (supra: (1) cooperation with law enforcement (i.e. statement or complaint); (2) no contact with the presumed perpetrator; (3) accept the assistance of a specialized centre throughout the procedure.), the victim is receiving an “attestation of immatriculation” that will be valid for three months, period during which the prosecutor who investigates the case, will decide to grant or not the status. When the victim status is confirmed and as long as it stays confirmed, the
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			victim consecutively receives an electronic identity card of the type A, certifying the inscription in the foreigners register, that is part of the population register. When the judicial case of the victim is referred to the criminal court and the public prosecutor requires the court to convict the offender for one of the human trafficking incrimination's, the victim will receive an electronic identity card of the type B, which implies an unlimited permit to stay.
	Bulgaria	Yes	
	Cyprus	Yes	
	Czech Republic	Yes	
	Denmark	Yes	
	Estonia	Yes	<p>1. Relevant national laws:</p> <ul style="list-style-type: none"> • Penal Code http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=X30068K9&keel=en&pg=1&ptyyp=RT&tyyp=X&query=karistusseadustik • Aliens Act http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=XXXXXX14K1&keel=en&pg=1&ptyyp=RT&tyyp=X&query=v%E4lismaalaste+seadus <p>The Government of Estonia considers combating against trafficking in human beings to be an important priority. In December, the Government approved changes which transpose new necessary elements constituting a crime, which criminalise trafficking in human beings into the Penal Code. The draft supplements to the Penal Code with three offences regarding trafficking in human beings: trafficking in human beings for the purposes of sexual abuse, enslaving and removal of an organ. Upon entry into force of the Act, it will be possible to obtain a clearer overview of the number of cases of trafficking in human beings, victims of trafficking in human beings, persons involved in human trafficking, comparison of punishment data (including with other countries) and changes in the manners of exploitation over time. This in turn should create a better basis for assisting victims of human trafficking and financing the provision of support services.</p> <p>At the moment the statistics related to human trafficking do not reflect the situation in Estonia adequately. The Penal Code currently includes 12 sections that to a larger or lesser extent are related to human trafficking.</p> <p>2. – 3. In national level responsible authority's are Ministry of Social Affairs (responsible of providing assistance and support), Ministry of Interior (working out the relevant legislation), Police and Border Guard Board (responsible for identification and first assistance of the victims of trafficking human being).</p>


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			<p>4. By the national legislation the victims of trafficking human being are considered under Aliens Act (as third country nationals), not as under asylum procedures. There are no cases in which the asylum application has been examined in merits due to the suspicion of trafficking in human beings.</p> <p>5. According to Aliens Act § 203. Cases of temporary residence permits issued in case of substantial public interest (1) An alien may be granted a temporary residence permit in case of substantial public interest (hereinafter a temporary residence permit in case of substantial public interest) for assistance in the ascertaining of the facts of the subject of proof of a criminal offence if:</p> <p>1) he or she is a victim or a witness in a criminal procedure, the object of which is a criminal offence related to trafficking in persons for the purposes of the 2002/629/JHA: Council Framework Decision on combating trafficking in human beings. http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=XXXXXX14K1&keel=en&pg=1&ptyyp=RT&tyyp=X&query=v%E4lismaalaste+seadus .</p>
+	Finland	Yes	<p>1. In Finland there is no specific law on assistance, support and identification of the victims of trafficking in human beings. However, the idea of a specific law has been presented in various discussions. The Act on the Reception of People Applying for International Protection contains provisions on assistance and support for the victims of trafficking in human beings. The national law does not regulate identification of the victims of trafficking in human beings.</p> <p>2. The responsible body for providing and/or coordinating assistance and support (such as accommodation, social and health services, means of support) for the victims of trafficking in human beings is the Joutseno reception centre for asylum seekers located in Eastern Finland. As far as asylum seekers and foreigners residing illegally are concerned the assistance and support is provided by the reception centre itself. For other victims (e.g. those residing in Finland with a residence permit and citizens of EU or Finland) the assistance and support is provided by the municipalities (in other words the local social authorities) with the coordination of the Joutseno reception centre.</p> <p>According to Section 36 of the Act on the Reception of People Applying for International Protection, the decision to apply the provisions on assistance, and on ceasing to apply them, is made by the director of the reception centre. According to Section 37 of the Act on the Reception of People Applying for International Protection, the reception centre has a multi-professional evaluation group to help the director with decision-making and to evaluate the service needs of victims of trafficking. The evaluation group shall include, in</p>

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			<p>addition to the director, at least one social welfare and one health care expert, and a representative of the police and border authorities.</p> <p>3. According to Section 3(1)(7) of the Act on the Reception of People Applying for International Protection, a victim of trafficking in human beings means a person who has been granted a residence permit under Section 52a(1) of the Aliens Act (see below: on account of a pre-trial investigation), issued a reflection period under Section 52b of the Aliens Act or may otherwise, judged on their circumstances, be held to be victims of trafficking or to be in need of special assistance in the criminal investigation of trafficking.</p> <p>The decision to apply the provisions concerning assistance could be considered as one way of identifying a person as a victim of trafficking in human beings.</p> <p>4. The Council Regulation 343/2003 (Dublin regulation) is applied to suspected victims of trafficking in human beings. When assessing whether the asylum application should be examined in merits in Finland according to Article 3(2) it is, however, taken into consideration that the suspected victim of trafficking in human beings is in vulnerable position. The suspicion of trafficking in human beings is only one part of the assessment which is done case by case taking into consideration all circumstances.</p> <p>Before the decision to apply the Dublin Regulation is made it is also examined whether a residence permit could be issued according to Section 52a of the Aliens Act (victim of trafficking in human beings). In case the requirements for issuing such a residence permit are met the asylum application will be examined in Finland as well. There are no statistics available but there have been cases in which the asylum application has been examined in merits in Finland due to the suspicion of trafficking in human beings.</p> <p>5. Section 52a of the Finnish Aliens Act is in compliance with the Council Directive 2004/81/EC. According to Section 52a, a victim of trafficking in human beings staying in Finland is issued with a temporary residence permit if:</p> <ol style="list-style-type: none"> 1) the residence of the victim of trafficking in human beings in Finland is justified on account of the pre-trial investigation or court proceedings concerning trafficking in human beings; 2) the victim of trafficking in human beings is prepared to cooperate with the authorities so that those suspected of trafficking in human beings can be caught; and
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			<p>3) the victim of trafficking in human beings no longer has any ties with those suspected of trafficking in human beings.</p> <p>If the victim of trafficking in human beings is in a particularly vulnerable position, the residence permit may be issued on a continuous basis regardless of whether the requirements laid down in subsection 1(1) and (2) are met.</p> <p>However, in individual cases residence permits may be issued on other grounds i.e. on compassionate grounds (Section 52 of the Aliens Act) or employment if it is considered more beneficial to the victim and/or the requirements set out for in Section 52a of the Aliens Act are not met. Furthermore, victims may have grounds for receiving international protection in individual cases (Chapter 6 of the Aliens Act).</p>
	France	Yes	<p>1. Articles L. 316-1 and R. 316-1 to R. 316-5 of the Code on Entry and Residence of Foreigners and Right of Asylum (Code de l'entrée et du séjour des étrangers et du droit d'asile = CESEDA) address the permission to stay in France of foreign victims of trafficking in human beings who cooperate with the judicial authorities. Articles R. 316-6 to R. 316-10 of the CESEDA cover the protection, reception and accommodation of foreign victims of human trafficking who cooperate with the judicial authorities.</p> <p>The CESEDA is available here: http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070158</p> <p>2. In accordance with article R. 316-8 of the CESEDA, foreign victims of trafficking in human beings, holding a temporary residence permit “private and family life” can benefit from access to reception, housing, temporary housing and social monitoring systems for disadvantaged people mentioned in point I.8 of articles L. 312-1 and L. 345-92 of the Social Action and Family Code, including housing and social reintegration centres mentioned in the last paragraph of article L. 345-1 of the same code.</p> <p>When their safety requires a change of residence, they can be referred to the national reception system for victims of human or sex trafficking implemented by agreement between the Minister of Social Action and the association that coordinates the system. In accordance with article R. 316-7 of the CESEDA, they can also benefit from access to social protection under the conditions mentioned in article L. 380-1 of the Social Security Code, and to the temporary waiting allowance mentioned in point II of article L. 351-9 of the Labour Code.</p>

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			<p>There is no specific treatment for victims of trafficking in human beings provided in the reception centres for asylum seekers. However, general care provided in these reception centres allows the follow-up of people who may be victims of human trafficking. Indeed, the ratio of staff in the reception centres for asylum seekers is about one full-time equivalent employee for twelve residents, knowing that 50 % of full-time equivalent employees are social workers dedicated to social and administrative support of residents during their procedure. Vulnerable people are then followed by professionals who take their particularities and their vulnerability into account.</p> <p>However, a specific project co-financed by the European Refugee Fund, aims at providing social support to sub-Saharan women, victims of trafficking in human beings, seeking asylum and break their dependence towards the prostitution network. The project is geographically limited because it is only conducted in one city in France, which is Bordeaux and its surroundings. It contributes to the support of 250 people per year.</p> <p>The IPPO (Information-Prévention-Proximité-Orientation) association leads this project and provides:</p> <ul style="list-style-type: none"> - A day care (for listening and access to rights), with workshops on the rights and parenthood; - social, psychological, legal, medical, socio-aesthetic hotlines; - A mobile office which works on places of prostitution from 8 pm to midnight. <p>The aim is to inform and support applicants for asylum who may be victims of human trafficking, provide them with referrals to emergency shelters or to other structures and promote health care among them. For those who obtain a protection, the aim is to support social inclusion (French language lessons, training, and employment) and promote autonomy and empowerment.</p> <p>Long-term monitoring can be provided on psychological, socio-aesthetic or medical issues. There is also a follow-up of criminal proceedings against the prostitution network.</p> <p>3. Due to their specificity, the investigation services of the border police only identify victims of trafficking in human beings during criminal investigations. They do not implement prevention services.</p> <p>4. No.</p> <p>5. After the official reflection period of thirty days, the police officially ask the potential victim for his/her active cooperation. In accordance with article L. 316-1 of the CESEDA, the person, who agrees to complain or testify</p>
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			against those who have committed sex or human trafficking acts, is granted a temporary residence permit “private and family life” valid for at least 6 months and renewable for the duration of the criminal proceedings. This provision results from the implementation of Council Directive 2004/81/EC of 29 April 2004.
	Germany	Yes	
	Greece	Yes	
	Hungary	Yes	<p>1. Yes, Act CXXXV of 2005 on Crime Victim Support and State Compensation. http://kih.gov.hu/english_pages/victim_support_comp/-/asset_publisher/4frusdbuyVxX/content/act-cxxxv-of-2005-on-crime-victim-support-and-state-compensation?redirect=http%3A%2F%2Fkih.gov.hu%2Fenglish_pages%2Fvictim_support_comp%3Fp_p_id%3D101_INSTANCE_4frusdbuyVxX%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-2%26p_p_col_count%3D1</p> <p>2. According to the Act CXXXV of 2005 on Crime Victim Support and State Compensation victim can be any natural persons who has suffered injuries as a direct consequence of criminal acts, in particular bodily or emotional harm, mental shock or economic loss. According to the Act victim assistance is provided by the county offices of the Office of Justice Victim Support Service. Victim assistance covers the following services:</p> <ul style="list-style-type: none"> • complete information, • providing help for assertion of interests, • legal aid, • instant monetary aid, • state compensation. <p>The victims of any type of crime can be entitled to victim support in order to facilitate the protection of the victim's interest, to legal aid and to instant monetary aid.</p> <ul style="list-style-type: none"> • The Victim Support Service helps to facilitate the enforcement of the victim's fundamental rights, to have resort to health care, social security and social benefits. In order to be entitled to this aid an application form has to be submitted within six months after the crime was committed. • If the Victim Support Service states that someone is victim of a crime, the Legal Aid Service advances the fees of the legal aid for those whose net monthly income does not exceed the wage of HUF 159.100 in 2009. • Instant monetary aid covers the victim's extraordinary expenses in connection with housing, clothing, nutrition and travel, medical and funeral expenses in the event where he/she is unable, as a consequence of being victimized, to cover such expenses. Victim Support Services may give a maximum of HUF 79.550 in 2009. The application form for this support has to be submitted within three working days after the crime was committed. • Those indigent victims are entitled to state compensation who suffered an intentional and violent act, unlawful in terms of criminal law, and as a result their physical integrity or health has been seriously damaged.

