

E.V.A. PROJECT

SOPS & INDICATORS TO IDENTIFY AND PROTECT PRESUMED VICTIMS OF TRAFFICKING AND EXPLOITATION



Save the Children



REGIONE DEL VENETO



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SOPs & indicators to identify and protect presumed victims of trafficking and exploitation



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Introduction

This document has been designed to be used as a resource, a collection of information and set of practical tools for all the operators involved in the E.V.A. project as well as for all social operators that meet presumed victims of trafficking or individuals at risk of trafficking, to properly pre-identify them, providing adequate support or to refer them to specific anti-trafficking organizations to guarantee access to protection.

The document focuses on:

- Trafficking indicators
- Standard Operating Procedures (SOPs)

Trafficking indicators are all the collected and observed factors used to evaluate whether a person is already a victim of trafficking and exploitation or at risk of trafficking. These indicators are not a flawless checklist, each person is different, even if the elements of some stories could be similar. It is important to recognize a real trafficking risk indicator to guarantee protection and support for the victims.

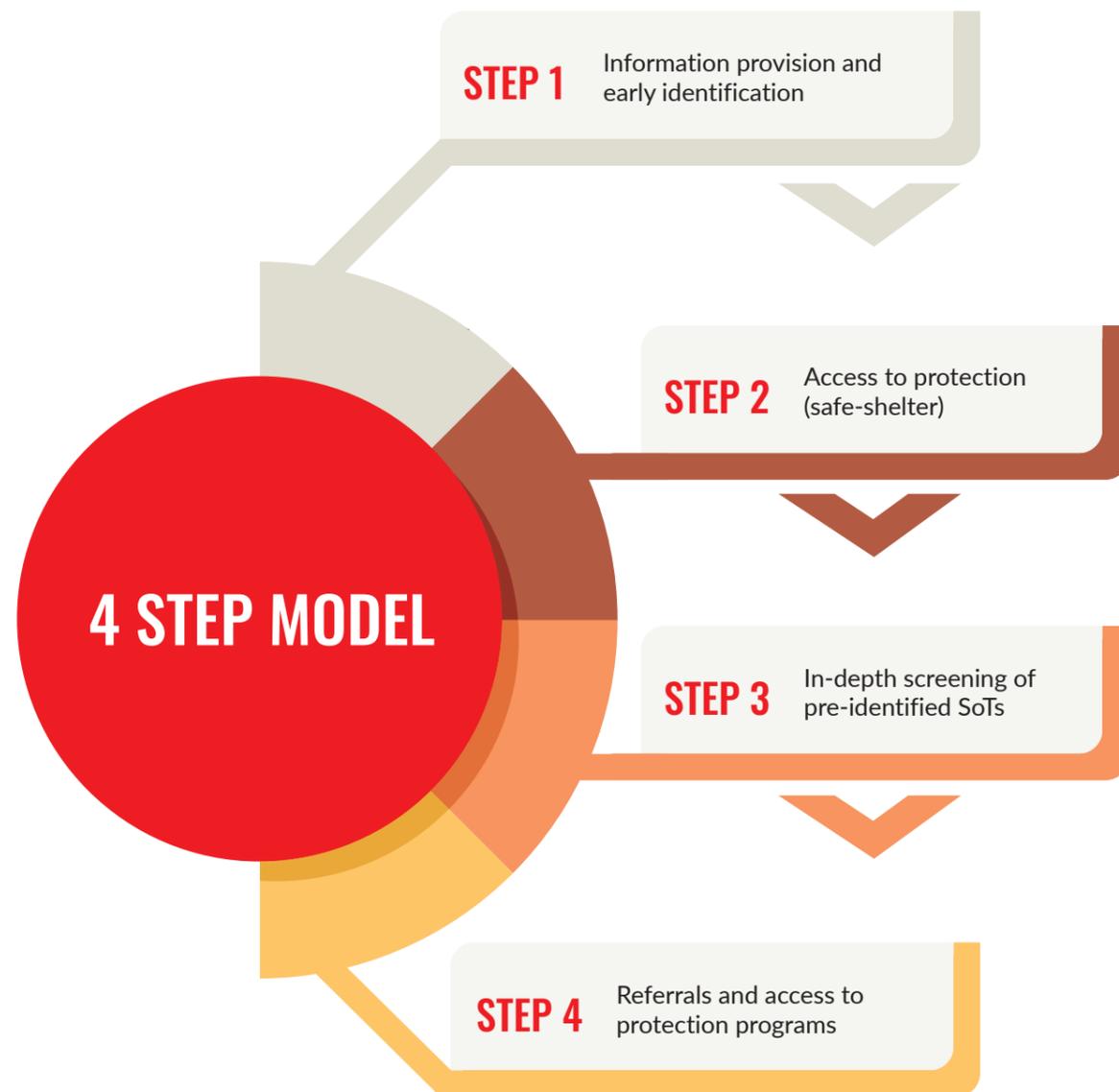
The **Standard Operating Procedures (SOPs)** are all the recommended measures, actions, information, modalities, and timelines considered useful to identify and take into custody presumed or actual victims of trafficking and exploitation, especially minors, young girls or women with children. These SOPs represent a logical timeline of measures/actions put in place in the areas of implementation of the E.V.A. project, but they can be useful for all the other social operators that meet people at risk of trafficking.

As the project is implemented in three different European countries (Italy, France and Spain), indicators and SOPs have been developed in accordance with each national anti-trafficking system and legal framework; nevertheless, the document has been elaborated following a terminology and methodology as common as possible to the three countries involved in the project.

E.V.A. Project

The E.V.A. Project seeks to ensure that third-country national (TCN) minors, girls and young women up to 30 years of age with or without children, who are current or former survivors of trafficking at risk of re-trafficking, can break free from exploitation. This goal will be achieved by developing effective and sustainable national and cross-national strategies for early identification and access to protection for TCN minors, girls and young women with/out children at border crossings between Italy and France and Spain (Basque countries) and France, as well as in reception centres located in Paris and near the French border with Italy and Spain.

The project concept is rooted in a **4-step model** for identification and access to protection for TCN minors, young women and girls with or without children at risk of intra-EU trafficking:



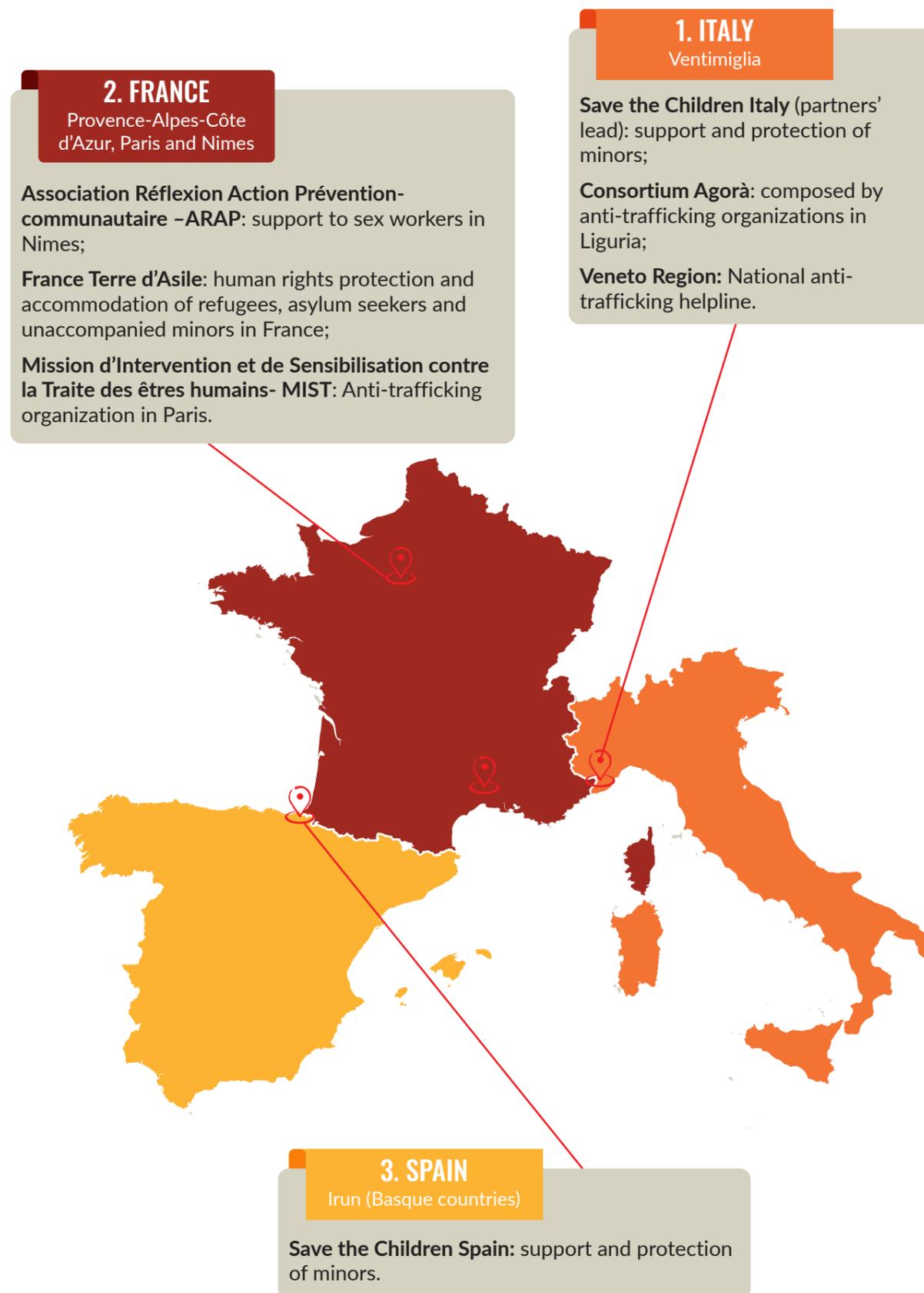
The E.V.A. project specific objectives are:

- 1. Raise awareness** about the project's key themes and actions among key stakeholders, potential beneficiaries and the broader community.
- 2. Build the capacity of civil society** organizations and other relevant stakeholders in Italy, France and Spain to conduct early identification of TCN¹ SoTs² with a focus on minors, young women and girls.
- 3. Develop** and implement a **model** for integrated interventions based on **early identification and access to protection for TCN minors**, young women and girls with or without children in Italy, France and Spain.
- 4. Promote national and cross-national collaboration** among participating organizations in Italy, France and Spain to ensure SoTs' protection and access to rights.
- 5. Encourage cross-national knowledge** exchange to ensure that relevant stakeholders such as reception centre staff, police officers and practitioners learn from each other and improve existing practices in early identification and access to protection for SoTs.



The project has a transnational dimension and it is implemented in the following 3 EU Countries.

The partnership is composed by 7 project partners in the three Countries:



Glossary

Trafficking of human beings: severe crime against the person and comprises three elements:

- 1) **the conduct:** recruitment, transport, transfer, hosting of people;
- 2) **the tool:** the use of force, coercion, abuse of power, exchange of money or benefits to get the victim's "consent";
- 3) **the purpose:** prostitution and other forms of sexual exploitation, forced labour, slavery, allocation and removal of organs.

A child victim of trafficking: every individual under the age of 18 recruited, transported, transferred, held or received for the purpose of exploitation, either inside or outside a country, **with or without** coercion, deceit, abuse of power, abuse of authority or other forms of abuse. No force or deception needs to take place to prove that a child has been trafficked. This difference is based on the fact that a child is considered incapable of taking an informed decision.

Exploitation of a Minor: to gain benefits, not necessarily financial, from activities, skills, or actions committed by a minor through imposition, taking advantage of the minor's condition of vulnerability and need.

Sexual exploitation: actual or attempted abuse of a position of vulnerability, power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

Labour exploitation: situations where people are coerced to work under exploitative conditions, taking advantage of their state of need. The condition of these work condition could include: working without breaks and/or for many consecutive hours for little or no remuneration, often under threat of punishment and/or with no regular contract, and/or in unsafe or dangerous and unsanitary conditions. There are a number of means through which a person can be coerced, including: use of violence or intimidation, accumulated debt, retention of identity papers, threat of exposure to immigration authorities.

Domestic exploitation: A domestic worker or helper is a person who works within their employer's home, performing a variety of tasks. This arrangement becomes exploitative when there are restrictions on the domestic worker's movement, and they are forced to work long hours for little pay. They may also suffer physical and sexual abuse or slavery treatment. Domestic servitude can be particularly hard to identify as it happens in private households but it is estimated that 16 million people are exploited in the private sector which includes domestic work.

Smuggling of migrants: it is a crime against a State, involving the facilitation of a person's illegal entry into a State, for financial or material benefits. The purpose of this action, although illegal, is to organize the transfer of a migrant person from one state to another.

Presumed victims of trafficking and exploitation: A person, adult or minor, who, based on an initial analysis of the circumstances narrated and collected, as well as on the presence of typical indicators of trafficking or other forms of severe exploitation, can reasonably be considered a victim of trafficking and/or severe exploitation. Potential victims can be considered both persons belonging to the target population at risk and those who experience a possible condition of re-victimisation.

Re-trafficking: Re-trafficking generally refers to a situation where a survivor has experienced and left one episode of trafficking but later re-enters another exploitative situation.

Potential victim of re-trafficking: person at risk to become victim of re-trafficking.

Victims of Trafficking and exploitation (T&E): a person formally identified as a victim of T&E. In Italy this procedure must be implemented only by anti-trafficking organizations.

Save the Children Temporary emergency shelter: a safe shelter where the victim is protected from traffickers and has access to immediate short-term assistance (this may include basic services, short-term counselling and access to information). Here a victim could stay until the formal identification.

Anonymous and safe address/accommodation: a shelter managed by anti-trafficking organizations which provides housing and support for re-integration and rehabilitation for victims of human trafficking.

Italian National action plan against trafficking and exploitation of human beings (PNA): elaborated by the Department for Equal Opportunities within the Presidency of the Council of Ministers aiming to raise awareness on the issue of trafficking, to increase prevention, protection and assistance for the victims, and to reinforce prosecution for smugglers and to improve coordination between all operators involved in the fight against trafficking.

Anti-trafficking organizations in Italy: organizations accredited for the implementation of social assistance and integration programs are the organizations registered in the second section (formerly third) of the Register of Organisations and Associations that carry out activities in favour of immigrants, established at the Ministry of Labour and Social Policies, as established by Presidential Decree 394/1999.

Italian National Anti-Trafficking Helpline: The helpline is free of charge and active 24 hours a day, every day of the year, the service is available in several languages. A specialized operator gives information on services assisting trafficked persons and, upon request, referral to the anti-trafficking system.

Child-Friendly Spaces (CFS) are places that can help reduce a range of distressing effects of a crisis on children. Child-Friendly Space activities are designed to build on children's natural and evolving coping capacities and to identify and find ways to respond to particular threats. Child-Friendly Spaces provide a child-focused and child-friendly environment in which children continue their cognitive development and can give them opportunities to learn on a variety of levels.

Unaccompanied and Separated Children (UASC) child who is not in the overnight care of at least one of their parents or other adult legally responsible for him/her, for whatever reason and under whatever circumstances, is referred to as a **child without parental care**.

Spanish National Anti-Trafficking Helpline: 900 10 50 90 The number is free of charge and active 24 hours a day. It depends on the national police and it is aimed to report trafficking situations instead of being a helpline for victims.

The National Protection System in Spain: is the set of laws, policies, regulations, and services necessary in all social sectors -especially in the areas of social welfare, education, health, security, and justice- to support the responses of prevention and protection of minors.

General legal principles provisions

SET OUT IN THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (UNCRC)

- 1) **Best interests of the child** (Article 3): In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
- 2) **Non-discrimination** (Article 2): the rights set forth in the Convention shall be ensured to each child without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- 3) **Inherent right to life** (Article 6): States Parties shall ensure to the maximum extent possible the survival and development of the child.
- 4) **Right to be heard** (Article 12): States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
- 5) **Informed consent/ assent:** reporting and referrals should always be done with the informed consent of all victims (whether adults or children and especially migrant women and girls and boys due to their enhanced vulnerabilities).
- 6) **Non - punishment principle:** Trafficked persons should not be subject to arrest, charge, detention, prosecution, or be penalized or otherwise punished (which also includes, immigration removal or denial of access to benefits) for illegal conduct that they committed as a direct consequence of being trafficked.
- 7) **Do No Harm:** Ensure that actions and interventions designed to support children (and their families) do not expose them to further harm in the short, medium, and long term.
- 8) **Victim-centric Approach:** Implies systematic focus on the needs and concerns of a victim; ensuring a sensitive dealing with them in a non-judgmental manner and minimizing further trauma associated with the identification process.

This paper is developed in three different parts, one for each country involved in the E.V.A project. Italy, Spain and France have different anti-trafficking systems and follow specific Standard Operative Procedures. The following chart provides key words regarding methodologies, practices, and procedures common to the three countries.



01 FIRST CONTACT, ASSISTANCE AND PRE-IDENTIFICATION

BASIC NEEDS
TO OBSERVE BEHAVIORS AND SITUATIONS
CULTURAL MEDIATION
INDICATORS OF TRAFFICKING AND EXPLOITATION

02 IDENTIFICATION

ACTIVE LISTENING
ANTI-TRAFFICKING INFORMATION
EVALUATION IMPLEMENTED BY ANTI-TRAFFICKING NATIONAL AUTHORITIES OR LOCAL ORGANIZATION
TRUSTING RELATIONSHIP



03 SOCIAL PROTECTION AND RE-INTEGRATION

SECURITY MEASURES
RECOVERING
AUTO-DETERMINATION AND EMPOWERMENT
NEW OPPORTUNITIES



1.1 Assessment implemented in Ventimiglia

The E.V.A. project is based on a needs assessment conducted by Save The Children Italy, in the project **Vie d'Uscita** (Ways Out), around the Ventimiglia Area (Italy) from November to December 2021. Ventimiglia is a city of arrival and transit of migrants, who come from the Balkan route or from the southern border and attempt to cross the border to France to reach other European countries. The number of migrants –including minors and vulnerable people– transiting to Ventimiglia, has changed considerably over the months and the years and shows no signs of slowing down.

The assessment was conducted in the area around the train stations in Ventimiglia and Menton-Garavan and on trains heading to France and at the border in Ponte San Luigi. It is suspected that some girls and young women arrive by train from Milan, Genova, Sanremo and Imperia and they are met directly by an intermediary who leads them to the far end of the platform. This cut-off part of the station would be used as 'waiting room' for women and girls prior to their departure by train or taxi for France.

Around the Ventimiglia area, presumed victims of trafficking are suspected to be kept isolated by traffickers, from other migrants, waiting to cross the border. Here, the phenomenon of trafficking appears to be aimed at **sexual exploitation** and at **labour and domestic exploitation** (Ivorian mainly) on French territory and, in both cases, the exploitation begins in the transit countries (Libya, Mali and Tunisia). Sexual exploitation is the most extensive form of exploitation and is characterized by some peculiar features such as the coercion of the person to provide sexual services for a fee, the use of physical or psychological violence, threats against the person or their family members, the indebtedness of the victim to his exploiters for the journey that brought him to the country of destination, and the obligation to hand over the proceeds of exploitation to the criminal networks. Sexual exploitation can take place outdoors, in apartments (indoor), in nightclubs or online with or without the production of pornographic material.

As result of the assessment, these are the main victim profiles:

IVOIRIANS

Minors between 14 and 17 years of age, **young single women who are pregnant or have young children** aged 3-12 years old. This target group includes individuals who recently arrived in Sicily and commonly abandon reception centres to travel to Paris. Lack of detailed knowledge of the journey is common and payment for the trip is often made by third parties living in France. They are generally accompanied by alleged husbands, who often turn out to be intermediaries or trolley boys. They generally spend on average between 24 and 72 hours at the border.



NIGERIANS

Young women up to 30 years of age, with children, who arrived in Italy between 2014 and 2017, have already travelled to France and have returned to Italy after spending a relatively long period of time abroad. The majority were victims of trafficking and currently they are at risk of re-trafficking. They lack papers and are generally part of a broader network of co-nationals.



1.2 Identification of victim of trafficking in Italy

Trafficking and exploitation are hidden issues: the emersion and identification of the victims represents a challenge for all the operators involved. The form of control, coercion and violence the victims receive from smugglers and exploiters are the first reasons why they struggle to ask for help and escape from their state of subjugation. At the same time, the fear of the consequences of a potential rebellion, the scarce perception of their victim status and feelings of "gratitude" to those who helped them to leave the country of origin, often interfere with the process of identification of trafficking victims and therefore the possibility of offering them adequate assistance.

The difficulties encountered when detecting trafficking or exploitation constitute an obstacle in the attempt of establishing a relationship of trust with the victim and the victim's identification itself. On the contrary, **early identification** facilitates the adoption of the adequate measures of assistance, contained in the current legislation, allowing the victims to escape from the exploitation. The faster the processes of identification, the more efficient the measures of assistance: a prompt intervention may prevent the victim from being physically involved in a situation of exploitation or avoid being re-trafficked.

The procedure of identification of a current or potential victim of trafficking and/or severe exploitation, comprises of two stages:

- a first stage of **preliminary and informal identification**, to be executed mainly through the observation and application of trafficking indicators and profiles, in case of emerging suspects and doubts about the possible status of victim (in the E.V.A. project, it is implemented by Save the Children's anti-trafficking team).
- a second stage of **formal identification, conducted by qualified anti-trafficking organizations**, whose purpose is definitely to detect and identify the victim of trafficking (in the E.V.A. project it is implemented by Consortium Agorà in cooperation with the Italian national anti-trafficking helpline).

Two aspects emerge from this distinction: the first is the necessity to know and correctly apply **trafficking indicators and profiles** to guarantee an effective preliminary identification of the victim; the second aspect is the importance of a correct referral to the relevant authorities for a formal completion the identification. In this coordinated process, an early identification is fundamental to guarantee an effective formal identification and protection of a victim of trafficking. The process of identification, emersion, custody and exit from exploitation is a unique and complex procedure.

The trafficking indicators and profiles listed below are not necessarily expected to occur for a case of trafficking and exploitation to be recognized. Likewise, the presence of an indicator does not necessarily relate to a case of trafficking; for this reason, it is important to detect as many indicators as possible, and eventually refer and follow up with competent authorities. The situations in which victims of trafficking and/or severe exploitation may be involved are different from one another. Hence, the collection and assessment of indicators are essential when assisting a presumed victim in a condition of vulnerability.

It's essential taking into account physical and psychological health condition of the potential victim of trafficking, during the pre-identification and formal identification procedure as well as her/him security, privacy and safety.

1.3 In case of a minor presumed victim of trafficking and exploitation

In the case of a minor who is a presumed victim of trafficking with the aim of exploitation, the following risk factors have to take under consideration:

- ➔ The younger the minor is the more vulnerable, however, even when they are about to reach the legal age of 18 years, the minor may be more vulnerable and exposed to risks of exploitation. To identify a minor presumed victim of trafficking, it should be considered that under the pressures of criminal organizations, a minor could declare themselves as an adult and could more easily become victim of exploitation. In case of doubt, it is necessary to consider the presumed victim as a minor.
- ➔ There is no gender excluded from the risk of trafficking. Underage girls most often exposed to forced sex work mainly come from Ivory Coast, Nigeria, Romania and other countries in Eastern Europe, (however young boys may be targeted as well) otherwise minors most exposed to risks of labour exploitation, as well as exploitation in illegal activities, are mainly males from Egypt, Bangladesh, Nigeria, Albania, Pakistan and other countries of origin in sub-Saharan Africa. Transgender migrant minors from any country are at high risk of being recruited by criminal networks and be exploited and abused.
- ➔ Minors who have just arrived in Italy due to the lack of trusting relationship and knowledge of the customs and laws of the new context, could refer to dangerous connections, linked to criminal networks, exposing themselves to risks of exploitation. Furthermore, criminal networks sometimes reach out to minors just a few days after they have arrival in Italy, forcing them to leave the reception centres and to move to other places. The goal is to avoid that victims can build trusting relationships with social workers and other minors, that could steer them away from future exploitation.
- ➔ Minors with a low level of education and low proficiency of the Italian language are more exposed to the risk of deception and exploitation. Besides educated people may have been forced by circumstances or closed people/family members rely on criminal circuits.
- ➔ Adult exploiters exercise control by monitoring girls or over the phone, or through social network, blackmailing, threats and rituals; behind it, there is often a “romantic relationship” between the victim and her exploiter the victim is often subordinated to a person of trust.