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			<p>In order to get help from the Victim Support Service a certificate issued by either the police, the public prosecutor's office or the court is required. If the victim cannot provide the certificate it must be obtained by the Service.</p> <p>In the said certificate either the police, the public prosecutor or the judge certifies that either a report has been made or an investigation or criminal procedure has been commenced in the case.</p> <p>3. The Police and the Bureau of Immigration and Nationality are responsible for the identification. Criteria: appearance (e.g. gender, age, injuries, malnutrition, exhaustion, clothes, frustration) personal circumstances (e.g. lack of official documents, restriction of freedom and movement, the victim has no information about the address of the accommodation, the victims accommodation is at the workplace, continuously changing accommodation, unsuitable accommodation), workplace conditions (e.g. extremely long working hours, no payment, the victim has no information about the address of the workplace, no working contract, violation of the working contract, the victim believes that he has to repay debts for the employer, lack of appropriate safety equipment, the workplace is continuously changing). Victims can be entitled to victim assistance if the crime was committed on the territory of Hungary and the persons are</p> <ul style="list-style-type: none"> • Hungarian citizens, • citizens of any EU Member State, • citizens of any non-EU country lawfully residing in the territory of the European Union, • stateless persons lawfully residing in the territory of the Republic of Hungary, • victims of trafficking in human beings, and • any other persons deemed eligible by virtue of international treaties concluded between their respective states of nationality and the Republic of Hungary or on the basis of reciprocity. <p>4. It has no implication, but the specific circumstances of each case should be taken into account.</p> <p>5. Victims of trafficking are offered a 30 day reflection period to decide whether to assist law enforcement. Victims may apply for a six month temporary residence permit if they choose to cooperate with law enforcement. According to the Act CXXXV of 2005 on Crime Victim Support and State Compensation: Section 9/A "If the assisting authority finds that a third-country national, turning to it for help, is victimized by trafficking in human beings, it shall inform him/her, besides providing him/her with information as per Section 9 (1), as follows: b) he/she is entitled to get a certificate of temporary stay for the one-month time to think and a residence permit for the period of cooperation with the authorities." http://kih.gov.hu/english_pages/victim_support_comp/-/asset_publisher/4frusdbuyVxX/content/act-cxxxv-of-2005-on-crime-victim-support-and-state-compensation?redirect=http%3A%2F%2Fkih.gov.hu%2Fenglish_pages%2Fvictim_support_comp%3Fp_id%3D101_INSTANCE_4frusdbuyVxX%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-2%26p_p_col_count%3D1 The Act II of 2007 on the Entry and Stay of Third Country Nationals entered into force on 1st July 2007, it enables victims to stay in Hungary for a reflection period of one month. If they decide to cooperate with the law enforcement authorities, a residence permit on humanitarian grounds will be granted.</p>
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			http://ec.europa.eu/anti-trafficking/download.action?nodeId=7ef42240-ac11-4a73-92ca-fe9414e5403d&fileName=Act+on+Entry+and+Stay+of+Third+Country+Nationals_hu.pdf&fileType=pdf (in Hungarian only)
	Ireland	Yes	<p>1. Does your Member State have a specific law on assistance, support and identification of the victims of trafficking in human beings? Please provide the names of the relevant national laws covering assistance and support for the victims of trafficking in human beings and identification of the victims. If possible, please attach a link to any relevant national legislation.</p> <p>In Ireland, assistance supports and identification of victims of human trafficking are provided through an administrative framework rather than on a legislative basis.</p> <p>In regard to protection from removal, the Administrative Immigration Arrangements for the Protection of Victims of Trafficking³ set out the protections from removal, such as a 60 day period of recovery and reflection and renewable 6 month temporary residence permission in addition to other protections, available to suspected victims of human trafficking who have no other legal permission to be present in the State. (These arrangements will be given legislative effect when the Immigration, Residence and Protection Bill is enacted). In such instances, The Minister for Justice, Equality and Defence will grant the period of recovery and reflection based on an assessment by a member of An Garda Síochána (Irish Police) not below the rank of Superintendent in the Office of the Garda National Immigration Bureau (GNIB) that there are reasonable grounds for believing that a person is a suspected victim of the crime of human trafficking under the Criminal Law (Human Trafficking) Act 2008⁴. In making this assessment, An Garda Síochána applies the model recommended by the IOM which acknowledges that the screening process to determine if a person is a victim of trafficking consists of two stages. The first is an assessment of the varying indicators that can be evaluated before an interview can take place, followed by a detailed interview with the individual. An Garda Síochána is sensitive to the needs of the individual during this process and the victim may be accompanied by a legal representative, care worker or friend during the interview(s). Victims are also entitled to avail of the full range of services (i.e. accommodation, medical and legal etc - see response to question 2) from their first point of contact with the authorities. Such persons will not be removed from Ireland during this process. Victims of trafficking who have applied for asylum have an authorisation to stay in the State under the Refugee Act 1996 and are not illegally present in the State. Having regard to the free movement rights of EEA Nationals such nationals do not require an immigration permission to remain in the State and as such do not require a period of recovery and reflection nor do they require temporary residence permission.</p> <p>In terms of identification of victims of human trafficking, in Ireland, a person is considered to be a potential victim of human trafficking once they, or someone acting on their behalf, make an allegation of having being trafficked to the Garda Authorities until such time as there is compelling evidence that they are not. If the person makes a claim during the asylum process a referral is made by the Office of the Refugee Applications Commissioner to the Garda Authorities. The process for the identification of a person as a victim of human trafficking for immigration purposes is set out in preceding paragraph.</p> <p>A range of supports for victims of human trafficking (adults and children) are provided by a variety of governmental, non-governmental</p>

³ [http://www.blueblindfold.gov.ie/website/bbf/bbfweb.nsf/page/ACJN-8YSMJ41738285-en/\\$File/Immigration%20arr.pdf](http://www.blueblindfold.gov.ie/website/bbf/bbfweb.nsf/page/ACJN-8YSMJ41738285-en/$File/Immigration%20arr.pdf)

⁴ [http://www.blueblindfold.gov.ie/website/bbf/bbfweb.nsf/page/OACN-8WAFDK1224517-en/\\$File/Criminal%20Law%20\(Human%20Trafficking\)%20Act%202008.pdf](http://www.blueblindfold.gov.ie/website/bbf/bbfweb.nsf/page/OACN-8WAFDK1224517-en/$File/Criminal%20Law%20(Human%20Trafficking)%20Act%202008.pdf)

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		<p>and international organisations. These supports include health services, legal services, accommodation, and material assistance in addition to a range of other supports. Details of the supports are available from the Blueblindfold website⁵ (Ireland's dedicated anti-human trafficking website).</p> <p>2. <i>How is the assistance and support (subsistence and material assistance, medical treatment, accommodation) of the victims of trafficking in human beings organised? Which authority or other body is responsible for providing assistance and support? Which body has the competence to decide on applying and on ceasing to apply the provisions on assistance and support? Does your Member State have a national coordinator/body or a national coordination system for the assistance and support for the victims of trafficking? Do the reception centres for asylum seekers play any role in the assistance and support of victims?</i></p> <p>See response to question 1 regarding how assistance and support to victims of human is organised on an administrative basis.</p> <p>In regard to those with responsibility of providing support services to victims of human trafficking see the Victim Supports Section of the Blueblindfold website⁶.</p> <p><i>Which body has the competence to decide on applying and on ceasing to apply the provisions on assistance and support?</i></p> <p>Firstly, it should be noted, that in Ireland, only a small percentage of victims of human trafficking require a residence permission in the State as provided for under the Administrative Immigration Arrangements. The majority of victims of human trafficking in Ireland are in the asylum process and as such do not require the immigration permissions provided for under the aforementioned Administrative Arrangements. Similarly, a smaller, but nonetheless significant number of victims of trafficking are citizens of EU Member States or are Irish nationals and likewise do not require the immigration permissions provided for under the aforementioned Arrangements</p> <p>In regard to applying the provisions on assistance and support, in Ireland, once a person, regardless of their status, makes a claim to the Garda Authorities of having been trafficked, they are immediately informed of the full range of supports and assistance that are available to them. The service providers are also informed of the existence of the person. The person may then choose to avail to the services depending on their circumstances and if they so wish. (<i>Refer to the Guide to Procedures for Victims of Human Trafficking available from the Blueblindfold website for details regarding service provision</i>).</p> <p>In circumstances where there is compelling evidence that a person, who until that point had been present in the State under the Administrative Immigration Arrangements, is not a victim of human trafficking, An Garda Síochána do not make further recommendations to the Minister for Justice and Equality for the renewal of the residence permission under said Arrangements. At this</p>
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⁵ <http://www.blueblindfold.gov.ie/website/bbf/bbfweb.nsf/page/victimsupportcontacts-en>

⁶ <http://www.blueblindfold.gov.ie/website/bbf/bbfweb.nsf/page/victimsupportcontacts-en>

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			<p>point, the individual in question would be not entitled to continue to avail of dedicated supports and assistance for victims of human trafficking. However, they may be entitled to regularise their status in the State through a variety of other means for instance through applying for asylum, subsidiary protection or humanitarian leave to remain. Alternatively, if they choose not to regularise their status and do not have the means to support themselves, they may seek emergency accommodation, medical assistance and exceptional needs payment through a community welfare officer of the Asylum Seekers and New Communities Unit of the Department of Social Protection prior to removal from the State.</p> <p>In circumstance where the person in question has a status in the State other than that provided for under the Administrative Immigration Arrangements, such as through applying for asylum or subsidiary protection or humanitarian leave to remain, they may continue to avail of direct provision and support services as provided by the Reception and Integration Agency.</p> <p><i>Does your Member State have a national coordinator/body or a national coordination system for the assistance and support for the victims of trafficking?</i></p> <p>In regard to the coordination of anti-trafficking services the Anti-Human Trafficking Unit of the Department of Justice and Equality has the overall responsibility for coordinating anti-trafficking policies in Ireland. Much of the Anti-Human Trafficking Unit's work is conducted in close cooperation with a wide variety of governmental and non-governmental stakeholders. Cooperation between the Anti-Human Trafficking Unit and other organisations is primarily conducted through a number of different consultative groups. The Unit is working with a wide range of organisations, nationally and internationally.</p> <p>The coordination and consultation process in place in Ireland is closely modelled on the guidelines set out by the OSCE in their handbook on establishing National Referral Mechanisms. This is set out below.</p> <p><i>High Level Group / Roundtable Discussions / Working Groups</i></p> <p>High Level Group / Roundtable Discussions/ Working Groups</p> <p>In terms of overall coordination, an Interdepartmental High Level Group was established to recommend the most appropriate and effective responses to trafficking in human beings for the Minister. The Group comprises senior representatives from various Government Departments and Public Sector bodies. Representatives of the High Level Group engage with NGO representatives by way of roundtable discussions held approximately every four months or less.</p> <p>There are 5 <i>Working Groups</i> in place focusing on the areas of child trafficking, awareness raising and training, labour and sexual exploitation and the national referral mechanism. These groups meet more regularly and work at a practical level to implement agreed priorities as set out in the <i>National Action Plan to Prevent and Combat Trafficking of Human Beings in Ireland 2009-2012</i>.</p> <p>All of the policies which are brought forward are put before the various working groups so that all those involved whether State Organisations, International Organisations or NGOs have the opportunity to provide their views. This helps ensure that finalised policy proposals generally contain aspects of all stakeholders' views.</p>
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			<p><i>Do the reception centres for asylum seekers play any role in the assistance and support of victims?</i></p> <p>In regard to the role played by reception centres for accommodating asylum seekers in assisting victims of human trafficking, the Reception and Integration Agency (RIA)⁷ has responsibilities in this regard. These include</p> <ul style="list-style-type: none"> – To provide full-board accommodation and ancillary services to asylum seekers in RIA accommodation centres in accordance with the Government policy of direct provision and dispersal while their applications for asylum are processed, including those whose asylum claim is based on human trafficking. RIA continues to provide accommodation to such persons until a final resolution of their case, including through the Subsidiary Protection and Leave to Remain processes. – To accommodate suspected victims of human trafficking who are in need of accommodation and who are not in the asylum system, pending a determination of their case and during the 60 day recovery and reflection period. – To coordinate the provision of services (e.g. health, education and social welfare) by the appropriate service providers (HSE, Department of Education and Skills and Department of Social Protection) to asylum seekers and suspected victims of trafficking during the recovery and reflection period in RIA accommodation. <ul style="list-style-type: none"> – To facilitate the voluntary return home of destitute nationals from certain EU Member States. <p>The RIA has no role in respect of the provision of accommodation or other services to unaccompanied minors. Unaccompanied minors are referred to the care of the HSE in accordance with the Child Care Act, 1991 and the Refugee Act 1996.</p> <p>3. Which authority or other body has the competence to decide on the identification of a victim? Which criteria are applied for the identification? Who else (if any) could be considered as an identified victim in addition to those who are considered to be victims on account of a pre-trial investigation or court proceedings or who have been given a reflection period? When does your Member State consider that the identification process has been completed (as a result of which a removal of the person in question from the country would not be in contradiction with the Article 10, paragraph 2 of the Council of Europe Convention on Action against Trafficking in Human Beings)?</p> <p><i>Which authority or other body has the competence to decide on the identification of a victim?</i></p> <p>In regard to which authority or other body has the competence to decide on the identification of a victim see response to question 1 concerning identification.</p> <p><i>Which criteria are applied for the identification?</i></p> <p>In regard to which criteria are applied for the identification see response to question 1 concerning protection from removal and</p>
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⁷ RIA is a functional unit of Irish Naturalisation and Immigration Service (INIS) of the Department of Justice and Equality. For more information on RIA visit www.ria.gov.ie.

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<p>identification.</p> <p><i>Who else (if any) could be considered as an identified victim in addition to those who are considered to be victims on account of a pre-trial investigation or court proceedings or who have been given a reflection period?</i></p> <p>In regard to who else (if any) could be considered as an identified victim in addition to those who are considered to be victims on account of a pre-trial investigation or court proceedings or who have been given a reflection period, if a person alleges to be a victim of human trafficking in Ireland in their application for asylum to the Office of the Refugee Applications Commissioner (ORAC), the allegation is referred by ORAC to An Garda Síochána for investigation.</p> <p><i>When does your Member State consider that the identification process has been completed (as a result of which a removal of the person in question from the country would not be in contradiction with the Article 10, paragraph 2 of the Council of Europe Convention on Action against Trafficking in Human Beings)?</i></p> <p>In regard to when Ireland considers that the identification process has been completed (as a result of which a removal of the person in question from the country would not be in contradiction with the Article 10, paragraph 2 of the Council of Europe Convention on Action against Trafficking in Human Beings) see response to question 1 in regard to protection from removal and identification and the response to question 2 in regard to the application and cessation of services.</p> <p><i>4. In case an asylum seeker is claimed to be a victim of trafficking in human beings does it (according to the national law or practice) have an impact on the application of the Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national? Does your Member State apply Article 3(2) if the applicant is claimed to be a victim of trafficking in human beings?</i></p> <p>If it is alleged that the person is a victim of human trafficking <u>in Ireland</u> he/she will not be removed under the Dublin II Regulations while An Garda Síochána are determining if there are reasonable grounds for believing that the person is a victim of human trafficking <u>in Ireland</u>. If it is found that there are reasonable grounds, the person will not be returned under Dublin II. This is explained in the Guide to Procedures for Victims of Human Trafficking at page 11, - Guide to Procedures for victims of Human Trafficking</p> <p>(Under the Council of Europe Convention on Action against Trafficking in Human Beings and EU rules on asylum, you may be transferred outside Ireland if your asylum application is under the Dublin II Regulation and or it appears that the trafficking offence may have happened in another country. You will only be removed if the Garda National Immigration Bureau of An Garda Síochána thinks that you are not a victim of trafficking in Ireland. The information leaflet for applicants for Refugee Status in Ireland issued by ORAC has more information on the Dublin II Regulation).</p> <p><i>5. What kind of residence permits does your Member State issue to the victims of trafficking in human beings? Does your Member</i></p>

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			<p>State issue only residence permits corresponding to the regulations of the Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, or does your Member State use other categories of residence permits? If possible, please list the relevant provisions and attach links to the relevant national legislation.</p> <p>See response to question 1 for details of permissions provided under the Administrative Immigration Arrangements for victims of human trafficking with no legal basis to be in the State.</p> <p>In regard to victims of human trafficking who already have a legal basis to be in the State, as indicated in response to question 2, such persons may have one of a number of permissions including through applying for asylum, subsidiary protection, humanitarian leave to remain, being an Irish citizen or a citizen of an EU Member State. If the person in question is the holder of a permission of finite duration, upon the expiry of said permission, they may then be granted permission under the Administrative Immigration Arrangements. Similarly failed asylum applicants who are suspected victims of human trafficking may be granted permission under the Administrative Immigration Arrangements.</p> <p>Refuge Act 1996 (as amended) http://www.inis.gov.ie/en/INIS/RefugeeAmended.pdf/Files/RefugeeAmended.pdf</p> <p>SI 518/2006 European community (Eligibility for Protection) Regulations 2006 http://www.inis.gov.ie/en/INIS/AsylumQual.pdf/Files/AsylumQual.pdf</p> <p>Immigration Act 1999 http://www.inis.gov.ie/en/INIS/Immigration_Act_1999_amended.pdf/Files/Immigration_Act_1999_amended.pdf</p>
	Italy	Yes	<p>1. The specific offence of trafficking was introduced into the Italian Criminal Code in 2003 (under Article 601) with the Law n. 228/2003. However, both before and after 2003, some cases of trafficking in persons have been prosecuted through the offences of 'slavery' (Article 600) and 'trade of slaves' (Article 602), updated with Law n. 228/2003. As regards to children, the Criminal Code also provides for prosecution through other offences for trafficking in children such as 'child prostitution' (Article 600bis), 'child pornography' (Article 600-ter) and 'acts in relation to child pornography' (600-quater). Prostitution <i>per se</i> is not criminalised in Italy, but the act of procuring is a crime under Article 3 of the Law no. 75/1958.</p> <p>Overview on national legislation</p> <ul style="list-style-type: none"> ▪ Penal Code law no. 228/2003 of 11 August 2003: "Measures against Trafficking in persons" (<i>Legge 11 agosto 2003 n.228 Misure contro la tratta di persone</i>) (in Italian) ▪ Art 600 Reduction and maintenance in slavery or servitude (in Italian) ▪ Art 601 Trafficking in persons (in Italian) ▪ Art 602 Purchase or sale of slaves (in Italian)


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			<ul style="list-style-type: none"> ▪ Art. 604 Acts committed abroad (in Italian) ▪ Legislative Decree n. 286 25 July 1998: "Immigration Consolidation Act" Article 18 so-called law "Bossi-Fini" (<i>Decreto legislativo 286/1998 Test unico delle disposizioni concreti la disciplina dell'immigrazione e norme sulla condizione dello stranniero</i>) (in Italian) ▪ Law no. 75 of 20 February 1958: "Abolition of the regulation of prostitution and the fight against the exploitation of prostitution of others" (<i>L.20 feb. 1958 n. 75 "Abolizione della re"golamentazione della prostituzione e lotta contro lo sfruttamento della prostituzione altrui</i>) (in Italian) <p>Attachments</p> <ul style="list-style-type: none"> ▪ Penal Code Law No 228 2003 Italy_it.pdf ▪ Legislative Decree 286 1998 Italy_it.pdf ▪ Penal Code Art 600 Italy_it.pdf ▪ Penal Code Art 602 Italy_it.pdf ▪ Penal Code Art 604 Italy_it.pdf ▪ Law no 75 1958 Italy_it.pdf ▪ Penal Code Art 601 Italy_it.pdf <p>2. Since 2000 a composite structure for the assistance to trafficked persons is in place in Italy at the national level, functioning throughout four main tools:</p> <ul style="list-style-type: none"> ○ Programs for temporary assistance (implemented on the basis of the art. 13 of L. 228/2003); ○ Programs for long term assistance and social inclusion (implemented on the basis of art. 18 of Legislative Decree 286/98); ○ National anti-trafficking Toll-Free Help-line ("system action" foreseen by the Ministerial Decree of 23 November 1999 – art. 2, regulating the implementation of art. 18 of Legislative Decree 286/98). ○ Program for assisted voluntary return <p>Such structure is coordinated and supervised at national level by the Department for Equal Opportunities – Prime Minister's Office, which is the central public authority in charge of promoting and coordinating policies and actions on anti-trafficking, with specific regard to a human rights based and victim centred approach.</p> <p>The projects for the assistance of trafficked persons co-funded by the Department of Equal Opportunities are implemented by NGOs which, in order to be eligible for funding, need to be enrolled in a dedicated public register. This register is managed by the Ministry of Labour and Social Policies and is updated annually (<i>Register of the organizations that implement activities in aid of immigrants</i>).</p> <p>The assistance system for victims of trafficking is managed by the Inter-ministerial Committee on Trafficking. This committee is composed of representatives from the Department for Equal Opportunities under the Prime Minister's Office (coordinating body), the Ministry of Justice, the Ministry of Welfare and the Ministry of Interior, as well as by two representatives of Local Authorities (Regions, Provinces and Municipalities).</p> <p>Moreover, a National Observatory on Trafficking in human beings was established by the Italian Government and started working in January, 2011. It provides for a reserved area on data collection, where the registered NGOs and local authorities working in the field can</p>
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		<p>have access in order to insert information on the trafficked persons assisted in the framework of the national assistance programs co-funded by the State. The Department of Equal Opportunities of the Presidency of the Council of Ministers is the coordinating authority of the Observatory and of the database (SIRIT – Sistema Informatizzato di Raccolta Informazioni sulla Tratta).</p> <p><i>PROGRAMME FOR SOCIAL ASSISTANCE AND INTEGRATION</i></p> <p>There are two special programmes provided for trafficked persons in Italy.</p> <p>1. The Article 13 short-term programme</p> <p>The Article 13 Programme offers a series of protection and initial support measures to Italian, communitarian and foreign victims of slavery, servitude and trafficking. According to the law, trafficked persons can benefit from a three month long programme that, when applicable, may be extended for a further three months. The victims are given accommodation, social assistance, and health care services. Once the programme is over, the victims can continue to be assisted under the <i>Article 18 programme</i>.</p> <p>2. The Article 18 long-term programme: 'Programme of social assistance and integration'</p> <p>The system to protect and assist trafficked persons currently in place in Italy is based on Article 18 of the Legislative Decree 286/98 and the Regulation therein that grants victims a 'stay permit for humanitarian reasons', the so-called "Article 18 permit". Article 18 of the Legislative Decree 286/1998 (Immigration Law) establishes that temporary residence permits for humanitarian reasons may be issued to foreigners needing protection and assistance. This permit applies to foreign citizens in situations of abuse or severe exploitation where their safety is considered to be endangered as a consequence of attempts to escape from the conditions of a criminal organisation or as a result of pursuing criminal action against the traffickers.</p> <p>Once a victim is identified as such by the competent authorities, he or she can pursue either:</p> <ul style="list-style-type: none"> ○ The 'judicial path', which entails cooperation with the law enforcement agencies. ○ The 'social path', which requires only the submission of a statement by an accredited non-governmental organisation or by the social services of a local authority on behalf of the victim. <p>Both procedures can result in the issuance of a renewable six month temporary residence permit for humanitarian reasons, renewable for 1 year, which can be eventually converted into a residence permit for education or for work.</p> <p>3. The institutional competence to investigate the phenomenon of trafficking is allocated to the Anti-Mafia Directorate whereas the Single-judge Court has competence to rule. The conditions of violence or exploitation can be ascertained during police operations, investigations or proceedings for crimes related to prostitution or other serious crimes, or during routine care of social services or public bodies and non-governmental organizations. Victims are considered as such on account of a pre-trial investigation or court proceedings. Italian law does not offer victims of trafficking a reflection period. However, obtaining a temporary residence permit in Italy is not conditional upon the victim's willingness to cooperate with the law enforcement or judicial authorities.</p> <p>The <i>Questura</i> (Police Provincial Office) on its own initiative or on a proposal or with the approval of the Public Prosecutor (in the case of ongoing legal proceedings) or on a proposal of social services or an officially recognised not for profit organization, issues the stay permit for "humanitarian reasons" pursuant to art. 18 of Legislative Decree 286/98. In addition the Police deal to renew this permit and convert it to the end of the program in a residence permit for study or work (including self-employment).</p>
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			<p>4. Italian legislation provides a different procedure for asylum applicants and victims of trafficking in human beings. Article 3(2) of the Council Regulation (EC) No 343/2003 is applied on the basis of an evaluation of the specific case, and Italian authorities may examine an application for asylum lodged by a third-country national even if such examination is not its responsibility under the criteria laid down in the above-mentioned Regulation, although in national practice this is not strictly linked to the phenomenon of THB.</p> <p>5. Italy complies with Council Directive 2004/81/EC (on the residence permit issued to third country nationals who are victims of trafficking of human beings or who have been the subject of an action to facilitate illegal immigration) in terms of victim assistance (Article 18 of the Immigration Law and the art. 13 of the Law n. 228/2003). Article 18 of the 1998 Immigration Law establishes that six month temporary residence permits for humanitarian reasons may be issued to foreigners needing protection and assistance. The residence permit is renewable for one year and can be eventually converted into a residence permit for education or for work.</p>
	Latvia	Yes	<p>1. 1. Law “On Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia” on 25 January 2007. http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Residence_of_a_Victim_of_Trafficking_in_Human_Beings.doc</p> <p>1.2. Law “On Social Services and Social Assistance” - regulates on the procedure whereby victims of trafficking receive social rehabilitation services and stipulates requirements for providers of social rehabilitation services. According to this Law social services for victims of human trafficking are paid by the state. http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Social_Services_and_Social_Assistance_Law.doc</p> <p>1.3. The services are provided in accordance with Cabinet Regulation Nr.889 “Regulations Regarding the Procedures, by Which Victims of the Traffic in Human Beings Receive Social Rehabilitation Services, and the Criteria for the Recognition of a Person as a Victim of the Traffic in Human Beings”. http://www.vvc.gov.lv/export/sites/default/docs/LRTA/MK_Noteikumi/Cab_Reg_No_889_-_Traffic_in_Human_Beings_.doc</p> <p>2. The social rehabilitation service is provided by NGOs, in accordance with the regulatory enactments regarding the provision of social rehabilitation services, within the reflection period and period of time with residence permit shall ensure a safe asylum and accommodation, first aid, the consultation of a psychologist, a lawyer, a medical practitioner and of other specialists, a possibility to receive emergency medical treatment, as well as a possibility to get involved in training and educational programmes, to the victims of trafficking in human beings, as well as to the minor in accompaniment thereof.</p> <p>The services are provided in accordance with Cabinet Regulation Nr.889, “Regulations Regarding the Procedures, by Which Victims of the Traffic in Human Beings Receive Social Rehabilitation Services, and the Criteria for the Recognition of a Person as a Victim of the Traffic in Human Beings”. http://www.vvc.gov.lv/export/sites/default/docs/LRTA/MK_Noteikumi/Cab_Reg_No_889_-_Traffic_in_Human_Beings_.doc</p>