1.4 The legal framework

The Italian legislation to combat trafficking in human beings is essentially based on:

1. **Law 228/2003** “Measures against trafficking”(mainly its art.13)
2. **Art. 18 of D.lgs 286/98** “Unique test about immigration”
3. **National Anti-trafficking and serious exploitation of human beings Plan 2022-2025**
4. **Articles 600, 601, 602 of the Penal Code**

The **article 13** of law no. 228/2003 defines a special assistance program that guarantees, on a transitional basis, adequate accommodation, food and health and psychological care for victims.

The real protection of victims is anyway related to the release of a special permit of stay, as provided by **article 18** of law no. 286/1998, an advanced model in this field as it is not bound to the cooperation of victims in criminal proceedings against traffickers or exploiters.

The National Plan against trafficking and serious exploitation of human beings is the second subsequent document defining tasks in the field of counteracting trafficking in human beings.

The European Directive 36/2011 emended **art. 600** (Placing or holding a person in conditions of slavery or servitude) and **601** (Trafficking in persons) **of the Italian Penal Code** with the aim of strengthening the punishment of perpetrators by ensuring that all forms of trafficking in human beings are punished under the Criminal Code.

Furthermore, if a person has been victim of trafficking and exploitation and in fear of persecution or danger in their home country, they can **apply for international protection**. The competent body for the examination of the asylum applications is the Territorial Commission for the Recognition of International Protection that may grant the individual a form of international protection according to the Geneva Convention and other international and national regulations.

In the case of minor: both Article 18 of Law 286/1998 and Article 13 of Law 228/2003 are extended to minors victims of trafficking. Furthermore, the **law 47/2017** “Provisions on measures to protect unaccompanied foreign minors”, has a specific article. **Art. 17** “Children victims of trafficking” that changes Art. 13, co. 2 of Law 228/2003, establishing special protection for minors through a program that ensures adequate reception conditions and a psycho-social and legal assistance. In addition, **Art. 15** ensures emotional and psychological assistance by the presence of suitable persons ensuring the right to participate in all judicial and administrative proceedings concerning the minor.

According to **the Penal code**, as far as minors are concerned, the conduct is punished as trafficking in persons even if the crime is not committed by fraud, deceit, threat or by promising or giving money etc.

Finally, the **Legislative Decree 24/2014** on the concept of “vulnerability of the victim” considers unaccompanied minors among others as vulnerable, while **the law 199/2016** provides for a specific aggravating circumstance when one or more of the recruited people are minors under the age of 16 (with an increase of the penalty from one third to one half).

In the European framework, regarding child victims of trafficking and exploitation, the **European Directive 36/2011** provides that member states must:

- Consider the best interests of the minor.
- Consider the victim as a minor when there is any doubt³.
- Consider opinions, needs and fears of the minor.
- Designate a guardian or legal representative for the victim, also ensure support for the victim's family if they live in a member state and ensure immediate access to free legal aid.
- Ensure special care during the procedure of victim identification.
- Evaluate the situation of unaccompanied minors individually on a case-by-case basis, providing them with different solutions including repatriation, integration or international protection.



THE BENEFIT OF DOUBT

The benefit of doubt is described as the right of an individual to be regarded as a minor even despite doubts about that person's actual age. The victim is effectively classified as a minor, regardless of doubts of his/her actual age, in order to receive immediate access to assistance, support and protection. The assessment is never completely correct: it is scientifically proven that no medical assessment can provide an exact definition of a person's actual age. In case the result of the social and health exams is uncertain, the age of minority is estimated by law.



THE PERCEPTION OF EXPLOITATION

Often minors who find themselves in an exploitative situation do not perceive themselves as victims and do not consider the adults involved as exploiters. The person involved in the criminal network is often perceived by the minors as the person who has given them the opportunity to arrive in Italy, paying for the trip to Europe and providing them with support and knowledge. In addition, criminal networks implement different strategies to maintain control over the minor, and to reduce the perception of their exploitation.

1.5 Indicators to identify minor presumed victims



INDICATORS RECOGNIZED BY OPERATORS DURING OBSERVATION

- ✓ They are unaccompanied and separated children (UASC) between 14-17 years, even younger.
- ✓ They are mainly female.
- ✓ Most of them come from Nigeria, Ivory Coast, Guinea, but also from other countries of Nord Africa or Sub Saharan Africa.
- ✓ They tend to interact with others to prove their strength, becoming at times aggressive.
- ✓ They could be controlled by an adult person mostly from the same country of origin.
- ✓ Some minors arrive at the border with an adult who may be not a real family member but someone connected to the criminal network.



INDICATORS RECOGNIZED DURING THE FIRST CONTACT

- ✓ Minors may report that they have no documents, because they were taken away by the controller, or show false identity documents.
- ✓ They say they left their country to continue to study or to start an athletic career.
- ✓ If they come from Ivory coast or Guinea, usually they declare don't want to stay in Italy.
- ✓ During their stay in Italy, they have been moved to more than one city in a short time but they don't have a clear idea of their geographical movement.
- ✓ Because of the trauma they experienced, they could show either a sexual behaviour which is too mature for her age or otherwise a total rejection of emotions and sex.
- ✓ Some of them may have attitude and behaviour suggesting that they have been experienced GBV⁴ and abuse in their home country or during the trip to Europe.
- ✓ They tend to be very quiet or they may assume a defiant attitude and may respond to the operator's question with prearranged answers, probably suggested by traffickers (thave distrustful attitudes and do not trust operators).
- ✓ The minor may have confused information about the destination, the reason, and the cost of the trip.
- ✓ In most cases, they try to cross the border quickly (24 -72 hours).
- ✓ The minors may have no luggage and no money to manage the expenses of the first time.
- ✓ They seem to be controlled by people belonging to the criminal network (also by phone):
 - continuous presence of the *passeurs* that rarely left them alone;
 - presence of older women that seem to have roles of control over others;
 - persistent monitoring by phone.

**WARNING**

Irregular contact with family relatives in the country of origin and a consequent difficulty to receive sufficient moral and/or material support can leave the minor particularly vulnerable. In the same way, too much contact on the phone with family relatives could be an indicator of being controlled.

**WARNING**

Often, they have arrived with a man who appears to be their husband.
→ Be careful! These men could be the passeurs working with traffickers.

1.6 Indicators to identify young women presumed victims**INDICATORS RECOGNIZED BY OPERATORS DURING OBSERVATION**

- ✓ They come mainly from Nigeria, Ivory Coast, Guinea.
- ✓ They appear isolated from the rest of the group and show attitudes typical of people who have been abused; some of them may have attitude and behaviour suggesting that they have experienced GBV in their home country or during the trip to Europe.

**INDICATORS RECOGNIZED DURING THE FIRST CONTACT**

- ✓ Most of them have recently arrived in Italy, on the southern coast of the country, by sea after a transit through Libya or Tunisia.
- ✓ Most of them arrived at the border, after have escaped from reception centres just after few weeks or months.
- ✓ Usually, they have distrustful attitudes and do not trust operators.
- ✓ They may say to have a contact in France who will help them to find a job, above all in Paris but they don't know any details of this trip.
- ✓ They seem to be controlled by people belonging to the criminal network:
 - continuous presence of the *passeurs*⁵ that rarely leave them alone;
 - presence of women that seem to have roles of control over others;
 - their phone may ring constantly. Often the calling number is saved in the address book as "AMORE" (love). Sometimes the calls could be from others (Mom, Brother, Sister, Honey etc.).
- ✓ If they come from Ivory Coast or Guinea, they could be Muslim.
- ✓ If they come from Ivory Coast or Guinea, they often recognize themselves as victims or at risk of forced early marriage or they have escaped from their country to avoid FGM⁶.

**VICTIMS OF RE-TRAFFICKING**

Mostly young women, alone or accompanied by children coming from Nigeria or other countries. They say they arrived in Italy between 2014-2017 where they have been victims of trafficking and sexual exploitation, (they have also been involved in the transporting of illegal drugs) then they have escape in France or Germany where most of them have given birth to children.

Currently, they are trying to come back to Italy, travelling without any document; usually they are scared to be tracked by *Madames* in order to be exploited again- in this case, they may be at risk of re-trafficking, and for this reason they often ask for support to operators for a safe place to stay.

From what emerges from their stories, the women seem to be well connected to a transnational network who are well organized in the border territories.

1.7 Indicators to identify women with children presumed victims



INDICATORS RECOGNIZED BY OPERATORS DURING OBSERVATION

- ✓ They are women or young women with children, mainly in the 0-6 age group.
- ✓ Most of them come mainly from Nigeria, Ivory Coast, Guinea.
- ✓ They appear isolated from the rest of the group and show attitudes typical of people who have been abused. Some of them may have attitudes and behaviour suggesting that they have experienced GBV in their home country or during the trip to Europe.



INDICATORS RECOGNIZED DURING THE FIRST CONTACT

- ✓ Most of them have arrived in Italy recently, by landing on the southern coast of the country after a transit through Libya or Tunisia.
- ✓ They declare they want to reach their families in Europe, but they cannot explain exactly who they are and where they are living.
- ✓ They may have bought fake ID in Ventimiglia (rarely in Milan or Genoa) or have only borrowed them for about 450-700 euros.
- ✓ They report to have already tried to cross the border by walk from "Passo della Morte"⁷ or by train.
- ✓ They often have distrustful attitudes and do not trust operators.
- ✓ They seem to be controlled by people belonging to the criminal network:
 - continuous presence of the *passeurs* that rarely leave them alone;
 - presence of women that seem to have roles of control over others;
 - their phone may ring constantly. Often the calling number is saved in the address book as "AMORE" (love). Sometimes the calls could be from others (Mom, Brother, Sister, Honey etc.).



WARNING

Some women could be employed in the transport of drugs and fake documents.



WARNING

During the assessment implemented in Ventimiglia, suspect has emerged regarding some strange incidents. Some minors arrived at the border traveling with adults (mostly women) with whom they are not related by blood. In fact, the adults report having received minors in foster care from very poor families to accompany them to Europe, with Paris as their destination. To date, it remains unclear what the role of these self-styled aunts is: there is the possibility that the children may instead be only a tool for possible secondary benefits. In this sense, the children could therefore be at risk of trafficking, potential exploitation and/or abuse, and increased vulnerability, including psychosocial vulnerability. During the implementation of E.V.A. project, the attention will remain high related to this phenomenon, and the monitoring implemented by operators at the border will be constant, therefore.



PRESUMED VICTIM WHO HAVE ALREADY TRIED TO CROSS THE BORDER

Some presumed victims meet in Ventimiglia and have already tried once to cross the border. It is possible to recognize this experience and consider it in the first evaluation, because of the information and details⁸ shared with operators, may suggest the presence of a criminal network who control victims in transit: they have already tried to cross the border by train, with a regular ticket, or by taxi, using a fake ID; sometimes, they refuse to stay in a shelter saying that they have already a place to stay and the usually declare that someone else paid for the trip to France but they don't know who the person is.

1.8 Referral System

The Organisation for Security and Cooperation in Europe (OSCE) defines a national referral mechanism as a cooperative infrastructure at the national level through which state actors coordinate their efforts in a strategic partnership with civil society to identify, protect and assist victims of human trafficking and ensure the protection of human rights.

Regarding the national context, the **National action plan against trafficking and serious exploitation of human beings 2022-2024 (NAP)** was approved by the Council of Ministers on 19 October 2022. The current anti-trafficking action plan is as a follow up to the previous NAP, in force from 2016-2018 and provided for the adoption of the National referral mechanism (NRM). An NRM is defined as a set of **recommendations, measures and practices that will guide all actors involved during all necessary steps in the fight against trafficking and in line with existing human rights protection standards**. The NRM is currently being updated under the current NAP. Referral is therefore a fundamental mechanism with respect to the referral of presumed trafficked persons to qualified personnel, a working tool and a system of cooperation that supports the actors involved, step by step, at any stage of the process of identification, assistance, protection, voluntary return, social and labour inclusion of potential trafficked persons.

Through referrals, operators communicate the case of the victim and all the information emerging from the measures previously adopted to the relevant authorities. A correct execution and completion of the referral mechanism is fundamental to support the victims and allow them to exit exploitation. In fact, a person identified as a victim can have access to new accommodation in a secret place and participate in a program of support and social integration; the minor identified as a victim will also be able to request, under specific conditions, a special residency permit for victims of trafficking and/or exploitation.

1.9 Standard operating procedures for the area of Ventimiglia

The purpose of the Standard Operating Procedures (SOPs) for actual, presumed, or potential victims of trafficking or severe exploitation of human beings is **to formalize a document containing all the recommended measures, actions, information, modalities, and timelines** considered useful **to identify and take into custody presumed or actual victims of trafficking and exploitation**, especially minors, young girls or women with children.