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		<p>A national coordinator for the assistance and support for the victims of trafficking is the Ministry of Welfare.</p> <p>According to the provisions of the Asylum Law only persons who have submitted an asylum application (asylum seekers) are accommodated in the reception center.</p> <p>3. The victims of trafficking can be officially recognised/identified in 4 ways:</p> <ol style="list-style-type: none"> 1) <u>by a decision of an investigator, a public prosecutor or a member of an investigative group</u> that a person is recognised as a victim within a criminal proceeding; 2) <u>by a statement of law enforcement agency</u> that a person has suffered from human trafficking; 3) <u>by a person's assessment report of the provider of services</u> (in order to assess the compliance of a person with the criteria of a victim of the trafficking in human beings, a provider of services shall establish a commission of the specialists); 4) <u>by a statement of foreign law enforcement agency</u> that criminal proceeding is initiated or other activities are performed which may be as a reason for the Commission to take a decision that a person complies with the criteria of a victim of human trafficking. <p>Taking into consideration that Latvia is a country of origin of victims of human trafficking and usually Latvian citizens suffer from human trafficking abroad, these amendments will allow in more cases to help Latvian citizens and provide them the state-funded social rehabilitation services.</p> <p>Law on Social Services and Social Assistance provides definition of “victim of THB”: Section 1 29) victim of trafficking of human beings — a person who has been recognised as a victim in the criminal offence of trafficking of human beings or who the State Police has issued a statement that he or she is a victim of trafficking of human beings in a foreign state, as well as a person who has been recognised as conforming to victim of trafficking of human beings criteria by a social service provider (a social service provider is NGO).</p> <p>The Criminal Procedure Law Section 96 Paragraph 3 provides that a person may be recognised as a victim only with the written consent of such person or the representative thereof. A person who does not want to be a victim shall obtain the status of a witness. The Criminal Procedure Law Section 95 provides that a victim in criminal proceedings may be a natural person or legal person to whom harm was caused by a criminal offence, that is, a moral injury, physical suffering, or a material loss.</p> <p>A person can have a status of a victim of human trafficking out of criminal proceeding and to receive all the state funded rehabilitation services provided for a victim of human trafficking.</p> <p>The Commission recognises a person a victim of the trafficking in human beings, if the person:</p>
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			<ul style="list-style-type: none"> - was recruited, transported, conveyed or received, kidnapped or sold or, upon arrival in the country of destination, was forced to do other work instead of the work intended or promised beforehand; - was in debt to his or her employer and a part of the income of such person was collected or the person was not able to quit the occupation or to change work of his or her free will, or such person was deprived of the identification documents, or was forced to provide sexual services as a part of work duties, or was employed against his or her own will, or the person had to work longer hours per week than had been specified, or was supervised in the workplace in order to make the escape impossible, or was dependent on the employer thereof due to the family, kinship, work, rental relationship, indebtedness; - felt indirect threats seeing that violence was being used against others, or the person was denied the satisfaction of the basic needs of a human being, or signs of physical violence are visible, the person had previously suffered from violence or was intimidated and he or she was threatened with revenge, if he or she would contact the police or turn for help to any other institution, or with revenge, if he or she tried to escape or return to the origin country, or threats were expressed to revenge upon the family and relatives of the person, if the person escapes, or threats of deportation or notification of the relevant institutions were expressed, if the person tries to escape; or - was held imprisoned and hidden from the surrounding environment and communication with other people or was constantly controlled, or was allowed to stay outside the workplace only in the company of the employer's representative. <p>In emergency cases however, access to shelter services has been granted based on an informal procedure initiated by the NGO in direct contact with the Ministry of Welfare in charge for authorizing the provision of services until the identification commission could be summoned and could complete the process.</p> <p>Criteria for the Recognition of a Person as a Victim of the Traffic in Human Beings</p> <p>In order to specify the compliance of a person with the criteria of a victim of the trafficking in human beings, the commission of specialists shall ascertain the action of the person and assess the activity of the person in the following areas:</p> <p>1. Migration. The commission shall clarify whether the person (for the person):</p> <ul style="list-style-type: none"> 1.1. went abroad (or to another region) for a definite purpose or work; 1.2. was recruited; 1.3. was transported; 1.4. was conveyed or received; 1.5. was kidnapped or sold; 1.6. upon arrival in the country of destination, was forced to do other work instead of the work intended or
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			<p>promised beforehand;</p> <ol style="list-style-type: none"> 1.7. has the identification documents; 1.8. has false documents; 1.9. does not have documents (or they are at the disposal of another person); 1.10. knows the address where he or she resided and worked; 1.11. knows the name of his or her employer; 1.12. had a legal status of immigration; 1.13. had a work permit; and 1.14. other persons organised the preparation of the trip and drawing up of the documents and who were these persons. <p>2. Employment. The commission shall clarify whether the person (for the person):</p> <ol style="list-style-type: none"> 1.1. was in debt to his or her employer and a part of the income of such person was collected (for example, for the dwelling, food, transport); 1.2. had an employment contract and what was provided for therein; 1.3. could quit the occupation or change work of his or her free will; 1.4. was deprived of the identification documents; 1.5. was forced to provide sexual services as a part of work duties; 2.6. was employed against his or her own will; could freely handle his or her income; 1.7. had to work longer hours per week than had been specified and what were the working conditions (including the remuneration and working hours); 1.8. was supervised in the workplace (guards, closed circuit television, dogs, closed doors) in order to make the escape impossible; and 1.9. was dependent on the employer thereof due to the family, kinship, work, rental relationship, indebtedness. <p>3. Safety. The commission shall clarify whether the person (for the person):</p> <ol style="list-style-type: none"> 3.1. was intimidated and threatened: <ol style="list-style-type: none"> 3.1.1. with revenge if he or she contacts the police or turns for help to any other institution; 3.1.2. with revenge if he or she tries to escape or return to the origin country; 3.1.3. that revenge upon the family and relatives of the person will take place, if the person escapes; and 3.1.4. with deportation or notification of the relevant institutions if the person tries to escape; 3.2. felt indirect threats seeing that violence was being used against others; 3.3. has visible signs of physical violence or the person had previously suffered from violence;
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			<p>3.4. was denied the satisfaction of the basic needs of a human being, that is, the person was held without water, food, sleep, medical care or possibilities to satisfy other basic needs.</p> <p>4. Social ties. The commission shall clarify whether the person:</p> <p>4.1. was the master of his or her free time;</p> <p>4.2. was held imprisoned and hidden from the surrounding environment, as well as the person was denied the possibilities of communicating with other people;</p> <p>4.3. was constantly controlled;</p> <p>4.4. could freely communicate with his or her relatives and friends (for example, call, write);</p> <p>4.5. could invite friends;</p> <p>4.6. permanently lived at the workplace; and</p> <p>4.7. was allowed to stay outside the workplace only in the company of the employer’s representative.</p> <p>5. Objective characteristics. The commission shall clarify whether the person (for the person):</p> <p>5.1. knows foreign languages;</p> <p>5.2. has his or her own finances;</p> <p>5.3. has convincing consequences of physical load or physical abuse seen on the body; and</p> <p>5.4. reluctantly answers questions and/or uses previously prepared, taught answers.</p> <p>6. Person’s self-appraisal. The commission shall clarify whether the person regards that:</p> <p>6.1. violence was used against him or her;</p> <p>6.2. he or she has become a victim of the traffic in human beings;</p> <p>6.3. he or she needs help and, where needs, - what kind of help;</p> <p>6.4. he or she is ready to co-operate in the implementation of the rehabilitation plan.</p> <p>A reflection period for victims of THB is envisaged under the Law on Residence of Victims of Trafficking, Article 1(2) of which defines this period as the “time granted to a person who has been recognised as a victim of trafficking in human beings so that he or she would consider a possibility to provide information which would promote the disclosure or elimination of the cases of trafficking in human beings, to the investigative institution or a performer of procedures”¹⁶. Article 4 of this Law stipulates that a person should make a request to be granted a reflection period within three days from being recognised as a victim of THB. The decision on granting the reflection period should be taken by a law enforcement authority within five working days. A refusal to grant a reflection period cannot be appealed. GRETA notes that Article 4(2) of the Law on Residence of Victims of Trafficking states that “the reflection period shall not be granted to the victim of trafficking in human beings if he or she has been recognised as the victim of a criminal offence that is related to trafficking in human beings”.</p>
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			<p>Clarifying this provision, we should say that this is an issue of understanding of meaning of the word “victim”. In Latvian language there are two meanings of the word “victim”: 1) victim of human trafficking can be a person who is recognized as the victim of human trafficking and in Latvian it is “upuris”, 2) victim of human trafficking can be a person who is recognized as the victim within the criminal proceeding and in Latvian it is “cietušais” (victim of a criminal offence). These differences make misunderstanding of the provisions of this Law. The Law says that the reflection period is a period of time that is granted to a person to consider a possibility to provide information, which would promote the disclosure or elimination of the cases of trafficking in human beings. The victim of human trafficking who is recognized as the victim of a criminal offence does not need the reflection period because she or he already cooperates with the investigative institution or a performer of procedures. The victim of human trafficking can receive social rehabilitation services, medical aid, vocational training and education but the victim of human trafficking within the criminal proceeding has the rights to receive social rehabilitation services, medical aid, vocational training and education, compensation and special procedural protection. The provisions of this Law motivates the victims of human trafficking to cooperate with law enforcement agencies in the territory of the Republic of Latvia and to facilitate elimination of human trafficking.</p> <p>4. Since so far we have not had any cases where the applicant is claimed to be a victim of trafficking in human beings the application of Article 3(2) of Dublin Regulation has not been addressed.</p> <p>5. In Latvia, residence permits are issued by the Office of Citizenship and Migration Affairs, in accordance with the Law on Residence of Victims of Trafficking and the Immigration Law. Pursuant to Article 6 of the Law on Residence of Victims of Trafficking, a non-EU national recognised as a victim of THB who provides written information which would help investigating a THB case, or is recognised as a victim of a THB-related offence, may be provided with a residence permit, upon request of the law enforcement authority in charge of the criminal case. Such a request should be made during or immediately after the termination of the reflection period and should contain an assessment on whether the further residence of the victim of THB in Latvia is beneficial for the criminal proceedings initiated on the case, as well as a verification that the person has not maintained contacts with those suspected, accused, indicted or convicted for THB. The duration of the residence permit should be no less than six months and should take into account the estimated duration of the criminal proceedings, as well as any risks or threats faced by the victim of THB concerned.</p> <p>The law enforcement authority may request an extension of the residence permit if this is necessary for the advancement of the criminal investigation. A residence permit may be annulled if it is established that the victim</p>
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			<p>actively, voluntarily and on his/her own initiative continued contacts with persons suspected, accused, indicted or convicted for a trafficking offence, or provided false information in the course of criminal proceedings, or if the law enforcement authority decided to terminate criminal proceedings. In addition, Article 35(22) of the Immigration Law envisages annulment of a temporary residence permit if the law enforcement authority informs the Office of Citizenship and Migration Affairs that the presence in Latvia of the person is no longer necessary for the criminal case.</p> <p>According to the Immigration Law Section 23 Paragraph 2 in cases not provided for in the Immigration Law a temporary residence permit shall be issued for a time period of up to five years by the Head of the Office of the Citizenship and Migration Affairs if it complies with the norms of international law or is related to reasons of a humanitarian nature. The human trafficking is related to reasons of a humanitarian nature.</p> <p>According to the Immigration Law Section 24 Paragraph 1 the right to request a permanent residence permit shall be granted to a foreigner who has continuously resided in the Republic of Latvia with a temporary residence permit for at least five years prior to the end of the term of the last temporary residence permit.</p>
	Lithuania	Yes	<p>1. No. These issues are regulated in separate legislation.</p> <p>2. Assistance and support for victims of human trafficking are provided by municipality of residence and non-governmental organizations. Each year, Ministry of Social Security and Labour provides funds via tender to non-governmental organizations aimed at financing the support and assistance. During the investigation and trial police investigators may also cooperate with the appointed social workers and other professionals. Ministry of the Interior (MoI) is the coordinating agency for counter-trafficking issues in Lithuania. MoI also supervises the national referral mechanism. It involves all relevant GOs and NGOs. Refugee reception centre would provide emergency assistance and refer a victim to specializing organization, if needed</p> <p>.</p> <p>3. All responsible institutions and organizations can in principle identify victims of trafficking. However, the prosecution service and the court can grant recognize that a person is a victim of trafficking. Identification is based on trafficking in human beings and child trafficking indicators in accordance with the Criminal Code of the Republic of Lithuania. In addition to victims who had been identified as victims by pre-trials institution or courts and who had been given the refecation period, individuals who refused to cooperate with the Pre-trial Investigation Body and the Prosecutor's Office and/or deny the fact of their traffic to these authorities or court in Lithuania or in other countries as well as persons recognized as victims of trafficking in other countries can be considered as victims.</p> <p>4. Lithuania did not have any cases and therefore can only provide a theoretical answer. Article 3(2) of the Dublin regulation could be applied only in individual cases and only by after an assessment of consequences of such a transfer.</p> <p>5. According to the Law on the Legal status of Aliens, the temporary residence permit can be issued to an alien who cooperates with the pre-trial investigation body or the court, combating trafficking in human beings or crimes linked to trafficking in human beings.</p> <p>✓ A temporary residence permit may be issued to an adult alien who is or has been a victim of human trafficking and cooperates</p>

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			<p>with the pre-trial investigation body or the court combating trafficking in human beings or crimes linked to human trafficking, provided that the pre-trial investigation body or the court mediates in issuing the temporary residence permit to such an alien.</p> <ul style="list-style-type: none"> ✓ An alien, for whom the pre-trial investigation body or the court mediates in issuing the temporary residence permit, shall be issued a temporary residence permit for six months. ✓ The temporary residence permit indicated in paragraph 2 of this Article may be replaced to an alien if the pre-trial investigation body or the court mediates in issuing it. ✓ After the alien specified in paragraph 1 of this Article has been issued a temporary residence permit, the alien shall, on the decision of the mediating institution or the court, be permitted to reside in the place of his choice or the place specified by the said institution. ✓ The alien who has been issued a temporary residence permit and who is not in possession of sufficient means of subsistence shall be entitled to receive basic medical aid and social services in accordance with the procedure established by the legal acts of Republic of Lithuania. ✓ An alien issued a temporary residence permit and having received a work permit, shall be entitled to work during the period of validity of the temporary residence permit. <p>Separate regulations may apply to victims who are under the state protection status.</p>
	Luxembourg	Yes	<ol style="list-style-type: none"> 1. In Luxembourg there is a specific law on assistance, support and identification of the victims of trafficking in human beings: Law of 8 May 2009, Law on assistance, protection and security of victims of trafficking in human beings. http://www.legilux.public.lu/leg/a/archives/2009/0129/a129.pdf However, Luxembourg is working in a draft bill to transpose the directive 2011/36/EC⁸. The laws which are related to giving support and assistance to the victims of human trafficking are: Law of 29 August 2008 on free movement of persons and immigration (articles 92 and 93) http://www.legilux.public.lu/leg/a/archives/2012/0080/index.html and the 2. The victims are entitled to assistance, protection and security measures provided by associations funded from the government in order to allow them to recover physically and psychologically. The government encourages victims to participate in the investigation and prosecution of trafficking offenders during the reflection period, though the granting of the reflection period is not conditional on victims' cooperation with authorities. During the 90 day reflection period, victims are entitled to protection and assistance measures. After the reflection period, victims are granted a residence permit for a renewable six month period if the conditions in immigration legislation are met. The assistance measures consist on hosting, social assistance, welfare-, socio educative -, material- and financial assistance, language assistance and legal aid. The assistance depends on the needs of the identified victims. Who assumes the responsibility for a case depends on factors like age or sex of the victims. The associations that have a convention with the Ministry for Equal Opportunities and that have approved services will guarantee the support and assistance of the victims of human trafficking. Luxembourg does not have a national coordination body in the proper sense but as mention tis the Ministry for Equal

⁸ Rapport sur l'état de transposition des directives européennes (*État des lieux au 10 mai 2012*) ; Ministry of Foreign Affairs, May 2012, p. 29

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			<p>Opportunities plays such role in approving the associations which are allowed to take care of the victims of trafficking in human beings.</p> <p>The competent ministers on trafficking of human beings are the Ministry of the Interior (police identification and protection of victims, coordination of the follow up of victims), Ministry of Justice (public prosecutor office), the Ministry for Equal Opportunities (coordination of assistance measures, protection and security of the victims) and the Ministry of Foreign Affairs, Directorate of Immigration (application of the Law of 29 August 2008 on free movement of persons and immigration, reflexion period, autorisation of stay and return of third country national victims).</p> <p>These ministers are represented in an informal inter-ministerial committee presided by the Minister of Justice which coordinates the activities, the prevention and control measures to fight against the trafficking in human beings, evaluates the phenomenon in THB, and the follow up and the analyse of the implementation of the legislation on the subject. These inter-ministerial will be substituted by the Official committee on prevention and control in THB, created by article 10 of the Law of 8 May 2009, on assistance, protection and security of victims, which depends of the Ministry for Equal Opportunities. This committee until now cannot be put in place because its composition, organisation, and operating procedures must be established by a grand-ducal regulation. The Official committee will include among its members representatives of the competent authorities and representatives of the victims' assistance services approved by the Ministry for Equal Opportunities in accordance with article 5 of the Law of 8 May 2009. A draft of the grand-ducal regulation is being worked on to determine the operating procedures of the committee and the modalities for the assistance services providers to obtain the homologation and approval from the Ministry.</p> <p>If the victim refuses to cooperate and does not ask for any assistance, the police will draw up a report indicating the refusal of cooperation and assistance and will send it to the public prosecutor office. From that moment on, the person will not benefit of the victim status. In case of aid refusal, the third country national cannot be withheld in Luxembourg.</p> <p>3. The Grand ducal police is the only authority that can identify a person as a presumed human trafficking victim (HTV), a person is formally identified as a victim of HT by the prosecutor's ., The « discovery » of such victims can be made by other authorities, organisations or persons. A potential victim is detected by his/her deposition in this sense and/or by the verifications of evidence that will allow to suspect that the situation corresponds to a human trafficking case. It is not relevant that the person who is intercepted or detained makes immediately a deposition for being considered as a victim. The evidence collected in this sense is sufficient. It is important to mention that the person that has not been identified by the police as a victim of human trafficking will not have access to the means of assistance. As we mentioned above, if the person refuses to collaborate with the police in its investigation the police will draw up a report to the public prosecutor office in this sense and from that moment on the person will not benefit of the victim status. In case of aid refusal, the third country national cannot be withheld in Luxembourg. If the person has a legal right to be in the country and if there are no legal grounds for detainment, then the person will be released. In the case of third country nationals, if after the official reflection period the individual refuses to participate in the investigation, then the person can be returned to the country of origin. If the victim refuses to collaborate with the authorities or renews his or her relationship with the trafficking offenders the residence permit can be withdrawn and the person can be expelled from the territory.</p> <p>4. In practice, Luxembourg has not yet been until confronted with the issue raised by the question.</p>
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			<p>5. Third country nationals identified as possible victims of human trafficking are granted a certificate which allows them to stay in Luxembourg during the reflection time without being granted a residence permit (article 93 of the Law of 28 August 2008 on free circulation of persons and immigration). After the expiration of the reflexion period, the Ministry delivers and authorisation of stay for a duration of six months If the following conditions are fulfilled:</p> <ol style="list-style-type: none"> the person file charges or testifies against the persons or the presumed responsible network charged with human trafficking offenses; or the physical presence of the person is required for the investigation or to the procedure, or because of its personal situation; the person had broken all links with those suspected of having committed the offenses referred above; the person is not considered a danger to public order or to the internal security. <p>The authorisation of stay can be granted before the expiration of the reflexion period to the person who had filed charges or had testified concerning persons or networks presumed to be guilty of offenses related to human trafficking. It is renewable for an additional period of six months until the above conditions are met (Article 95 of the Law of 28 August 2008 on free circulation of persons and immigration). At the expiration of the residence permit, the Minister may give the person granted a residence permit for private reasons on humanitarian grounds of exceptional gravity (Article 98 of the Law of 28 August 2008 on free circulation of persons and immigration). It is issued with a validity for a period not exceeding three years" renewable upon request (Article 79 of the Law of 28 August 2008 on free circulation of persons and immigration).</p>
	Malta	Yes	
	Netherlands	Yes	<ol style="list-style-type: none"> There is no specific law on identification of the victims of trafficking in human beings (THB). Victims of THB are not defined separately in the law. Article 8, subparagraph k of the Aliens Act 2000 states that victims of THB who have been granted a period of reflection are legally resident in the Netherlands. The reflection period is specified in more detail in chapter B9 of the Implementation Guidelines. Chapter B9 regulates the residence status which entails access to services (social assistance, medical care and income) for foreign nationals who are victims of trafficking. The Social Support Act provides for shelter and care for mature victims of THB with legal residence; the Youth Care Act provides for shelter and care for underage victims. The Ministry of Health, Welfare and Sport is responsible for the systems of shelters and care for victims of THB. CoMensha (Coördinatiecentrum Mensenhandel), also known as La Strada Netherlands, is a non-governmental organization that facilitates other organizations with specialized information and knowledge on human trafficking. CoMensha registers all identified (presumed) trafficked persons in the Netherlands and records facts about the nature and extent of the identified victim population in the Netherlands. Based on the information recorded and a needs assessment, CoMensha refers all trafficked persons to the most


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			<p>suitable shelter and coordinates the necessary assistance. CoMensha is largely funded by the government.</p> <p>On the basis of information of the police the Immigration and Naturalisation Service (IND), part of the Ministry of Security and Justice, is responsible for starting or ending the B9 regulation for victims of THB (which regulates the residence status and entails access to the provisions on assistance and support). A residence permit can be granted if the ‘slightest indication’ of THB exists. The police determines that a “slightest indication” exists, based upon a (non-exhaustive) list of indicators of THB. The presumed victim can decide whether he/she wishes to cooperate with the criminal investigation. In the event that he/she is prepared to do so, he/she is then entitled to a residence permit.</p> <p>Once the presence of a person is deemed no longer necessary to the Public Prosecution Service for the criminal investigation, the residence permit can be withdrawn by the INS.</p> <p>In some cases a residence permit can be granted by the INS if the police states that the person concerned is a victim and a serious threat and/or a medical or psychological limitation can be shown to exist, as a result of which the victim cannot be expected to cooperate.</p> <p>The reception centres for asylum seekers play no role in the assistance and support of victims of THB. Victims of human trafficking can be housed in specialised kinds of shelter, including regular facilities and facilities specifically intended for victims of human trafficking. There are different kinds of shelter for women, men and youth. For the victims of labour exploitation who do not need urgent care, CoMensha has been given a budget to organize temporary shelter, at least during the investigation period.</p> <p>3.</p> <p>The police and in some instances the Royal Netherlands Marechaussee (Dutch military police) have the competence to decide on the identification of a victim. There is no formal moment at which the identification of a potential victim of trafficking starts. The police is responsible for referring victims, so that they are given access to the reflection period.</p> <p>The IND plays an important role in recognising and passing on signs (among others) to the police. As said before the INS is responsible for granting the residence permits which can be granted both to victims who cooperate with a criminal investigation, as well as to victims who cannot be expected to cooperate, due to a serious threat against them and/or due to medical or psychological constraints.</p>
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			<p>Access to the reflection period is given by the police at the “slightest indication” of trafficking. The police itself determines that such a “slightest indication” exists, based upon a (non-exhaustive) list of indicators of THB contained in the instructions on human trafficking of the Public Prosecution Service.</p> <p>As long as the reflection period is still ongoing or, in the event that the supposed victim has decided to cooperate with an investigation and prosecution, as long as the investigation and/or prosecution is still underway, a victim cannot be deported. If, on the other hand, a supposed victim indicates that he/she does not wish to submit an official report or lend any other form of assistance to a criminal investigation, prosecution or trial of the suspect, or in the event that the presence of a person is deemed no longer necessary to the Public Prosecution Service for the criminal investigation, the suspension of the departure of the foreign national can be withdrawn.</p> <p>As part of the departure procedure of the Repatriation and Departure Service, an assessment is always made whether there are any indications that the individual is a victim of trafficking in human beings. If such indications are present, the police will be informed so that a more detailed investigation can be carried out. As said before in the Netherlands, a residence permit can be granted both to victims who cooperate with a criminal investigation, as well as to victims who cannot be expected to cooperate, due to a serious threat against them and/or due to medical or psychological constraints. In the event, however, that such clues are absent and it can not be demonstrated that an individual has in fact been a victim, it may be necessary to return to the country of origin.</p> <p>4.</p> <p>Yes, Article 3 (2) of the Council Regulation (EC) No 343/2003 is applied if the applicant claims to be a victim of THB and cooperates by making a statement/an official report to the police and therefore is entitled to a residence permit. Article 16 (2) of de Council Regulation states that if a member state issues a residence permit to the applicant the obligations stated in the first paragraph are referred to this member state.</p> <p>5.</p>
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			<p>The Netherlands operates the following types of residence permit for victims of trafficking in human beings:</p> <p>I. The B9 residence permit for victims who lend assistance by making an official report or who in another way cooperate with the competent authorities.</p> <p>II. Continued residence once the B9 residence permit no longer applies (B16) A victim to whom a B9 residence permit had been granted and who is of the opinion that his/her stay must be extended to prevent unacceptable consequences in the event that he/she were to be returned to his/her country of origin, is entitled to request that his/her stay is continued (article 3.52 of the Aliens Decree, more details of which are outlined in Chapter B16 of the Aliens Circular). In the case of the following categories and on condition that there are no general grounds for refusal, the application can be approved in the event of:</p> <p>a) victims who have made an official report or have lent assistance in a criminal case that has ultimately led to a conviction (for THB or another offence, if THB formed one of the charges)</p> <p>b) victims who have been lawfully resident in the Netherlands for more than three years with a B9 residence permit, even if the criminal proceedings have not yet been completed or did not result in a conviction.</p> <p>III. Residence permits for victims who do not lend assistance: a residence permit may be issued to a victim of human-trafficking who is not able or willing to lend assistance to a criminal investigation or criminal proceedings, for compelling humanitarian reasons (article 3.4, paragraph 3 of the Aliens Decree), if either of the following applies:</p> <p>a) a serious threat has been made against him/her and/or</p> <p>b) he/she is subject to medical or psychological constraints.</p> <p>The Netherlands prohibits all forms of trafficking in human beings. The offence of trafficking in persons was created in the Netherlands in 1911. However, the previous Article (250a) of the Dutch Criminal Code was replaced by a new and extended Article (273a) on 1 January 2005, to include all forms of trafficking. Chapter B9 of the Aliens Act Implementation Guidelines (the B9 regulation), is in compliance with the Council Directive 2004/81/EC.</p>
	Poland	Yes	<p>1. In Poland there is no unified specific law on assistance, support and identification of the victims of trafficking in human beings. National law does not regulate identification of the victims of trafficking in human beings – law enforcement agencies (LEAs) use Algorithm for dealing with disclosure of victims of trafficking – see answer no. 3. Additionally, definition of human trafficking introduced to Polish penal code in 2010 as well as international indicators are used to</p>