These SOPs represent a logical timeline of measures/actions put in place in the area of Ventimiglia by **Save the Children's anti-trafficking operators** and **by the local anti-trafficking organization** working all for the European Project 'E.V.A.'; anyway, these SOP's can be useful for all the other operators that meet people at risk of trafficking, included the territorial anti-trafficking organizations that take care of formal identification of the victims, that have been previously pre-identified by Save the Children's operators.

First contact

WHAT: The phase when the presumed victim of trafficking is met for the first time by the operator who starts to collect indicators of trafficking and exploitation.

WHERE: It can take place anywhere, but it is more common to happen in spaces and places crossed by migrants like the train station, the parks, the main streets in front of the parks, the staircase of the main theatre, under the bridge of the Roja river or near the border with France, mainly during outreach activities, or, in case of minors in CFS⁹.

WHO: The first contact is carried out by **Save the Children's anti-trafficking team** (the case worker and the cultural-linguistic mediators) or, sometimes, operators from other organizations (e.g. Caritas, Diaconia Valdese, We World Onlus). Moreover, the 'first contact' could eventually be implemented by border police or by other actors who are engaged with migrants in transit.

HOW: The operators evaluate the primary needs of the person and they try to give an initial response, which can be the basis in building a trusting relationship. After having responded to the primary needs, the operators organize an initial interview and, by using strategic questions, analyse whether the person shows indicators of trafficking and exploitation. In this first phase, it is strongly recommended not to proceed with long and in-depth interviews as there would be the risk of compromising the entire anti-trafficking intervention process.

WHAT COMES NEXT: If the operator from other organizations recognizes trafficking indicators, it is strongly recommended that they make an appropriate referral and/or report the case to Save the Children's anti-trafficking team who work in the area in the order to meet the presume victim and implement a pre-identification procedure.

First contact in case of minor

In border activities, the first contact with a minor is carried out very quickly and it is not always possible to implement the activity in a safe and child friendly space. Nevertheless, **Save the Children's anti-trafficking team** always try to ensure, primarily, the minor's safety and security.

In any case, before starting any procedure for a minor presumed victim, it is important to assess if they are travelling alone or with an adult of reference and the nature of their relationship.

If the minor is traveling alone, unaccompanied by an adult, please, be cautious during the following pre-identification procedure and consider the presence of multiple risk factors, including possible trafficking indicators listed in in the dedicated section for minors.

Therefore, it seems essential to dedicate a listening space for the minor so that he can understand the role and functions of the team. At the same time, it is necessary to consider that the minor may already be the recipient of protection and prevention measures, may hold a residence permit, may already have a legal guardian; he should be immediately informed of the minor's presence at the border and about all possible risks of trafficking and exploitation.

If the minor is travelling with an adult, it is a priority to observe and to assess the protective nature of the bond, whether the minor trusts the adult, whether he or she recognises him or her, whether the adult exercises parental care functions. Similarly, observe the child's behaviour, depending on the age group he or she is in, to be able to define whether the family bond is secure, trying to understand whether there is real kinship. Furthermore, whenever possible, the minor and the adults will be interviewed separately with the support of a cultural mediator, and the information provided in all the interviews will be compared and examined. The interview should be conducted in a safe, quiet place, free from pressure or interference outside, specifically suitable for receiving minors (in no way should they be in the same room). The assessment of family relations is also a necessary check to provide a quick assessment of the minor's risks and safety.

Please, be careful and take into consideration that you may be in the presence of a person connected to the criminal network if:

- the adult disputes the interview and try to stop the minor;
- the minor is very scared to speak with social workers;
- the minor and the adult speak different languages;
- they provide different information (about the family, the travel, the future etc);
- their attitudes are cold and formal (they don't seem to be familiar).



THE AGE ASSESSMENT

The procedures concerning age assessment are governed by art. 4 legislative decree no. 24/14 and the relevant d.p.c.m. no. 234/16, art. 19 d.lgs. no. 25/08 and art. 8 d.p.r. no. 448/88¹⁰. The age assessment involves all the procedures to determine the minor's age, just in case of well-founded doubts; in accordance with the legal guardian -if they are already nominated by the local Juvenile Court- and based on specific reasons, the Public Prosecutor's office in the Juvenile Court may request -also under a pre-request by local police, social services, operators working in the reception centres, or the Territorial Commission for the International protection, an age assessment, which consist in a social and health check, under advice of the Public Security Forces or operators of immigration centres.

The age assessment is carried out mainly through documents adequate for the purpose: passport, identity card, even if not valid, birth certificate or other identification document as long as it has a photograph (unless there are reasonable doubts about their authenticity). For this purpose, may also be requested the cooperation of the diplomatic-consular authorities of the country of origin of the person concerned, just when the minor is not an asylum seeker or does not want their intervention.

When the mentioned documents are not available and well-founded doubts remain about the age declared by the presumed minor, the Public Prosecutor's Office at the Juvenile Court may order socio-sanitary examinations to determine the age. The social and health check must be executed by multidisciplinary staff in an adequate environment, in the presence of a cultural mediator and by adopting non-aggressive methods, adapted to the individual's alleged age. Until the results of the examinations are available, and the age determination procedure is concluded, the measures related to child protection (such as prohibition of deportation, prohibition of detention in temporary detention centers, obligation of placement in a safe place, etc.) must be applied.

It is required to keep the minor informed about the entire procedure and the results, translated into a language that they understand. Moreover, it is mandatory to keep informed their legal guardian, law enforcement and the institutions involved in this procedure. Until the confirmation of the age assessment and even beyond, if doubt on the age persists, the minor age must be presumed.



WHO IS THE LEGAL GUARDIAN?

In the absence of an adult family members present who can provide guardianship for the minor, the local Juvenile Court nominates a volunteer within 30 days from the date of the referral. The volunteer will be the guardian and the legal representative of the minor during the administrative process and will look after the minor. The guardian must be an adequately experienced and prepared individual that will guarantee the minor specific rights and establish common action with the reception centre where the minor is based and with the anti-trafficking organization who has in charge the minor.



WARNING

According the Italian Civil law, any person who comes into contact with a minor in state of abandonment must refer them to the public authority so that those who for various reasons become aware of the entry presence on the territory of the state of an unaccompanied foreign minor -included social workers- are obliged to give notice, within 48 hours to the relevant Police Headquarters (ex art. 7 dlgs 286/1998). The Authority of Public Security is immediately obliged to report its presence to the Prosecutor's Office Republic at the Juvenile Court, to the Juvenile Court and to the Directorate General of Immigration and Integration Policies at the Ministry of Labour and Social Policy¹¹ (through the local social service) in order to provide with the designation of a legal guardian and an adequate reception for the minor.



POLICE AT THE BORDER

An unaccompanied minor cannot be expelled from Italian territory nor be detained for reasons of their irregular entry or presence on Italian territory. The legal framework for the protection of unaccompanied minor in Italy is based, in fact, on various international conventions, transposed into national law. If an unaccompanied minor is encountered by the border Police, the Authority of Public Security is obliged to suspend any refoulement order and notify the minor's presence to the Juvenil Court, which will take all the measures to protect the minor.

During this procedure it is possible that the Authority of Public Security recognize some indicator of trafficking; in this case, they are obliged to report this risk to the Juvenile court. In the other cases, it still strongly recommended to provide specific information on trafficking and exploitation. The border police or/an any other authority of Public Security can always request support to the Save the Children anti-trafficking team present on Ventimiglia.

Pre-identification

WHAT: The phase when the indicators of trafficking and/or exploitation are detected by using an initial qualitative interview.

WHERE: The interview takes place in a safe and isolated space for the presumed victim of trafficking to feel comfortable and able to tell her/his story and ask for help.

WHO: The interview is carried out by Save the Children's anti-trafficking team (the case worker and the cultural-linguistic mediators).

HOW: Once the referral has been received, or after initial direct contact with the presumed victim, **Save the Children's anti-trafficking team** takes charge of the person and starts a pre-identification interview in a safe space. The interview is based on strategic questions designed to evaluate the indicators revealed during the first contact, and to provide with specific information on protection measures, rights, and services dedicated to people who have been subjected to trafficking. Finally, Save the Children's anti-trafficking team offers the person the possibility of getting in contact with the local anti-trafficking organization that will be able to conclude the identification procedure, and/or, when is necessary, provides the contacts of the anti-trafficking organizations -project partners- active in France and Spain.

WHAT COMES NEXT? During this phase, if the presumed victim of trafficking agrees to be helped to escape from his/her exploitative condition, she/him could be settle in a temporary emergency shelter while waiting for the meeting with the anti-trafficking organization that will ultimately finalize the identification procedure; once the victim identification procedure is completed, the protection phase will start by placing the victim in another specific safe place.

Pre-identification in case of a minor

After the assessment of family relations and the evaluation of the indicators resulted during first contact, the pre-identification procedure will start.

During this time, the minor must be informed about the risks of exploitation, their possible condition of a victim and how to be protected and removed from exploitation. The information provided must be reliable, consistent and clear, without raising false expectations and/or confusing and frightening the minors; the evaluation of profiles and indicators must be conducted through formal and informal talks with the minor in the presence of an anti-trafficking cultural mediator, as well as a detailed observation of the minor's behaviour; moreover, it is important to provide them with:

- ➔ an assessment of the minor's perception of their condition as presumed victim and their own safety
- ➔ an evaluation of possible risks for the next future minor's safety and an assessment of safety conditions including any involvement of his family in the trafficking
- ➔ an evaluation of the status of the minor (is the minor = able to make informed decisions about their future? Has the minor received enough information to make their own decision?)
- ➔ planning of the next steps developed in a shared and participatory way with the minor.

Formal identification

WHAT: A gradual process aimed at understanding whether a person is a victim of trafficking or at risk of trafficking. Therefore, it guarantees access to the emergence and protection phase, aimed at the social reintegration of the survivor of trafficking and exploitation. It is, indeed, not a standardized process. Through the observation of the case, made of various interviews that establish a relationship of mutual trust, the person will be able to choose whether to escape from the network of exploitation and start a process of social inclusion.

WHERE: The interview takes place in a safe space, usually in the offices of the anti-trafficking organization or inside the temporary emergency shelter - where the person was temporarily welcomed in the previous phase.

WHO: The operators working in **the territorial anti-trafficking organizations**.

HOW: The purpose of the interview is to officially identify the victims and help them to become aware of their condition and learn about the various opportunities of escaping from the exploitation system. The person is also informed about the opportunity to join a social protection program or about filing an international protection request.

In this phase, the operators start an evaluation process that is made up of interviews and aimed at the construction of a relationship of trust that can help the operators to understand the story and the migratory background of the person: their current condition, her past experience related to exploitation, or the current risk they seek to escape from. Other possible elements of vulnerability are also examined.

This phase aims at developing awareness of one's status as a victim of trafficking and exploitation and/or preventing the risk of exploitation.

WHAT COMES NEXT? During this phase, the victim can accept help from an anti-trafficking organization to escape from exploitation. The organization can offer protection and information about the single social protection and integration program in Italy (Art. 18-Legislative Decree 286/98 Italian Immigration law).

Formal identification in case of a minor

After the pre-identification implemented by the Save the Children anti-trafficking team, the cases will be referred to the regional anti-trafficking network for the formal evaluation. Thereafter, local social services will receive the referral and place the minors in proper accommodation.

The formal identification of a minor must be implemented by the **local anti-trafficking organization** through one or more interviews that must be comply with the needs of the minors, as well as **their best interests** and respecting their safety and must be authorized by the legal guardian, if already assigned by the Juvenile Court, and in coordination with the territorial social service.

During this procedure, it is still useful to continue collecting indicators to verify the information provided by the minor that must be conducted through a non-judging approach in a **child friendly space**, to adequately welcome the minor in an environment which is serene and suitable to the minor's necessities.



THE BEST INTEREST OF THE MINOR

The assessment of the best interest of the minor is essential when setting a plan of action. The definition of the best interest is a continuous, transversal and multidisciplinary process which is conducted in every stage of the guardianship of the minor, taking the minor's opinion into primary consideration.

Social protection

WHAT: The social protection phase provides the person identified as a victim of trafficking with a system of reception and protection, and subsequently a program of assistance and social integration aimed at supporting the survivor, by building back their own identity through a process of auto-determination.

WHERE: Within the spaces provided by the social protection projects managed by the anti-trafficking organizations.

WHO: the territorial anti-trafficking organizations.