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			<p>support identification handled by LEAs. There are separate regulations in <i>Act on foreigners</i> and in <i>Act on social assistance</i>.</p> <p>Below, the most important regulations on assistance and support for victims were presented (assistance and support is regulated in different acts, including separate provisions on medical insurance):</p> <p><u>Definition of human trafficking in polish penal code</u> (6 June 1997) – used to support identification:</p> <p>Article 115 § 22. “Human trafficking means recruitment, transportation, transfer, harbouring or receipt of persons with the use of the following:</p> <ol style="list-style-type: none"> 1) violence or unlawful threat, 2) abduction, 3) deception, 4) fraud or taking advantage of inability for proper understanding of taken actions, 5) abuse of dependence in the relationship, abuse of critical situation or a state of helplessness, 6) provision or acceptance of material or personal benefit or promise thereof to a person taking care or having custody of another person <p>- in order to abuse such person even if such abuse is performed upon the consent of such abused person, especially in prostitution, pornography or other forms of sexual abuse, in forced labour or services, begging, slavery or other forms of abuse of human dignity or for the purpose of acquiring cells, tissues or organs in violation of the provisions of law. If the conduct of the perpetrator is directed against a minor, it constitutes human trafficking, even if methods or measures mentioned in sections 1-6 have not been applied”.</p> <p><u>Regulations in Act on foreigners:</u></p> <p>The Act of 13 June 2003 on Foreigners includes provisions which regulate the issuance of residence permits to foreigners identified as victims of trafficking.</p> <p>Article 53a (2) (2), “Residence permit for a specified period of time [i.e. for the period of up to 3 months] can be granted to a foreigner who resides in the territory of the Republic of Poland illegally if the body in charge of conducting proceedings for combating trafficking in human beings states that the foreigner is probably a victim of trafficking in human beings within the meaning of the framework Decision of 19 July 2002 on the suppression of trafficking in human beings”.</p> <p>This is a 3-month period during which the foreigner is entitled to social assistance and care from a non-governmental organization under the governmental <i>Programme for the Support and Protection of Victim/Witness of Trafficking in human beings</i> and during which has to take a decision on possible cooperation with the law enforcement bodies.</p> <p>The Act also provides for a possibility of a longer residence of a victim of trafficking in people in the territory of Poland (up to 6 months with a possibility of prolongation) – it refers to foreign nationals who immediately decide on the said</p>
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			<p>cooperation or if they express such a will during the “reflection period”.</p> <p>According to Article 53 (1) (15) “a foreigner can be granted the residence permit for a specified period of time, (...) if he/she is a victim of trafficking in human beings within the meaning of the Council framework Decision of 19 July 2002 on the suppression of trafficking in human beings and fulfills all together the following conditions:</p> <ol style="list-style-type: none"> a) resides in the territory of the Republic of Poland, b) started to cooperate with bodies in charge of conducting proceedings for combating trafficking in human beings, c) terminated contacts with persons suspected of committing illegal actions related to trafficking in human beings”. <p>Draft law on foreigners which probably will come into force in 2013 provides for possibility to apply by victim of THB for permanent stay in Poland after 2 years of residing on the basis of residence permit for specified period of time while other foreigners will have to reside in Poland for minimum 3 years on the basis of residence permit for specified period of time.</p> <p><u>Regulations in the Act on social assistance:</u></p> <p>The <i>Act of 12 March 2004 on social assistance</i> provides for general regulations on assistance for victims of human trafficking:</p> <p>Article 5. Unless international agreements provide otherwise, the following persons shall be entitled to receive social assistance benefits:</p> <ol style="list-style-type: none"> 1) persons holding Polish citizenship, residing and staying within the territory of the Republic of Poland; 2) foreigners residing and staying on the territory of the Republic of Poland: <ol style="list-style-type: none"> a) on the basis of the permit to settle, the long-term resident’s EC residence permit, or the residence permit for a fixed period, granted in connection with the circumstances referred to in Article 53 (1) (13) of the Act of 13 June 2003 on foreigners (Dz. U. of 2006 No. 234, item 1694, as amended¹⁾), or in connection with being granted the refugee status or subsidiary protection, b) on the basis of the permit for tolerated stay, in the form of shelter, meal, necessary clothing and purpose benefit; 3) citizens of the European Union and of the member states of European Free Trade Association (EFTA) – parties to the Agreement on the European Economic Area or Swiss Confederation, residing and staying on the territory of the Republic of Poland, as well as their family members within the meaning of Article 2 (4) of the Act of 14 July 2006 on the entry into, residence in and exit from the Republic of Poland of nationals of the European Union Member States and their family members (Dz. U. No. 144, item 1043, of 2007 No. 120, item 818 and of 2008 No. 216, item 1367), who hold a stay permit or who have the right to permanent residence on the territory of the Republic of Poland. <p>Victims of trafficking are subject to social assistance:</p>
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			<p>Article 7. Social assistance shall be granted to persons and families with regard to, in particular:</p> <ol style="list-style-type: none"> 1) poverty; 2) orphanhood; 3) homelessness; 4) unemployment; 5) disability; 6) long-term or critical illness; 7) domestic violence; 7a) need to protect victims of human trafficking; /.../'" <p>Coordination of support for victims:</p> <p>Article 22. Tasks of the regional governor (voivode) shall include: /.../</p> <ol style="list-style-type: none"> 15) ⁽⁴⁴⁾ coordination, within the social assistance system, of the activities related to counteracting human trafficking and support for the victims thereof. /.../ <p>Social assistance for people described in article 5 with be issued upon family background interview:</p> <p>Article 106. 1. Granting social assistance benefits shall be effected in the form of administrative decision. /.../</p> <ol style="list-style-type: none"> 4. Administrative decision on granting or refusal to grant benefit, with the exclusion of the decision on the refusal to grant funded ticket and decisions pertaining to foreigners, referred to in Article 5a, shall be issued following family background interview. /.../ <p>Trafficking victims referred to in <i>Act on foreigners</i> have access to specialized help without the need to undergo family background interview and to additional support of wider scope than the one guaranteed in process of crisis intervention:</p> <p>Article 5a. Foreigners referred to in Article 53 (1) (15) and Article 53a (2) (4) of the Act of 13 June 2003 on foreigners shall be entitled to benefits in the form of crisis intervention, shelter, meal, necessary clothing and purpose benefit.</p> <p>Article 18. 1. The commissioned tasks belonging to government administration, which are implemented by communes include: /.../</p> <ol style="list-style-type: none"> 7) granting and paying purpose benefits, as well as providing shelter, meal and necessary clothing to foreigners referred
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			<p>to in Article 5a; /.../</p> <p>Article 20. 1. Tasks of the government administration implemented by a district include: /.../</p> <p>4) granting crisis intervention assistance to foreigners specified in Article 5a; /.../</p> <p>2. Funds for implementation of the tasks specified in (1) shall be granted by the State budget.</p> <p>Article 47. 1. Crisis intervention shall consist in a set of interdisciplinary measures for persons and families in a crisis. The objective of crisis intervention is to restore mental balance and ability to cope by oneself, and thus to prevent crisis reaction from becoming a chronic psychosocial stress.</p> <p>2. Crisis intervention shall cover persons and families regardless of their income.</p> <p>3. Crisis intervention shall include immediate specialised psychological assistance, as well as, depending on the needs, also social or legal guidance, and in justified cases, a shelter for up to 3 months.</p> <p>3a. Foreigners referred to in Article 5a may be granted shelter during the validity period of residence permit for a fixed period, referred to in Articles 53 and 53a (2) (4) of the Act of 13 June 2003 on foreigners. /.../</p> <p>Article 101. 1. Territorial competence of a commune shall be determined on the basis of residence of a person applying for a benefit.</p> <p>/.../</p> <p>3. In cases particularly justified by personal situation of a person applying for a benefit, in matters of pressing concern and in case of foreigners who have been granted the right of tolerated stay and the foreigners referred to in Article 5a, the commune of the applicant's stay shall be the territorially competent commune. /.../</p> <p>It is important to mention that the interpreter support is also provided at every stage of tasks mentioned above.</p> <p>2. The body responsible for providing and/or coordinating assistance and support (such as accommodation, social and health assistance, other means of support) for the victims of trafficking in human beings is the National Consulting and Intervention Centre for polish and foreign victims of trafficking (KCIK), which is a public task commissioned to NGO and financed by the state budget. KCIK provides assistance and support to all victims of trafficking - victims need to only contact it. The main tasks of KCIK are:</p> <ul style="list-style-type: none"> - running a twenty-four-hour Helpline, - support of identification of victims of trafficking in human beings, - assistance in contacts with law enforcement bodies and the justice administration(e.g. presence of a non-governmental organization while giving evidence), - psychological support,
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			<ul style="list-style-type: none"> - translator's services, - legal consultations. <p>Poland realizes also a special <i>Programme for Support and Protection Victim/Witness of Trafficking in Human Beings</i> for foreigners. Victims identified by LEA's as well as prosecutor are entitled to the support provided under this <i>Programme</i>, with constitutes a part of KCIK.</p> <p><i>Programme</i> offers victims:</p> <ul style="list-style-type: none"> - diagnosis of their needs (made by the foundation worker); - case-management (consultations, advising, support, providing aid while working individually with a person); - providing interpreter's help; - transport of a victim on the territory of Poland; - safe shelter (transport, accommodation, satisfying the basic life needs: food, clothes, hygienic measures) and change of appearance; - medical and psychological consultations, medical examinations and purchase of medicines, - assisting the victim in their contacts with enforcement agencies and the justice administration – legal consultations, - assistance in legalizing their stay in Poland, - organisation of a safe return of a victim to the country of origin (according to amended agreement with IOM on AVR, since 2011 the EU citizens may decide to get help under <i>Voluntary return programme</i>). <p>Adequate help may be provided under KCIK as well as by the social assistance (main regulations were described in point no. 1.</p> <p>3. If a person is suspected to be victim of trafficking, Police and Border Guard officers act in accordance with the so-called <i>Algorithm for dealing with disclosure of victims of trafficking</i>. This algorithm is an auxiliary tool outlining steps to be followed by the officer in order to help them to disclose the victim of trafficking. After the initial identification of a victim, Police and Border Guard officers as well as prosecutor, after ensuring the safety of the person and providing her necessary help, within the framework of the <i>Program support and protection for victim / witness of trafficking in human beings</i>, fill in and send the application form to the Ministry of Interior which approves inclusion of the victim in the Programme. Starting from then, financial resources are mobilized and the necessary help and support is provided by KCIK.</p> <p>4. Verification whether asylum seeker may be victim of trafficking in human beings constitutes only one element of the asylum procedure. All circumstances are taken into consideration, including detailed check of victim's situation in the</p>
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			<p>country of origin (body proceeding asylum claim verifies whether victim was recruited to THB there or whether members of family were involved in trafficking of victim).</p> <p>Before taking decision to apply the Dublin Regulation it is also examined whether a residence permit could be issued based on circumstances referred to in articles 53 and 53a of Act on foreigners (victim of trafficking in human beings – reflection period, and residence permit for specified period of time). If the requirements for issuing such a residence permit are met the asylum application will be examined in Poland.</p> <p>5. Victims of human trafficking may apply for residence permit up to three months – reflection period. It is issued for the period of time necessary to decide whether to cooperate with the body in charge of conducting proceedings for combating trafficking in human beings. The residence permit for a specified period of time shall be issued to a foreigner who is a victim of trafficking in human beings, if the circumstance which is the basis for his/her application for this permit justifies his/her residence on the territory of the Republic of Poland for a period exceeding 3 months – Article 53 (1) (15). The residence permit is issued upon the application of a foreigner and is issued for the period of 6 months with a possibility of granting subsequent residence permits upon application of a person concerned. Link to legislation – see answer no 1.</p>
	Portugal	Yes	
	Romania	Yes	
	Slovak Republic	Yes	<p>1. Assistance, support and identification of the victims of trafficking in human beings (THB) is in the Slovak Republic regulated by the internal Act of the Ministry of Interior “Regulation of the Minister of Interior No. 170/2010 changing and amending the Regulation of the Minister of Interior No. 47/2008 on the programme for support and protection of the THB victims”. This Act is currently being amended due to the transposition of the Directive 2001/36/EU.</p> <p>2. The Programme for support and protection of the THB victims in the SR is financed from the state budget more specifically from the budgetary heading of the Ministry of Interior and is implemented by means of special agreements between the Ministry of Interior and relevant NGOs and IOM International Organization for Migration. The National Coordinator for the fights against THB (state secretary of the Ministry of Interior) on the basis of recommendation from the relevant NGO or other organisation (such as police e.g.) has the competence to decide on applying and on ceasing to apply the provisions on assistance and support to THB victims via the specialised Programme.</p> <p>The coordination body is the Expert Group for the fights against THB headed by the National Coordinator, while the actual problems in this area are dealt by the multidisciplinary working group aimed at providing the complex care for the THB victims.</p>



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			<p>In case the THB victim would be an asylum seeker he/she would be placed in the asylum facility and provided with a special care as a vulnerable asylum seeker.</p> <p>3. Currently this issue is in the Slovak Republic subject of number of changes in line with the amendments of the relevant regulations (see answer 1), so it is better not to provide any response at his stage.</p> <p>4. We did not have any experience in this regard so far.</p> <p>5. The Slovak Republic issues to the THB victims (according to the Directive 2004/81/EC) a so called tolerated stay permit in line with the Act No. 404/2011 on Residence of Aliens (the Act is available here http://www.emn.sk/phocadownload/documents/act_on_residence_of_aliens_21_10_2011_en.pdf). No other stay permit for the THB victims according to the Directive 2004/81/EC is granted in the Slovak Republic. However the Slovak legislations allows the THB victims with a granted tolerated stay permit to apply for another type of residence permit such as temporary residence after fulfilling all the conditions set by the Act on Residence of Aliens.</p> <p>The THB victim with a tolerated stay permit may work in the Slovak Republic following the conditions set by the Act on Employment Services.</p>
	Slovenia	Yes	<p>1. In Slovenia there is no specific law on assistance, support and identification of the victims of trafficking in human beings (THBs). The Act which contains the provisions on assistance and support for the victims of the THBs is the Aliens Act (http://www.infotujci.si).</p> <p>2. Through a public tender MOI selects an external contractor to implement the PATS project. The contractor (non-governmental organisation – NGO) undertakes the responsibility for implementing the mechanisms for assessing risks and needs of THB victims in the international protection status determination procedure. The aim of the PATS Project is inform potential applicants for international protection belonging to particularly vulnerable groups, such as unaccompanied minors and single women, on the danger of THB and its consequences. During the assessment process, applicants get all necessary information on THB dangers directly through an official interpreter in their native language or in the relevant language they understand. In case the experts of the external contractor establish either through a personal interview or after the international protection applicant is settled in special protection facility (of the Asylum Home) that he/she is a victim of THB they immediately inform the head of Asylum Home who is responsible to organise, no later than in 48 hours, a meeting of the SNNS Group which consists of different stakeholders responsible for prevention and action when confronted with victims of THB. The SNNS Group is responsible to raise awareness about the dangers of THB in the Slovenian society and, when necessary, to take concrete steps described as "Standard Operative Procedures" (SOPs) in order to harmonising actions, procedures and responsibilities among the members of the SNNS Group for fighting against THBs. The measures implemented under SOPs are as follows: to report on the abuse to the relevant police authority, accommodate the victims in relevant institutions (safe house), provide</p>