WHAT COMES NEXT? The victim of trafficking and exploitation has the right to request and obtain a residency permit issued by the Ministry of the Interior and pursuant to Art. 18 Legislative Decree 286/98 with an initial duration of six months - that can be extended to a year (or to a longer period, in case of an ongoing legal case with the Justice System).

This residency permit allows the person to access welfare services such as education and health, enrol in the Employment Centre, and carry out work activities. Moreover, if the person finds a stable job or starts to study, the residency permit can be converted into a permit for study or work purposes.

Social protection in the case of a minor

When a minor is identified by the anti-trafficking organization as formal victim, they must be transferred to an anonymous and safe accommodation appropriate for his/her age.

If it is possible, this shelter will be specialized in dealing with minors who are victims of trafficking, where he/she can start a process to exit out of the exploitation, with an appropriate mechanism for taking care of psycho-social needs. If this is not possible because the maximum number of minors has been reached in the shelter, the minor will be sent to a reception centre for unaccompanied minors and will be supported and consulted by the local anti-trafficking organization.

The transfer to this kind of shelter is subject to the tutor's authorization and must take place after informing the minor and listening to their opinion, and if only the transfer represents minor's best interest. In this reception centre, the minor has the opportunity to follow an Individual Educational Project¹² implemented by a specialized educator, in agreement with social services, Juvenile Court and the legal guardian.



THE ART. 18 LEGISLATIVE DECREE 286/98

The residence permit allows the person to access welfare services such as education and health, enrol in the Employment Centre, and carry out work activities.

Regarding the possibility of regularisation, there are, as indicated in the National Action Plan against trafficking and serious exploitation of human beings for the period 2022-2025, various procedures for the protection of the person. The person has the possibility to apply for and obtain a residence permit under Art.18 and/or the possibility to pursue the application for regularisation through applying for international protection.

In the first case, the victim of trafficking and exploitation has the right to request and obtain a residency permit issued by the Ministry of the Interior and pursuant to Art. 18 Legislative Decree 286/98 with an initial duration of six months - that can be extended to a year-and half. Art. 18 activates two pathways: the judicial pathway, whereby the alleged victim reports the trafficker, cooperating in the judicial process and the social pathway, whereby the victim could not collaborate in the judicial process, but some elements suggest that should still be protected by Article 18.

Both pathways provide the victim with the opportunity to enter into an individual and personalised integration project in the Italian anti-trafficking system.

In the second case, the person can apply for international protection at the Police Headquarters, which will forward it to the Territorial Commission; until the Commission's decision, the victim will receive a temporary and renewable document, with which the asylum applicant can work after 60 days from the issuing of the document.

In the case of international protection application, the anti-trafficking organization that has identified and taken in charge the victim, may submit to the Territorial Commission a report on the person's history, highlighting the indicators of trafficking and exploitation in the account.

The Territorial Commission examines the report and take it into consideration during the victim's hearing in order to proceed with a decision on her request for international protection.



ACTIVE LISTENING

It is a practice used during interviews with vulnerable people that consists in fully concentrating on what is being said rather than just passively 'hearing' the message of the speaker and involves listening with all senses, as well as giving full attention to the speaker. Using active listening with people of concern allows the recognition of conditions of vulnerability, especially psychological and/or health-related conditions and it is and strongly recommended to use active listening in the presence of minors presumed victim of trafficking.



THE METHODOLOGY OF THE INTERVIEW WITH A PRESUMED VICTIM

Supporting and working with a trafficking victim requires compliance with certain principles to ensure that these people are protected and properly cared for. All procedures planned and applied to identified victims of trafficking must adhere to the following guidelines:

1. They must incorporate a sensitive observation and approach to human rights, gender, age, and presumption of the victim status.
2. The privacy and confidentiality of presumed victims of trafficking must be respected at all stages.
3. The interview must be conducted in a safe place, and in an informal setting, to enable the presumed victim of trafficking to feel comfortable asking for support.
4. Presumed victims of trafficking must be well informed about their rights, obligations, and respective procedures in a language and manner they understand, through the active involvement in teams of cultural mediators with an anti-trafficking case worker.
5. Profiles and indicators useful for managing the case must be used in the interview.
6. The principle of the benefit of the doubt must be applied in the assessment of the case.
7. Presumed victims of trafficking must receive all necessary protection and assistance until the final decision on their formal status is made.
8. Protection and assistance provided to presumed victims of trafficking must not be made conditional on their willingness to participate in the criminal proceedings.



THE INTERCULTURAL MEDIATION

It is of paramount importance to ensure intercultural mediation at all stages of the work with a presumed or potential victim. The cultural mediator trained in trafficking and exploitation can facilitate communication between the anti-trafficking worker and the presumed victim and is also able to convey both cultural codes, social ethics, and understand the peculiarities of migration phenomena. The cultural mediator practices suspension of judgment in empathic listening to the person and shares approaches and objectives by acting as a bridge between the operators in order to facilitate contact, engagement and the building of a relationship of trust with the presumed victim. The cooperation between the cultural mediator and the anti-trafficking worker makes it possible the identification of victims of trafficking and in general to facilitate the path of protection, support and inclusion dedicated to survivors.

2

S P A I N



2.1 Assessment implemented in Irun

The intervention is based on the study “Cruzar la Muga” (“Crossing the border” SKY Consulting, 2022) and on the assessment conducted in the area of Irun from May to June 2023 through documental analysis, interviews with labours working with migrant people in transit and with victims of trafficking and sexual exploitation, and 10 outreach and observing activities with the target group.

Irun is a city of transit for migrants, who mainly arrive from the Canary Islands and the southern border of Spain, in an attempt to cross the border to reach France or other European countries. The numbers of migrants –including minors and people with vulnerability - transiting to Irun, has increased rapidly in the last few years, with 5.837 people in 2018, 4.244 in 2019, 3.493 in 2020, and reaching 8.115 people in 2021.

The assessment was conducted in Irun, principally in the following areas: the area of the Red Cross Shelter, the main square of the city, and the area of the bridges where people cross the border to France. Part of the assessment was also conducted in Bayonne, a French city near the border, where the “Pausa” shelter is located for people in transit. According to the first investigations, there are many elements which make it difficult to detect possible victims of trafficking and exploitation. People in transit normally stay just for some hours or a few days in Irun before crossing the border. There is a shelter for migrant people in transit (so that, normally, people in transit do not stay in the streets, where there is a strong presence of police) but workers of the shelter are not trained in trafficking indicators. There is a lack of knowledge of trafficking indicators to detect such cases between the associations and institutions present on the territory working with migrant people and people in transit.

The phenomenon of trafficking appears to consist of **criminal exploitation** also called as **exploitation in illegal activities** (with a majority of Moroccan and Algerian minors and young boys). However, there is the possibility that **sexual exploitation** is largely present on French territory (Ivorian and Guinean women) and **labour and domestic exploitation** on Moroccan territory, and possibly in France when they arrive there (Ivorian and Guinean women, minors and young boys).

Criminal exploitation is a form of child abuse which involves children and young people being manipulated and coerced into committing crimes. Victims are forced to work under the control of criminals in criminal activities.

In the French city of Bayonne, near the border with Spain, the operators have detected possible victims of trafficking and exploitation, for criminal purpose, among underage boys from the Maghreb countries. The majority of underage boys are exploited into dealing drugs and medicine.

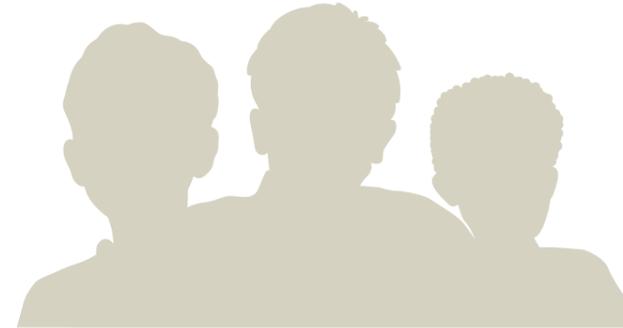
Cases of sexual exploitation haven't been clearly detected during the assessment in the area of Irun. However, it is possible that some victims of trafficking for sexual exploitation are not detected and probably not exploited in the Irun area, but in different region of Spain and/or in other European Countries. In fact, there is a significant presence of women from Guinea Conakry and Ivory Coast, and in other European Countries such as France, Italy, and Germany, some women from Guinea and Ivory Coast were detected as victims of trafficking for sexual exploitation who declared to have been exploited in Spain.

Cases of labour exploitation and trafficking haven't been detected, but there is a presence of women, minors and young boys from Sub-Saharan African Countries (Guinea, Ivory Coast, Sudan...) who referred to have been several months or years in Morocco, working there, and it is possible that they suffered labour exploitation and trafficking there. They may have also experienced labour and domestic exploitation upon arrival in France.

As a result of the assessments, the main profile of possible victims who transit through Irun consist of the following nationalities:

MOROCCAN AND ALGERIAN

Minors and young boys between 16 and 23 years old, without their families. This target group includes boys who stayed for some months/years in Spain and decide to leave the country, running away from the centres in which they were living (if underage), to go to France or to other European countries.



GUINEAN, IVOIRIANS AND MALIAN

Women of about 30 years old or younger mostly with children, some of them pregnant, who arrived in Spain's Canary Islands, Ceuta, and Melilla some months before getting to Irun. Some of them stayed in Morocco for several months. They generally travel alone with their children, if they have, or in small groups of women. They rarely travel with men and they commonly want to go to France and spend between 24 and 72 hours at the border, sleeping in the Red Cross Shelter for migrants in transit.



GUINEAN, SUDANESE, IVORIAN AND MALIAN

Minors and young boys, between 16 and 25 years old, without their families, who arrived in Canary Islands or Spain's southern border some months before getting to Irun. Some of them stayed in Morocco for several months or years. They generally travel with other minors and young boys from sub-Saharan countries. They commonly want to go to France (most of them) or to other European countries (like Belgium) and spend between 12 and 48 hours at the border, sleeping in the Red Cross Shelter for migrants in transit.



2.2 Identification of trafficking victims in Spain

In Spain, identification is a formal process that can only be carried out by the UCRIF (Central Unit of Illegal Immigration Networks and Document Falsities) of the National Police or the EMUME (Woman and Minor Team) of the Spanish Military Police in the territory. These units will conduct an interview with the presumed victim, evaluate different elements, and finally determine the existence of evidence or reasonable grounds that lead to consider that person as a victim of human trafficking.

The decision can be supported by reports made from anti-trafficking organizations, with the competence of accreditation of victims of trafficking, with administrative effects and access to social services.

2.3 The legal framework

The way in which trafficking in human beings is regulated is very focused on the criminal perspective, of prosecution of the crime of trafficking, instead of the comprehensive protection of victims¹³. This produces a rather complex diversification of the legal framework in Spain:

- Article 177-bis of the penal code regulates the crime of trafficking in human beings.
- The immigration law and the immigration regulations define the reference framework for the identification of trafficking victims, their rights, legal protection mechanisms, etc.
- Framework Protocol for the Protection of Victims of Human Trafficking.
- Law for the protection of witnesses and experts in criminal cases.
- Asylum Law.
- Statute of the Victim of Crime.

The legal mechanisms for the protection of victims of trafficking provided by Spanish regulations are:

- The residence and work authorization for the collaboration of the victim in the investigation of the organized criminal network. Art. 59 bis – Organic Law 4/2000 Spanish Immigration Law.
- The residence and work authorization due to exceptional circumstances due to the personal situation of the victim (the work authorization, in the case of being of working age, +16). Art. 59 bis – Organic Law 4/2000 Spanish Immigration Law.
- Assisted return to the country of origin (for this, it is essential to carry out an assessment of the risk that the victim may run in case of return to their country and the possibility of having the collaboration and support of organizations/institutions in the country of origin for their support, accompaniment, reintegration, and security).
- International protection (refugee status and/or subsidiary protection).

2.4 Identification of a minor presumed victim of trafficking

In the case of trafficked minors, the priority is the identification procedure of the victim status, to support them to get out of the control of the network who have treated and exploited them.

The regulations on the protection of minors contemplate two options in cases of transfer of minors between Autonomous Communities¹⁴:

- If the transfer is going to be temporary, the Autonomous Community of origin can retain guardianship.
- If the transfer is going to be final, a change of file is made and the public entity of the place of reception assumes the guardianship and the cost of the place. As the law is drafted, with a victim of trafficking it cannot be determined a priori whether the transfer is permanent or temporary, since it is normally done for security reasons.

2.5 Legal framework for minors

For unaccompanied minors, the regulations on child protection is also the fundamental legal document. The competence in matters of protection of minors is up to the Autonomous Communities.

When the public entity verifies that the minor finds themselves in a situation of abandonment, the public entity will assume guardianship and adopt the measures of appropriate protection, informing the Public Prosecutor. The law of Legal Protection of Minors provides for a series of circumstances that indicate the existence of a situation of abandonment, especially the abandonment of the minor due to the lack of persons to whom the exercise of guardianship corresponds by law.

In some cases, the unaccompanied minors could have false I.D. stating that they are adult and not underage. If they do not carry documentation, they are instructed by the networks to lie about their age and say that they have already turned 18. Thus, if at the border posts, coasts, places of prostitution, or others, a person who appears to be a minor is detected, but does not carry a document that proves it, the police forces will notify the Prosecutor and proceed to perform the tests that are normally used to determine their age. Many of them disappear during the age determination procedure.

The legal mechanisms for the protection of victims of trafficking provided by Spanish regulations are:

- The protection measures of Art. 59 bis Organic Law 4/2000 Spanish Immigration Law.
- Framework Protocol for the Protection of Victims of Human Trafficking.
- Provisions in the MENA (Spanish acronym for Unaccompanied Foreign Minors) Protocol. Resolution of 13th October 2014.

2.6 Indicators to identify minors and young boys from Morocco presumed victims



INDICATORS RECOGNIZED BY OPERATORS DURING OBSERVATION

- ✓ They are UASC from 12 to 19 years old.
- ✓ They are trying to cross the border from Spain to France.
- ✓ They used to travel together with other boys to cross the border in group.
- ✓ Sometimes they look scared and may ask for help.
- ✓ Sometimes they seem to be in an abnormal mental and physical state, probably from the use of drugs.
- ✓ They say they have already relatives in France or in Europe.
- ✓ Some of them say they live in the streets; nevertheless, they may have expensive clothes or phones, money and other stuff like electric skates, etc.



INDICATORS RECOGNIZED DURING THE FIRST CONTACT

- ✓ They say they escaped from reception centres, so they are out from the National Protection System.
- ✓ They seem to be controlled by people belonging to the criminal network coming from different countries.
- ✓ Some of them may have attitude and behaviour suggesting that they have experienced trafficking and abuse during their time in Spain, but they do not recognize themselves as victims.
- ✓ The minor may have unclear information about the destination, the reason, and the cost of the trip.
- ✓ From what they report, they arrived in Spain by sea and land, but they do not want to stay in Spain for the lack of job opportunities and prefer to get to France or Germany.
- ✓ It seems that they move continuously from different European countries where they may have different legal statuses.



WARNING

The observation and interviews with minors in Irun reveal that they have already experienced different forms of exploitation such as labour exploitation, begging, illegal economy-related transport of drugs and phones. Sexual exploitation is still hard to identify in the case of male minors or young boys.

If they have already tried once to cross the border:

- They do not give information about how they crossed the border;
- They say to have already a place to stay and refuse to rest in a shelter.



WARNING

Often, they may have criminal records related to drug and robbery crimes. It is possible to believe that they were under the influence of substances when they have committed some of these crimes.

2.7 Indicators to identify minors and young girls from Morocco who are presumed victims



INDICATORS RECOGNIZED BY OPERATORS DURING OBSERVATION

- ✓ They are young women, from 17 to 19 years old.
- ✓ Normally, they travel with documents.
- ✓ Some of them may have attitudes and behaviour suggesting that they have been experienced sexual trafficking and/or domestic servitude and labour exploitation.
- ✓ They appear isolated from the rest of the group and show attitudes typical of people who have been abused.
- ✓ They don't seem to be scared.
- ✓ Some of them may have expensive clothes or phones, money, and other items.



INDICATORS RECOGNIZED DURING THE FIRST CONTACT

- ✓ They say they arrived in Spain some years ago, as unaccompanied minors.
- ✓ They were victims of trafficking and exploitation in their country of origin.
- ✓ Most victims of sexual exploitation may have an attitude indicating an adult age, even if they are young. Most victims of domestic servitude or labour exploitation may have behaviour indicating a younger age.
- ✓ They report having a male/ female relative waiting for them in another city/ country.
- ✓ Their stories seem always confused and without any detail; they cannot explain what they did in the last years during their stay in Spain.
- ✓ They say they live in private houses.
- ✓ They cannot speak Spanish, despite living in the country for many years.

2.8 Referral system

A Referral System is the cooperation process between different organizations and authorities to facilitate, transfer information and refer the case to a specialized entity. A formal referral is done through a file of derivation complying with data protection requirements.

In order to protect victims or people at risk of trafficking by providing them with the necessary measures, it is essential to develop a Standard Operative Procedure (SOP) to formalize the process of identification and referral mechanisms.

2.9 Standard operating procedures for the area of Irun

The objective of this SOP is to standardize the processes of cases of actual, presumed or potential victims of trafficking and exploitation, establishing the necessary actions that allow preventing and responding to protection issues that affect all those person victims or at risk of becoming victims in the area of Irun.

The process has 4 main steps: first contact; pre – identification; formal identification; and social protection. The referral system can take place in all the steps of the process.

First contact

WHAT: it is the first step or phase in which one of the operators from organizations or institutions has the first contact with a presumed or potential victim of trafficking and/or exploitation or a person at risk of trafficking.

WHERE: it is common to have the first contact in places of transit of migrants, such, but not only, as Child-Friendly Spaces -in the case of minors-, train and bus stations, bridges and reception centres and their surroundings.

WHO: the first contact can be made by any operator: Save the Children staff during outreach activities, NGO staff during their work, border police, or other actors who are involved with migrants in transit.

HOW: through observation, the operator can analyse if a person presents indicators of exploitation or trafficking. These first indicators are general and sometimes are only related to not covered basic needs. Therefore, it is important that the operator is aware of some indicators that can be observed during the first contact and to keep in mind that a person may be a victim of trafficking.

WHAT COMES NEXT: If the operator recognizes trafficking indicators, it is recommended that they make an appropriate referral and/or report the case to Save the Children's anti-trafficking team who operate in the area.

First contact in the case of a minor

In the case of an unaccompanied minor, it is strongly recommended to make a referral to the National Protection System. In order to guarantee protection and safety for all the minors, it is important to provide them some information related to the organizations in France because, during this procedure, they may decide to leave the safe place to continue their migration project.

Pre-identification

WHAT: it is the process that involves recognizing signals (indicators) that suggest a possible trafficking situation through an initial interview.

WHERE: the interview should take place in a safe and isolated space for the presumed victim of trafficking to feel comfortable and able to tell their story and ask for help.

WHO: in Irun the interview is carried out by **Save the Children's anti-trafficking team** (the case worker and the cultural-linguistic mediator).

HOW: once the referral has been received, or after initial direct contact with the presumed victim, **Save the Children's anti-trafficking team** takes charge of the person and starts a pre-identification interview in a safe space. During the interview, the person receives specific information on protection measures, rights, and services dedicated to people who have been trafficked. Finally, the operator offers the person the possibility of getting in contact with anti-trafficking organizations in France or Spain.

WHAT COMES NEXT: if the presumed victim of trafficking agrees to be helped to escape from their exploitative condition, the anti-trafficking team writes a protection report and offers the option to settle in a temporary shelter while waiting for referral to the authorities. Also, the anti-trafficking team will issue an administrative accreditation in order to ensure the person's access to the exercise of information rights and referral to care resources.

Pre-identification in case of minor

In the case of an unaccompanied minor, the case has to be referred to the National Protection System and the national authorities. The administrative accreditation will be issued by the National Protection System.



WARNING

In the case of UASC, they tend to be in places that are difficult to access and are under strict control by crime organizations until they reach the age of majority. On the other hand, it is more difficult for them to report their situation due to family and personal ties with the members of the network and their loyalty towards them, the lack of autonomy, or their perception of the trafficker as a protector.

Formal identification

WHAT: It is the phase in which a person is formally identified as a victim of trafficking through the use of an in-depth qualitative interview.

WHERE: the interview should take place in a safe and isolated space.

WHO: the interview is carried out by the anti-trafficking authorities working in the territory.

HOW: these authorities will conduct an interview with the presumed victim, will evaluate different elements, and finally determine the existence of indications or reasonable grounds that will lead to consider that person as a victim of human trafficking. They will take into account the protection report and the administrative accreditation referred by the anti-trafficking organization.

WHAT COMES NEXT: If the person is in a situation of migratory irregularity, the authorities open a process of restoration and reflection. It is a measure for victims of trafficking in irregular situations so that they can make a thoughtful and calm decision about whether to want to collaborate with the authorities in prosecuting the crime of which they have been victims. The temporary stay of the victim of trafficking will be authorized. Once the recovery and reflection period is over (90 days), the police unit that had made the identification will contact the victim to find out about their decision to collaborate or not in the investigation and prosecution of the crime.

Attention to the circumstances and responses of the victim can happen in three scenarios:

- **Term extension:** If the victim requests it, is possible obtain one-time extension of the reflection period for a term additional.
- **Exemption from administrative responsibility for being in an irregular situation (the expulsion order is removed) due to the collaboration of the victim or for personal reasons of a humanitarian nature.** Once the exemption is approved, the victim can process their residence permit due to exceptional circumstances, for one reason or another (art. 59 bis – Organic Law 4/2000 Spanish Immigration Law).
- **Non-cooperation:** the provisions of the Migratory Law apply. A new expulsion order can be emitted.

Formal identification in case of a minor

The minor will be referred to the National Protection System and it will be identified as a victim of trafficking.

If the minor does not carry any documentation, the process of age determination will be held. The Public Prosecutor's Office is the authority responsible for determining age (in some territories it is the Prosecutor for Minors and in others the Prosecutor for Aliens). The age determination procedure should only be initiated with undocumented children whose minority age cannot be established in a secure manner and when these circumstances occur, the Prosecutor's Office may request evidence to determine the age¹⁵. This means that there are significant doubts about them being a minor due to their physical appearance.

If the age of the minor cannot be determined with a document, a procedure is initiated in which the minor will be interviewed by the Prosecutor's Office, and later they will undergo a morphological medical examination¹⁶.

After the test, the Public Prosecutor writes a decree where interprets all the evidence assessed (documents, interview with the minor and medical tests) and determines if they are an adult or a minor. The decree is a provisional act that has to be recognized by a judge¹⁷. After the procedure, the National Protection System receives the resolution and the Provincial Immigration and Border Brigades of the National Police Corps for its registration in the MENA Register. The MENA Register is national, and the decree will be associated with the data and fingerprint of the minor.

Social protection

WHAT: it is the phase in which a victim of trafficking has access to protection and security measures after the administrative accreditation made in the phase of pre - identification. The available resources will be put into operation to guarantee a convenient and safe accommodation, material help, psychological assistance, medical services, interpretation services, and legal advice.

WHERE: in the case of women and girls they are referred to a specific accommodation center for trafficked victims. In the case of males, there are no specific resources for victims of trafficking and so they have the possibility to access housing resources for asylum seekers in the event that they meet the requirements established by law.

WHO: the centers are provided by the regional or local administrations, or organizations and entities with experience in assisting victims of trafficking.

HOW: access to resources will be established by a referral mechanism. The referral can be made from anti-trafficking organizations and/ or authorities. Access to the resources depends on administrative accreditation and not on formal identification.

WHAT COMES NEXT: It is expected that the victim can recover and distance themselves from the situation of trafficking or exploitation.

... Social protection in case of minor



The Protocol on the victims of trafficking establishes that minors must be referred to specialized resources, not to centres for the protection of minors. The main reason is that the centres from the National Protection System normally do not accommodate to the specific needs of victims of trafficking and exploitation. Nevertheless, specific centres for minor victims of trafficking are only for girls. Male trafficking victims are referred to a centre of the National Protection System, as established by the MENA Protocol.



3

F R A N C E

3.1 Assessment implemented in Paris, Nimes and in some asylum reception centers

The E.V.A. project that has been developed in France is based on need assessments conducted by 3 different organizations that have been operating for many years in Paris and Nimes.

1. ARAP-RUBIS

Arap-Rubis is an organization created in 1996 and is based in Nimes in the south of France. It was initially created to prevent HIV and sexually transmitted diseases. Since its creation, Arap-Rubis has opened its doors to persons who prostitute themselves and/or are victims of human trafficking. The organization allows the victims to access dedicated programs that help them find a way out of prostitution, empowers them about their fundamental rights and that allows them to stay legally in France. The organization also performs outreach activities, in order to meet victims and potential victims on the streets, in the Gard area and in some shelters set up to protect victims of human trafficking or prostitution.