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			<p>medical and psychological care for victims, provide other necessary special protection for victim, etc. These tasks are taken over by the Centre "Ključ", Caritas and the Police. In case the victim is also an applicant for international protection, the status procedure runs simultaneously with the SOPs. For each victim of the THBs the SNNS Group is responsible to develop the Individual Action Plan (IAP) which contains: information on the case, short-term and long-term measures, institution responsible for the case and IAP implementation plan. All information on the victims and cases is confidential and based on a full respect of human rights standards and relevant data protection legislation.</p> <p>3. According to Article 50 of the new Aliens Act, the Police provide <i>ex officio</i> an on request the opportunity for the victim of THBs to remain in the country for a period of three months, with the possibility of extension, in order to decide whether he/she shall participate as a witness in the criminal proceedings concerning the THBs (so called reflection period). During the period of stay the Police and NGOs inform the victims on their rights under the Aliens Act. A temporary residence permit may be issued to the victims if the victim is willing to cooperate as a witness in criminal proceedings and his testimony is important, which is confirmed by the authority competent for the criminal prosecution. A temporary residence permit may be issued to a victim for the foreseen duration of the criminal proceedings, but for not less than six months or for more than one year. In case a THB victim fulfils the relevant conditions the temporary residence permit or a subsequent temporary residence may be also extended upon the victim's request, each time for a period of up to one year, until the criminal proceedings are concluded and provided that the conditions are fulfilled.</p> <p>4. See question 2.</p> <p>5. According to Article 50 (9) of the Aliens Act, a subsequent temporary residence permit may be issued to a THB victim for other purposes of residing in the Republic of Slovenia if the victim meets the required conditions for issuing such a permit. An application for a subsequent permit must be lodged prior to the expiry of the temporary residence permit under the Directive 2004/81/EC. The Aliens Act provides different types of residence permits depending on the aliens' purpose of staying in Slovenia such as the Blue Card for highly skilled or qualified workers, researchers, students, seasonal workers, EU citizens, family members of the alien who holds a resident permit or a visa etc. (Chapter IV, Articles 31-53) They are allowed under required conditions that differ from the ones in the Directive 2004/81/EC, to apply for the resident permit or a visa to legally enter, stay or/and work for different periods of time.</p>
	Spain	Yes	<p>1. There is no specific law in Spain on assistance, support and identification of the victims of human trafficking. However, the protection of such victims, in the points referred to in Directive 36/2011/EU of the European Parliament and Council, is covered in the following legislative texts:</p> <ul style="list-style-type: none"> - Article 59, bis of the Aliens Act (Organic Law 4/2000). - Articles 140 - 146 of the Regulation further developing the Aliens Act. <p>A translation is attached of the Spanish Protocol for the Protections of Victims of Human Trafficking and the relevant precepts of the Aliens Act and its implementing Regulation.</p>


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			<div style="text-align: center;">   </div> <p>L:\AD-HOC requests\L:\AD-HOC requests\ 2012\11 FI trafficking2012\11 FI trafficking</p> <p>2. In 2011, the Framework Protocol for the Protection of Victims of Human Trafficking was approved, in accordance with the stipulations of Article 140 of the Regulations further developing the Aliens Act. This Protocol was a consensus agreement by the Ministries of Justice, Interior, Labour and Immigration and Health, the General Council of Judicial Power and the General Prosecutor's Office, and establishes a secure cooperation system at internal level among the various agents involved in prosecuting human trafficking and protecting its victims. Moreover, it includes specific reference to the part played in this work by specialist organisations and institutions, especially those providing integrated assistance and support. The protocol covers all phases, from the first detection of a possible victim to their involvement in criminal proceedings, if applicable.</p> <p>The competence for providing social support and assistance services to human trafficking victims is shared by the Ministry of Employment and Social Security, through the Secretariat General for Immigration and Emigration, and the Ministry of Health, Social Services and Equality, through the Government Gender Violence Delegation. Both government bodies are responsible, within the spheres of their respective competences, for providing the necessary assistance to meet the needs of trafficking victims according to the provisions of current legislation and the agreements of the Integrated Plan to Combat Human Trafficking for sexual exploitation purposes (approved by the Council of Ministers in December 2008) and the Framework Protocol cited above.</p> <p>Within the competence of the Ministry of Employment and Social Security, the Secretariat General for Immigration and Emigration, through the Sub-Directorate General for the Integration of Immigrants, has the jurisdiction to establish the basis for the requirements for granting or refusing the assistance and support provided in its own network of Migration Centres (Immigrant Temporary Stay Centres and Reception Centres for Refugees) and in the accommodation and specialist care resources subsidised by the Ministry of Employment and Social Security to provide specialist and integrated care to human trafficking victims.</p> <p>The general criteria established for referring trafficking victims to reception services prioritises resources specialising in the specific group before other resources. These assistance and support services to the victims of human trafficking are provided by the regional and local administrations or private institutions.</p> <p>The Secretariat General for Immigration and Emigration and the Government Gender Violence Delegation maintain coordination channels for their action programmes. For this purpose, there is a monitoring committee on the functioning of the Framework Protocol under the Government Gender Violence Delegation's management, which meets at least once every six months to assess the effectiveness of the protocol. Provisions have also been made for NGOs specialising in the protection of trafficking victims to be accepted into this committee if any widespread failings should appear in the functioning of the Protocol.</p> <p>Solid, fluid and permanent communications have been established between NGOs, the Prosecutor's office and members of the security forces, facilitating collaboration at any time and in any situation. The approval of the Framework Protocol referred to above reflects this coordination.</p>
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			<p>Reception centres for refugees play a role in this area if trafficking victims are referred to them, if these victims are seeking international protection and no other resources are available. This measure is purely temporary and occurs in exceptional cases only.</p> <p>3. Identification can be started by:</p> <ul style="list-style-type: none"> - The police forces (including border control and detention centres; they report immediately to the public prosecutor). - The labour inspection (reports to the police and the public prosecutor). - The Asylum and Refuge Office (reports to the National Police). - Migration centres, health services, assistance organizations, or any other person or institution (may report to the police, the judge or the public prosecutor). <p>Actual identification is carried out by specialized police units, who interview the victim and apply an indicators system established in the Spanish Framework Protocol. Information and assistance for this procedure is required from institutions that are or might have been in contact with the victim. The full police report is submitted to the public prosecutor. In case the victim is an irregularly staying third country national for whom a decision on granting a reflection period has to be taken, the report is sent via the Alien Police (National Police) to the Government Delegate, who is the deciding authority.</p> <p>For the purpose of enforcing removals, the determining fact is the decision on the reflection period.</p> <p>4. When evaluating the application of Council Regulation 343/2003 (Dublin Regulation) and its sovereignty clause in the framework of an asylum application, all the relevant aspects are considered regarding the personal circumstances of the international protection seeker, the condition of human trafficking victim being one of the aspects to be considered. However, there is no specific provision regarding the application of Article 3(2) for asylum seekers who may be human trafficking victims.</p> <p>Article 46 of Law 12/2009, regulating the right to asylum and subsidiary protection, establishes that the specific circumstances of asylum seekers in situations of special vulnerability must be taken into account, mentioning among these the victims of human trafficking, and the necessary measures must be adopted to provide a different treatment where necessary.</p> <p>In order to facilitate the identification of possible trafficking victims in the framework of the international protection procedure, the Asylum and Refuge Office has increased its efforts, activating a mechanism which has made it possible for police authorities to be informed of cases of protection seekers who may be victims of human trafficking. Since March 2011, without prejudice to the normal processing and examination of international protection applications, this has meant a closer collaboration between the Police and the Asylum and Refuge Office in order to facilitate their identification in processing at borders, especially when this circumstance can be attested only if the protection application is processed.</p> <p>This collaboration has been reinforced by the adoption of the Framework Protocol for the Protection of Victims of Human Trafficking, which has also facilitated the identification of victims in protection applications processed within Spanish territory.</p>
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			<p>5. According to Article 59 bis paragraph 3 of the Aliens Act (Organic Law 4/2000):</p> <p>“An alien who has been exempted from administrative responsibility may be facilitated, if he/she so wishes, with assisted return to the country of departure or be granted a residence and work permit on the grounds of exceptional circumstances, as well as facilities for social integration, pursuant to the provisions contained herein, and when necessary, the authorities shall make provision for his/her security and protection”.</p> <p>This residence and work permit on the grounds of exceptional circumstances corresponds to the regulations of the Council Directive 2004/81/EC.</p>
	Sweden	Yes	<p>1. There is no specific law on assistance, support and identification of victims of trafficking. The Swedish Aliens Act (Chapter 5 section 15) gives the possibility to grant a temporary residence permit in order to enable a preliminary investigation or a main hearing in a criminal case. This legal provision was introduced in 2007, when the Aliens Act was amended in accordance with the EU Council Directive 2004/81/EC of 29 April 2004. (It has to be noted, however, that the Aliens Act is wider than the Directive since it provides for temporary residence permit for not only victims but witnesses as well – all persons of evidence. Furthermore, it is not limited to the crime of THB, but applies to all criminal cases.)</p> <p>The Swedish Migration Board has in its manual for migration cases detailed instructions on how to handle and behave when suspicions of an applicant being a victim of trafficking arise. As far as assistance and support is concerned, each municipality in Sweden has the ultimate responsibility for providing any services needed to those who are resident in the municipality. According to Section 5 second paragraph of the Act (2008:344) on health care for asylum seekers and others, victims of THB must be offered health and dental care to the same extent as those who reside within the county. This means that there also is an obligation for county councils to provide health care and dental care to victims of THB that reside in the county.</p> <p>2. In Sweden it is the Swedish National Board of Health and Welfare (www.socialstyrelsen.se/publikationer/meddelandebblad) that gives information and instructions how to get help and protection when needed. In general, the municipalities are responsible for providing assistance and support. Victims of THB are entitled to all necessary support from the municipalities' social services in order to achieve a reasonable standard of living, unless the needs can be met elsewhere. An individual assessment is to be made in each case. Support could include, for example, sheltered housing, support in contact with other agencies, financial assistance, interpretation, or psychosocial support. As indicated above, health and dental care is provided by the county councils.</p> <p>In Sweden, there is a National Rapporteur for THB who primarily collects data, information and intelligence about THB from the services of the Police throughout Sweden. Furthermore, a National Coordinator and a National Coordination Secretariat (NCS) against Prostitution and Trafficking have been established at the County Administrative Board of Stockholm. The NCS maintains an operational oriented Task Force, the National Task Force against Prostitution and Trafficking (NMT) and several other national networks. These mechanisms aim towards the strengthening and improvement of cooperation and case management, the dissemination of information and awareness-raising, capacity building activities among other things. The NMT functions as a strategic resource with the purpose of improving communication and knowledge between governmental authorities, and thereby</p>