2. FTDA (France Terre D'Asile)

FTDA is an organization founded in 1970, set up to maintain and develop the asylum system in France, through various activities included the assistance to asylum seekers who are registered in the platforms ("Spada") and to those who are hosted in reception centers or emergency housing centers throughout the asylum procedure. Social workers from the centers aim to identify VoTs among the hosted asylum seekers. In this regard, FTDA provides them with specific trainings and tools to ensure proper and suitable support for the beneficiaries.

FTDA is also involved in the working groups coordinated by *Miprof*, together with all the French stakeholders involved in fighting human trafficking and support victims to pool our forces to identify victims, raise awareness on this issue and fight criminal networks.

3. Mist (Intervention and Sensitization against trafficking Mission)

The Mist is a specialized NGO based in Paris and created in 2020 by a group of people who have been victims of trafficking for the purposes of sexual exploitation. They work together to identify other victims, to protect them, and support them to be included, in a process that allows them to enhance their experience by helping other victims in turn. This virtuous dynamic is based on a unique social intervention methodology developed alongside people who are victims of trafficking. The Mist is a resource center for victims and professionals who meet to support them. It is also a member of several dedicated national working groups that are coordinated by the *Miprof*.

As result of the assessment implemented by these three organizations, the main victim profiles that met in Paris and Nimes included:

MINORS

In 2022, Mist received several requests of cooperation from Italian and Spanish organizations because of **an increase of potential Ivoirian victims of trafficking**¹⁸ detected crossing their country to reach France; as well as requests of cooperation from organizations in Paris because of potential indicators among underage Ivoirian girls asking for child welfare services protection. Mist survivors hosted 5 of **the minors** in peer-to-peer support groups and one of them became an active member in 2023 leading an internal identification process of **trafficking in human being (THB)** indicators. In 2023, Mist is currently assisting 11 **boys from Morocco and Algeria**, aged from 12 to 17 years old, as their legal guardian in a **court** case against their traffickers¹⁹.



YOUNG WOMEN WITH OR WITHOUT CHILDREN

In Mist and Arap-Rubis specialized associations, and in FTDA reception centers for asylum seekers, young women with or without children who **come from-Nigeria** are still the most numerous among potential and identified victims of THB. If the Europe/Nigeria trafficking has been widely documented over the past twenty years, a new **phenomenon of re-trafficking within in Europe**, particularly between Italy, Spain and France, is now observed and needs to be prevented through a new analytical framework²⁰. Other young women with or without children come from **Guinea or Ivory Coast**; ARAP met many potential Guinean victims through their outreach activities, and they were all coming temporary from Spain to Nimes and the south of France and were being exploited principally for for sexual purposes on the street. In addition, many young female victims of trafficking and exploitation with or without children come from **South and Central America**, specifically from Peru, Brazil, Venezuela, and Haiti²¹.



3.2 National system for asylum seekers and victims of trafficking

Miprof: *Mission interministérielle pour la protection des femmes contre les violences et la lutte contre la traite des êtres humains* - Interministerial mission for the protection of women against violence and the fight against human trafficking

Disposal Ac.Sé: The National Ac.Sé system allows victims in insecurity to be removed to shelter in other regions of France according to the Decree no. 2007-1352 of 13 September 2007 relating to admission to residence, protection, to the reception and accommodation of foreigners who are victims of human trafficking

Spada: *Structure du Premier Accueil des Demandeurs d'Asile* - Structure of the First Reception of Asylum Seekers

Guda: *Guichet Unique pour les Demandeurs d'Asile* - Office for Asylum Seekers

Ofii: *Office Français pour l'immigration et l'intégration* - French Office for Immigration and Integration

Cada: *Centre d'accueil pour Demandeurs d'Asile* - Asylum Seekers Reception Center

Ofpra: *Office Français de Protection des Réfugiés et Apatrides* - French Office for the Protection of Refugees and Stateless Persons

CNDA: *Cour Nationale du Droit d'Asile* - National Court of Asylum

3.3 Legal framework

In France, there are two different legal ways to be officially recognized as a victim of trafficking and exploitation, even though there is no national mechanism of identification and orientation.

The **first way** is to be officially identified as a victim of trafficking by the police, gendarmerie, or judiciary. Only these authorities can formally identify victims, and this formal identification requires victims to cooperate with law enforcement, by making a formal complaint and testify against their trafficker(s).

The **second way** is to be recognised as a refugee in France, on the motive that the refugee is at risk of being persecuted in case of return in his or her country of origin because of its affiliation to a network traffic.

Yet, civil society such as NGOs can pre-identify Victim of Trafficking and exploitation, using their own indicators, and lead them to one of these two procedures.

FORMAL IDENTIFICATION BY THE POLICE

Article 425-1 of the French Code of Entry and Residence of Foreigners and Right of Asylum provides for the automatic issue of a one-year residence permit for people who testify or lodge a complaint against cases of trafficking in human beings. This residence permit is renewed throughout the duration of the prosecution. During the prosecution, the victim also benefits from the Allowance for Asylum Seekers (ADA) and is allowed to work. The law also provides that the holder of this residence permit can access an accommodation and social integration center (but in most of cases, the victim usually depends on the common national hosting system called 115 or SIAO, which is much more precarious).

If the network and/or the exploiter are **condemned**, the victim who testified against them is granted a 10-year residence permit. With this permit, the person enters the common law with no other specific protective laws related to their status as a VoT (meaning no health or psychological support, no compensation, etc.).

If the case is **dismissed**, the victim does not benefit from any legal status, the temporary residence permit is taken from them, and she has to leave French territory.

ASYLUM PROCEDURE

After arriving on French territory, people who wish to ask for asylum have 90 days to register their application:

- In Ile-de-France region, they have to call the **Ofii** number 01 42 500 900 in order to get an appointment in a platform called **Spada** (facilities receiving asylum seekers upon arrival and those without housing proposals).
- In other regions, they can go directly to a Spada.

Spada provides information about the asylum procedure and arranges an appointment with Guda.

Guda is a single desk where the Prefecture and Ofii receive asylum seekers in order to:

- Provide them with a preliminary residence permit.
- Give them the Ofpra's file: to fill out and send within 21 days (asylum claim and personal details).
- Activate their rights to a monthly allowance and housing (under certain conditions).

Ofpra is the first asylum instance, which, after hearing the asylum seeker, decides whether they can obtain legal protection. Ofpra has also a role in the identification of vulnerabilities among asylum seekers. This assessment is aimed in particular towards VoTs thanks to the Ofpra's capacity and liability to adapt the asylum procedure-of potential victims according to this specific vulnerability. Ofpra can identify the vulnerability of an asylum seeker through the interview with a protection officer, or following a report sent by a social worker.

When a victim is identified, they can ask for adapted conditions of procedure such as:

- Accelerating the duration of the procedure in the circumstances of an emergency situation or, on the contrary, to extending it if the victim needs more time to tell their story (for example, in case of Post Traumatic Stress Disorder).
- To be heard by a female protection officer (in the case of a female asylum seeker).
- To be accompanied by a doctor or a member of an approved association during the interview with the protection officer.

In case of denial by Ofpra, asylum seekers may appeal against this decision in front of **CNDA**, who can either grant them with this protection (refugee status or subsidiary protection) or deny it.



WARNING

A victim of human trafficking can get protection from Ofpra or CNDA. However, to get this protection, the victim needs to show Ofpra or CNDA that they are trying to get out of the trafficking system. One common way is to file for a complaint against their traffickers; notes from anti-trafficking NGOs accompanying the victim can also help Ofpra or CNDA to grant the refugee status. Because of the instrumentalization of the procedure by traffickers, Ofpra and CNDA tend to ask for more and more proves from the potential victims, which makes it difficult for victims to access the protection.

If a person has claimed asylum for another motive than being a Victim of Trafficking and exploitation (as it is often the case under pressure of the traffickers, or because of beings scared), the individual can still explain to Ofpra or CNDA, during the interview, that the real issue is linked to human trafficking.



DUBLIN REGULATION

Some persons wishing to ask for asylum in France are denied this opportunity, because another State is responsible for their asylum procedure, according to the Dublin Regulation III. Most of the time, they will have to reach back to the first European country where they have been registered, causing more trafficking within the internal borders of the UE.

Dedicated program to way out from prostitution or *Parcours de sortie de prostitution (PSP)*

Article 425-1.1 of the of the entry and residence code for foreigners and right of asylum provides for the possibility of obtaining a six-month temporary residence permit renewable three times as part of a two-year support program known as the "*Parcours de sortie de prostitution*" so called PSP, by an association approved, by decision of a departmental commission.

The asylum procedure and the PSP mentioned above can be pursued at the same time.

3.4 Indicators to identify Algerian and Moroccan minor presumed victims



INDICATORS RECOGNIZED BY OPERATORS DURING OBSERVATION

- ✓ Normally they are from 10 to 17 years old.
- ✓ Most of them are located in crowded or touristic areas.
- ✓ Sometimes they sleep in the streets or in squats.
- ✓ They are often forced to use drugs:
 - Often, they smoke cannabis in public areas.
 - They can look very active or very sleepy.
 - Often, they fight each other in public areas.



INDICATORS RECOGNIZED BY OPERATORS DURING FIRST CONTACT

- ✓ Most of them are undocumented.
- ✓ Many of them often travel in groups without train ticket.
- ✓ They might have relatives in Spain who are possibly in jail.
- ✓ They might have relatives in France but have no contact with them.
- ✓ Some are arrested on a daily or weekly basis for snatching or robbery and they talk about having numerous criminal records in several European cities/countries.
- ✓ Most of them report having an addiction to Lyrica or Rivotril.
- ✓ Most of them have been physically, psychologically and/or sexually abused probably by Algerian or Moroccan adults who accompanied them.



INFORMATION ABOUT MINORS FROM MAROCCO AND ALGERIA

Moroccan and Algerian boys who are encountered in the street whilst being exploited are between 9 and 17 years old. As Mist and its partners have observed in Paris, they live in groups and sleep on the street or in squats, accompanied or surrounded by adults who force them into illegal activities (bag, phone or jewellery theft, pickpocketing or burglaries in shops) and who accustom them to the use of narcotic medicines (like benzodiazepines) then exchange them for their loot.

Police investigation in Bordeaux and Paris has uncovered evidence of trafficking. During 2023, Mist is currently acting as the legal guardian of 12 male victims of trafficking in the Court of Paris. In this case, the medical expert states the medicine "Rivotril", nicknamed "Madam Courage", is used to push young people into illegal activities (misuse of an anticonvulsant from the benzodiazepine family), however "Lyrica" is used to put young people to rest (misuse of a treatment for neuropathic pain and epilepsy). According to the medical experts, these drugs are generally associated with high-dose cannabis. In this case, adults are also known to be physically violent against them and at times even sexually violent, which is at times filmed to then use the threat of broadcasting the videos as an additional means of pressure. Medical experts state that the behaviour of these children can be affected daily by taking the medication, including drowsiness, loss of spatiotemporal landmarks, irritability, withdrawal syndrome, hypervigilance, consequences on neuronal and psychic development. Tolerance to these molecules can lead to a decrease in the effects produced, then an increase in their close intakes. Addiction-related disorders can be added to post-traumatic syndrome. These children need multi-disciplinary care and support towards and in weaning, as part of addictology care, at the risk of psychic decompensation for some. However, they are difficult to identify as victims of trafficking because of their illegal and forced activity, their great mobility throughout Western Europe and their silence regarding the violence they suffer. Today, in France, they are mainly apprehended by the police and judicial system and at times placed daily in police custody or even imprisoned.

3.5 Indicators to identify young Nigerian women with or without children potential victims of re-trafficking



INDICATORS RECOGNIZED BY OPERATORS DURING OBSERVATION

- ✓ Some of them may have traces of cuts or scars.
- ✓ They often have expensive phone(s) and different phone numbers.
- ✓ Many of them may look wealthy from their very well-groomed physical appearance.
- ✓ Sometimes they are with a presumed husband and one or more children.