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			<p>strengthen operational cooperation within the area of THB for sexual purposes and prostitution in Sweden. An important part of the work of NMT is to produce relevant material and to provide trainings for various target groups, including counties, municipalities, governmental authorities, cooperation units and official administrators.</p> <p>3. In the Manual for migration cases within the Migration Board there are instructions how to act when suspicions of encountering a victim of trafficking arise. Among other aspects, it is of importance to inform the victim about the need to make a report to the police. Trafficking is also dealt with within the Criminal Code (Chapter 4 section 1a). In practice, the identification of victims depends on the situation at hand. It could be the task of the Police, Social Services, the Swedish Migration Board or an NGO that offers crime victim support. Sweden has also launched a telephone hotline where suspicions of trafficking in children can be reported. As regards the Police, the identification can be made by any officer that comes across a suspicion of THB. There are examples of identification of trafficking victims taking place both on the basis of intelligence gathering operations evolving into criminal investigations and on the basis of observations made by patrolling, front-line officers. Another starting point for identification of victims is surveillance on the Internet, in particular prostitution on the Internet. As far as the Swedish Migration Board is concerned, it has developed internal routines for situations when suspicions about THB arise. These routines are included in a separate chapter of the Swedish Migration Board Handbook. The routines consist of a common part and a part for the various fields of activities of the Migration Board. The document gives special advice to specific areas of responsibility. More than one field of activity can be involved in a case, for example when a temporary residence permit according to Chapter 5, Section 15 of the Swedish Aliens Act is granted.</p> <p>4. In cases where a victim of trafficking applies for asylum, the general principle is to apply the Dublin regulation. However, if a person who has been granted a temporary residence permit in accordance with the EU Council Directive 2004/81/EC of 29 April 2004 applies for asylum, the Swedish Migration Board may not take a decision on removal as long as the temporary residence permit is valid. Thus, also Dublin transfers are excluded in such cases.</p> <p>5. Chapter 5 Section 15 of the Aliens Act, which was amended in 2007 to implement Council Directive 2004/81/EC of 29 April 2004 of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, reads as follows in translation: <i>Upon application from the person in charge of a preliminary investigation, a temporary residence permit valid for at least six months shall be granted to an alien staying in this country, if</i> <ol style="list-style-type: none"> 1. it is necessary to enable a preliminary investigation or a main hearing in a criminal case to be carried out, 2. the alien has shown a clear intention to cooperate with the investigating authorities, 3. the alien has severed all relations with the persons who are suspected of crime concerned in the preliminary investigation, and 4. considerations of public policy and security do not indicate that a permit should not be granted. <i>If the alien wants a reflection period so as to recover and be able to take a decision on whether he or she wants to cooperate with the investigating authorities, on application from the person in charge of the preliminary investigation a temporary residence permit valid for 30 days shall be issued, provided the conditions specified in the first paragraph, points 1 and 4 are satisfied.</i></p>
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			<p>A residence permit issued under the first paragraph may be renewed if the person in charge of the preliminary investigation requests this and the conditions specified there are still satisfied. A residence permit issued under the second paragraph may be renewed if the person in charge of the preliminary investigation requests this, a longer reflection period is needed on special grounds and the conditions specified in the first paragraph, points 1 and 4 are satisfied.</p> <p>Besides the possibility to get a temporary residence permit according to Chapter 5, Section 15, a victim of trafficking may herself/himself at any time apply for a residence permit on grounds of need for protection as in Chapter 4, Section 1 and 2 of the Aliens Act (refugee protection/subsidiary protection), or refer to other “exceptionally distressing circumstances” as in Chapter 5, Section 6 of the Aliens Act. Being an outcast from the society in the country of origin can be seen as one example of a situation in which exceptionally distressing circumstances exist. However, the provisions concerning “exceptionally distressing circumstances” are to be applied restrictively. Further to this, children may be granted a residence permit under Chapter 5, Section 6 of the Aliens Act even if the circumstances that come to light do not have the same seriousness and weight that is required for a permit to be granted to adults.</p>
	United Kingdom	Yes	<ol style="list-style-type: none"> The legal status and entitlements of a victim of THB has not been defined in legislation but has been given effect through policy guidance which general principles of UK public law require the Competent Authorities to comply with. <p>The relevant policy guidance can be found here: http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/specialcases/guidance/competent-guidance.</p> <ol style="list-style-type: none"> The UK has a National Referral Mechanism (NRM) in place. This is a multi-agency framework designed to make it easier for agencies involved in a trafficking case to co-operate; share information about potential victims and facilitate their access to support. Support in England and Wales is administered through a lead NGO (the Salvation Army), acting as a central contractor. The central contractor contracts with other support providers to ensure that all identified victims receive support tailored to their needs. Victim support measures in Scotland are delivered through the specialist support providers Migrant Help and TARA. Where there are indicators that an individual may be a victim of trafficking they are referred by a designated First Responder. Once an individual is referred into the NRM trained specialists in designated ‘Competent Authorities’ will assess their circumstances and make an initial decision on whether there are ‘reasonable grounds to believe’ that the individual is a victim. The UK’s two Competent Authorities are hosted by the UK Human Trafficking Centre (part of the Serious Organised Crime Agency) and the UK Border Agency.

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			<p>A positive decision will provide the individual with an extendable recovery and reflection period of 45 days during which time they can access specialist support and accommodation. No detention or removal action is taken against the potential victim during this time. At the end of the recovery and reflection period the Competent Authority will then make a second tiered identification decision which is to conclusively decide if the individual is a victim of trafficking.</p> <p>4. Council Regulation 343/2003 (Dublin regulation) still applies to suspected victims of trafficking in human beings but would only be enforced after consideration of the trafficking claim when it's deemed safe and appropriate to do so in accordance with the UK's domestic and international obligations.</p> <p>5. Confirmed victims that are subject to control may be eligible for a grant of leave if their personal circumstances warrant them remaining in the UK or an extendable grant of 12 months leave if they are cooperating with the authorities in a criminal investigation or proceedings and the police request it. Victims of trafficking may also qualify to remain in the UK for a reason other than their victim status under the Immigration Rules. Residence permit are considered in following circumstances:</p> <ol style="list-style-type: none"> 1) if a police request is made on the basis that the victim is cooperating with an ongoing investigation or proceedings and their presence in the UK is required for this purpose 2) If their personal circumstances justify a grant of leave. This is considered under standard UK Border Agency leave processes in accordance with the UK's wider domestic and international obligations: <ul style="list-style-type: none"> • Asylum – if there is a genuine risk that they will be persecuted if they were to return to their country of origin because of one for the listed reasons under the 1951 Geneva Convention. • Humanitarian protection (HP) – if an individual does not qualify for asylum then consideration will be given to whether a grant of HP should be made. To qualify, an individual must show that there are substantial grounds for believing that if they returned to their country of return, they would face a real risk of suffering serious harm and they are unable, or, owing to such a risk, unwilling to avail themselves of the protection of that country. • Discretionary leave (DL) – if it is considered that requiring an individual to return to their country of
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			<p>origin.</p> <ul style="list-style-type: none"> We will also consider granting temporary leave to enable victims to pursue an active and realistic claim for compensation through the Civil Courts.
	Norway	Yes	<p>1. In Norway there is no specific law on assistance, support and identification of possible victims of human trafficking (VoTs). The Council of Europe Convention on Action against Trafficking in Human Beings is guiding our work against human trafficking. Article 10 of the Convention obliges the state parties to provide for an identification process and ensure that possible victims can receive adequate assistance and protection. On a more general level, The European Convention on Human Rights (ECHR) is together with four UN conventions incorporated into Norwegian law through the Human Rights Act. In case of conflict between norms the provisions of the convention prevail over other Norwegian legislation, cf. the Human Rights Act section 3. The Norwegian Constitution establishes a general duty for all public authorities to respect and secure human rights; cf. section 110 c of the Constitution. This duty applies regardless of whether the rights in question stem from the Constitution, Norwegian law or international conventions that are binding for Norway. Norway recognizes that the state has a certain obligation to protect victims/potential victims of THB, and that a failure to fulfil this obligation might constitute a breach of the state's obligations according to the ECHR articles 2 and 4. Since 2003, Norway has developed National Action Plans against trafficking. The current plan; "United against trafficking", was launched in December 2010, and covers the years 2011 through 2014. The Ministry of Justice and the Public Security has the main responsibility for overseeing the implementation of the measures in the Plan of Action as well as coordinating other Government efforts. Identifying and offering help and protection to victims is one of the main fields of action. The Coordinating Unit for Victims of Trafficking (KOM) is a unit established by the government for nationwide coordination of assistance and protection of victims of human trafficking, administered by the National Police Directorate. The Norwegian Directorate of Immigration (UDI) implements the obligations defined in the Council of Europe Convention in the processing of applications and with regard to asylum seekers living in reception centres.</p> <p>The following circulars provide guidance on identification procedures, both for the immigration authorities and the employees at the reception centres: RS 2011-007 "Utlendingsforvaltningens ansvar for å legge til rette for å identifisere og gi oppfølging til mulige ofre for menneskehandel" and the appendix: vedlegg 1 "Veiledning for samtale med mulige ofre for menneskehandel" and UDIs circular RS 2011-006 "Krav til mottakenes arbeid mot menneskehandel og oppfølgingen av mulige ofre". When a caseworker or an</p>

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			<p>employee at a reception centre has reason to believe that an asylum seeker or an applicant for other resident permits is a possible VoT, s/he is required to seek to verify whether the person is a victim and to map the situation, so that rights of the possible VoT may be fulfilled and relevant assistance and protection given. This may be done through a meeting with the asylum seeker or as part of the ordinary asylum interview. Caseworkers are provided with training on the issue of human trafficking, and UDI has developed specific guidelines for asylum interviews with possible VoTs. If there is reason to believe that an asylum seeker is a victim of human trafficking, the asylum seeker must be informed that he/she may be entitled to: Physical, psychological and social assistance; free legal counselling, police protection, reflection period, assistance from various NGOs, voluntary return through a special IOM programme for victims of human trafficking. A brochure (available in Norwegian and English) published by The Coordination Unit for the Victims of Human Trafficking (KOM) may also be given to the possible VoT. If necessary, the caseworker/reception centre will assist the VoT to establish contact with a specialized organisation, and/or provide information to other instances, as the child welfare services, the reception centre, the police, etc. As a general rule such information should only be given with the consent of the person, but in special cases (if for instance the person is vulnerable or considered to be in danger) information may be given even if consent has not been given. If the asylum seeker is an unaccompanied minor, the child welfare services must be informed about the child's situation.</p> <p>2. We do not have a national coordinator for the assistance and support for the victims of trafficking. The responsible body for providing and/or coordinating assistance and support for VoTs depends on the person's immigration status. Either the ROSA-project (se www.rosa-help.no) or UDI through the reception centre provides such assistance to asylum seekers who are VoTs. Assistance is provided in cooperation with specialized instances. See UDIs circular RS 2011-006 "Krav til mottakenes arbeid mot menneskehandel og oppfølgingen av mulige ofre". For other victims (e.g. those residing in Norway with a temporary or permanent residence permit and citizens of EU or Norway) the assistance and support is provided by the municipalities (the local social authorities).</p> <p>3. Several authorities/actors can identify victims of trafficking: UDI, the reception centres, the police, ROSA-project, the Child Protection Service, health workers, NGOs, Pro Centre, etc. The Coordination Unit for the Victims of Human Trafficking (KOM) has developed a guide to identification of possible victims of trafficking. There is no agency provided with a defined mission to verify VOTs. Verification occurs</p>
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			<p>through the ordinary duties of the actors: at UDI during the processing of applications for asylum and residence permits. The police, the immigration authorities and the child protection service can conclude differently as regards whether a person is a victim; they work on the basis of different legal regulations and operate with different criteria of proof and preponderance of evidence in the verification work. We can assume that a final verification takes the form of an enforceable judgement against the traffickers. The concepts of identification and verification describe a process. We do not delimit the identification of VoTs to persons granted a reflection period or on account of investigation or court proceedings, but consider the definition given in article 4 in the Council of Europe Convention on Action against Trafficking in Human Beings.</p> <p>4. In certain circumstances, victims of trafficking are exempted from the Dublin procedure. That is if s/he has testified in a human trafficking case in Norway, or if the Norwegian police find that his/her presence in Norway is necessary for an ongoing investigation in a human trafficking case. If the person wants to file a report to the police, we postpone the Dublin procedure for a limited time. If the victim is a child, the case worker must consider whether his/her removal from Norway violates his or her rights according to the Convention on the Rights of the Child. Strong humanitarian reasons are also considered, assessing whether the asylum application should be examined in merits in Norway according to Article 3(2). If the case is processed in the Dublin procedure, we offer the VoT to fulfill a declaration of consent to provide information on the trafficking situation to/alert the MS, in order for the MS to follow up and provide assistance. Further, we provide information on assistance programs etc. in the other MS, in accordance to the article 16 of the Council of Europe Convention on Action against Trafficking in Human Beings.</p> <p>5. The immigration regulations indicate three different permits for VoTs: Reflection period and temporary residence permit (Immigration act section § 38 second paragraph; Immigration regulations section § 8-3; UDI circular RS 2010-141 ”Midlertidig oppholdstillatelse for utlendinger som antas å være utsatt for menneskehandel” and residence permit for witnesses in cases concerning human trafficking (Immigration act section § 38 second paragraph; Immigration regulations section § 8-4): 1) Reflection period: A six-months residence permit for persons identified as possible victims of human trafficking (criterias: “reasons to believe the person is a victim of human trafficking/prepared to receive assistance and protection). The purpose is to help victims of human trafficking to make a clean break with the trafficking milieu and for the VoT to consider filing a report to the police (assist with the criminal prosecution of the traffickers). This is</p>
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			<p>a low-threshold offer. For other than EEA citizens it is a requirement that they do not have legal residence in Norway. The foreign national must not have an asylum application pending. If the foreign national have another permit or an asylum application pending, this permit or application must be withdrawn. The permit cannot be extended or renewed, nor can it lead to permanent residence or family reunification. 2)</p> <p>Temporary residence permit: To grant such a permit, we need at statement from the police, confirming that the following four criteria are fulfilled: Clean break with the trafficking milieu; filed a police complaint against the traffickers; the complaint must have led to police investigations; the police considers the presence of the foreign national to be necessary for the investigation or the criminal case. 3) Residence permit for witnesses in cases concerning human trafficking: A victim who testifies as an aggrieved party in a criminal case relating to human trafficking, <i>shall</i> be granted a residence permit that may form that may form the basis for a permanent residence. A residence permit <i>may</i> be granted to a victim who has given testimony to the court or to the police, also in a case of procurement (additional criteria: grounds to deem that the victim on account of the testimony is in a situation as difficult as that of such victim as mentioned in the first paragraph). To grant a permit, we need at statement from the police. The purpose is both to ensure that victims of human trafficking can testify without fear of retaliation in their country of origin, and to ensure protection of the victims in Norway. The regulation entered into force in November 2008 and encompasses citizens of EU/EEC and foreigners with residence permits in other Schengen states. To be given such a permit, then VoT need to seek asylum. Protection or permit on humanitarian grounds: The legal protection of victims of trafficking in Norway is strengthened in the Norwegian Immigration Act and in the new Immigration Regulations, which entered into force January 2010. The Immigration Act states that a former victim of trafficking can be considered as a member of a special social group in accordance with the refugee Convention and thereby constitutes a basis for refugee status. Further, being a victim of trafficking shall be considered a possible humanitarian concern when considering granting a residence permit. We have the following guidelines on handling applications of asylum with regard to VoTs: GI-2010-031 ”Instruks om oppholdstillatelse til vitner i sak om menneskehandel mv.” and ”IM 2011-002 ”Håndtering av spørsmål knyttet til menneskehandel i asylsaker”.</p>
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