INDICATORS RECOGNIZED BY OPERATORS DURING FIRST CONTACT

- ✓ They have normally spent more than 6 to 9 years in Europe but are still undocumented.
- ✓ Many of them speak more than one European language.
- ✓ They seem to know the system and how to move from a country to another, but they have a lack of medical care and no follow-up.
- ✓ They often ask protection to organizations and information about how to get documents.
- ✓ They already had a European work permit, but they decide to travel to another European country to start a “new life”.
- ✓ If they are accompanied by minors, they say that they were born in Europe.
- ✓ If they say they are accompanied by their husband, they often know very few details about him and his background.
- ✓ The reason why they are travelling may be unclear and they have very little information about their destination.
- ✓ If they were victim of trafficking in Italy, they are generally not afraid to talk about their past situation, but they do not give much information about their current one and whom they are/were staying with.
- ✓ They often express the will to apply for permission to stay and work abroad without knowing the local law.
- ✓ They say they had or have suffered from domestic violence.



INFORMATION ABOUT NIGERIAN VICTIM OF RE-TRAFFICKING

In addition to the phenomenon of Nigeria/Europe trafficking observed for 25 years and widely documented, the phenomenon of Nigerian internal re-trafficking in Europe has been also observed, which targets Nigerian women who arrived during the so-called “migration crisis” period (2014 -2017). Many of them emancipated from the debt bondage which bound them to the traffickers who had then transferred them and exploited in Europe, these women who have generally lived in Europe for six to ten years, suffer from an overall precariousness (administrative, financial, social and psychological) and some are re-trafficked a second time, abused by other traffickers: generally Nigerian men, who trap them with false promises of protection, resident permits, employment or marriage, in another state. These Nigerian traffickers, sometimes members of larger criminal networks, extensively use manipulation, both emotional or romantic, online scamming and also physical and sexual violence.

3.6 Indicators to identify young women with or without children presumed victims of trafficking

Guinean girls and women with or without children, presumed victims of trafficking between Spain and France



INDICATORS RECOGNIZED BY OPERATORS DURING OBSERVATION

- ✓ Most of them sleep inside cars or in the streets and seem to be exploited during the night in the streets.
- ✓ They do not speak French and they say they come from Guinea.
- ✓ They seem to be controlled by another person by being escorted or watched.
- ✓ They use a cellphone to call a person regularly
 - They do not seem free to communicate or move as they want.
 - They show some signs of intimidation or fear with their face expressions and body gestures.
 - They can show some signs of physical abuse.



INDICATORS RECOGNIZED BY OPERATORS DURING FIRST CONTACT

- ✓ Many girls and women seem to live in Spain but been exploited in France.
- ✓ Most of them have children who stay in Spain with their friends or relatives.
- ✓ Generally, they don't give details about their exploitation, but many girls shared that:
 - they live together with other girls in a hotel room or a private apartment, (where they are also exploited).
 - They are exploited in a truck, but they do not have a driver licence. Sometimes they live in this truck but other times they live with others in conditions not as good as the standards established. There is no hygiene or security.
 - They do not know the neighbourhood where they live or where they are exploited.
 - Most of them have no documents.
 - They arrived in Europe accompanied by traffickers (who generally are from Guinea and have Spanish documents).
 - They do not have a lot of contact with the outside world.

Ivory Coast girls and women with or without children presumed victims of trafficking between Italy or Spain and France



INDICATORS RECOGNIZED BY OPERATORS DURING OBSERVATION

- ✓ They are often minors or very young girls.
- ✓ They could be alone or with their children.
- ✓ Most of them seem to be isolated from the others and be surrounded by African men (French speaking countries) assisting with money transfer.
- ✓ Generally, they have smart phones (probably used by traffickers in order to reach and control them).



INDICATORS RECOGNIZED BY OPERATORS DURING FIRST CONTACT

- ✓ Normally they don't have any documents.
- ✓ Most of them seem to be in contact with unknown men living in France.
- ✓ Many girls seem to be in contact with women in France called "tanties".
- ✓ They could have distrustful attitudes and do not trust operators and humanitarian organizations.
- ✓ Some of them may have attitude and behaviour suggesting that they have been experienced Gender Based Violence²² and abuse in their home country or during the trip to Europe.



INFORMATION ABOUT IVORIAN FEMALE VICTIMS

Normally Ivorian girls who are exploited in Nimes in the streets and indoor, are between 14 and 20 years old. They generally leave Ivory Coast to reach France to seek protection from female circumcision and forced marriage (guaranteed in Europe by international protection and/or child protection).

They travel through North Africa, where they can be sexual exploited, or forced into domestic labour or begging. Finally, they reach Italy or Spain, generally surrounded by men who gravitate around borders, camps such as shelters (normally they are Malian, Ivorian, Senegalese, or Guinean nationals). According to the witnesses, it seems that the men organize their sexual exploitation with customers located in France and nicknamed "pointeurs"; they sell their phone numbers to the girls, who then contact them on WhatsApp for sexual services. Then, the men receive the money by transfer to their bank account (often Orange money) and then give half of it to the girls who generally use it to pay the continuation of their trip.

Some young girls reported to be in contact with Ivorian women located in France who are nicknamed "tanties", whom they can sometimes travel to join, and who put them in contact with these "pointeurs".

All these actors take advantage of the vulnerability of these young girls and the precariousness of their status, during their trip and then during their steps to apply for protection in France (financial and emotional instability, insecurity of care and future, psychological suffering, poor self-image because of repeated sexual violence during the journey).

South American young women (cis and trans-gendered) or women accompanied with children victims of trafficking between Spain and France



INDICATORS RECOGNIZED BY OPERATORS DURING OBSERVATION

- ✓ Most of them are young women.
- ✓ In the case of women cis-gender, sometimes they can be accompanied with their own children.



INDICATORS RECOGNIZED BY OPERATORS DURING FIRST CONTACT

- ✓ Normally, they come from Paraguay, Colombia, Peru or Brazil.
- ✓ Many of them travel from Spain to France.
- ✓ They might live in France for three months without a visa.
- ✓ They live mostly in hotels, Airbnbs or rented apartments.
- ✓ They are sexually exploited at home.
- ✓ They live in groups of two or three, one of whom is the "telephonista" (secretary).
- ✓ They ask for documents for HIV treatment.
- ✓ Brazilian women sometimes come through French Guyana to prostitute themselves. They meet some persons who bring them to metropolitan France and exploit them.

3.7 Standard operating procedures in France

First contact

WHAT: It is the phase when the indicators of trafficking and/or exploitation are recognized, suggesting a possible trafficking situation through observation and/or initial interview

WHERE: the detection occurs in streets during outreach work in the exploitation areas, or in SMPADAs or CADAs of FTDA or in the emergency accommodation, or in the office of specialized NGOs such as Arap-Rubis in Nîmes or Mist in Paris.

WHO:

In Paris: Mist peer-workers do outreach work with lawyers from the “Bus Paris Solidarité”, talking to presumed victims to introduce them to volunteer lawyers who advise them free of charge. The Mist peer operators propose their services and the possibility of meeting the person in an office at another time.

In Nîmes, the interview is carried out by the Arap team in the street; in the platforms and reception centres for asylum seekers, the interview is carried out by social workers from SPADA or CADA.

HOW: Mist and Arap’s staff work on creating a relationship of trust that allows to observe the situation and the indicators of potential exploitation, clarify the victims’ needs and what kind of support they need to reach emotional stability and awareness of their exploitative conditions.

WHAT COMES NEXT: Mist and Arap offer the presumed victims the chance to have a discussion in a safe and isolated space to build a proposition of help and to decide the next steps together. In Paris, the Mist’s peer-workers call the presumed victim to offer them an appointment in a safe place to discuss further their situation. In Arap, an appointment is given to the people who come directly to the office. When the workers meet the persons with the camping car, they discuss the medical and social situation of the person before giving them a contact of the organization.

First contact in case of minor

If Mist or Arap meet a minor during outreach work in the exploitation areas, they must signal their situation as a child in danger to the Prosecutor (child welfare department) and the CRIP (*cellule de recueil des informations préoccupantes*) with a request for an emergency intervention for protection by the Court. Any useful information including the description of the minor, the location where they were seen, and the trafficking and exploitation indicators must be sent to the Court and the CRIP to identify and secure the minor.

Assistance and other actions

WHAT: This is a phase where the professionals must focus on primary needs, a secure environment, basic supplies and care and socio-psychological support, allowing adequate moments of reflection, to offer the psychological peace necessary to undertake and continue the process of identification.

WHERE: In a quiet office that meets the requirements of confidentiality of exchanges.

WHO: in Paris and Nîmes the first assistance is carried out by **Mist or Arap** with their social workers and peer workers or cultural mediators of the welcoming centers. In platforms and reception centers for asylum seekers, the social workers carry out the action.

HOW: Mist and Arap teams as well as social workers in FTDA platforms and receptions centers are working in providing tailored first assistance measures such as medical and psychological assistance, housing assistance in protection facilities, legal assistance, linguistic and cultural mediation. In Nîmes, a lot of information are added to the interview to send it to the OFPRA.

WHAT COMES NEXT: When the basic needs of the persons are secured, Mist and Arap assess the stability and the wish of the person for an **interview about trafficking for a deeper identification process** (recruitment, transport, transfer, accommodation, exploitation).

Assistance and other actions in case of minor

The social workers must request the Prosecutor to grant the necessary protection and guardianship of minors. In Paris, Mist requests for protection to the Prosecutors’ office to get an *Ordonnance de Protection Prioritaire TEH* (“OPP TEH”) through the so-called Paris THB Protocol to get an emergency access to children welfare services. Mist can also ask to be the minor’s legal guardian (*administrateur ad hoc*).

In Paris, FTDA accommodates the unaccompanied minors to a proper shelter.

Pre-identification

WHAT: This is the phase where social workers build a consensual interaction to give the persons information about victim's specific rights, to assess the person's safety and pre-identify the victim status

WHERE: in a safe and private space inside the office or inside the shelter

WHO: in Paris and Nimes the pre-identification process is carried out by social workers and mediators working for Mist or Arap or by the welcoming centre's team.

HOW: through an interview to assess information about recruitment, transportation, the journey and the housing for the purpose of exploitation. Building an understanding of what is needed to access to rights and disposals. Make sure the victims understand their rights including the right to a recovery period.

In Paris, if the person has already requested asylum, Mist's staff contact FTDA or the association in charge of hosting or accompanying the person, as well as Ofii to alert them on the need for this person to access to shelter so they can be accommodated in a Cada. In case of a Dublin protocol, FTDA and Mist alert Ofii.

If the person wants to ask for asylum, and is located in the Ile-de-France region, Mist can inform the person about the procedure in order to register for asylum.

WHAT COMES NEXT: the proposition and recommendation of orientation to a shelter. In Paris, Mist directs the person to Ofii to request for accommodation in a reception center if the person is an asylum seeker, or to Ac.sé Disposal to access a shelter if the person is at risk or vulnerable in Paris.

Pre-identification in case of a minor

The minors are accommodated in a shelter specifically for minors, managed by child welfare services. In Paris, Mist can ask the child welfare services to assist them and can also ask to be minor's legal guardian (*administrateur ad hoc*) to get justice and/or asylum and/or a resident permit.

Identification

WHAT: this is the phase where the social workers in the FTDA shelters (platforms and reception centers and Ac.sé shelters) and the anti-trafficking NGOs support the persons in a process to obtain recognition by the state as victims of trafficking with specific rights.

WHERE: in the shelters located all over the country (receptions centers if the victim is an asylum seeker or Ac.sé shelters)

WHO: Mist and ARAP staff, with the shelters' staff and lawyers, support the persons to get access to asylum protection and/or justice

HOW: The staff support them in the decision-making process regarding the coordination with law enforcement and the referral to police for complaints (with the help of a lawyer if needed). The staff then accompany them to the law enforcement office or write a complaint to the prosecutor's office and assist them to write the asylum request based on the risk in the country of origin due to trafficking or rewrite their story if the original one was based on another motive (as it is often the case with VOTs). The staff assess the persons' local safety based on the circumstances and may refer them to the disposal Ac.sé. If required, in certain cases, they may refer them to the PSP program. The social workers provide support to the people who may need help writing their story.

WHAT COMES NEXT: access to THB specific rights for protection and building an inclusion program, apply for temporary residence permit to the migration authorities (prefecture and OFII).

References

1. A third-country national is a person who does not have the nationality of one of the Member States of the European Union, nor the nationality of one of the countries associated with the European Union (Iceland, Lichtenstein, Norway and Switzerland).
2. Survivors of trafficking.
3. In application of the principle of *favor minoris ex l.47/2017*.
4. Gender-based violence can include sexual, physical, mental and economic harm inflicted in public or in private. It also includes threats of violence, coercion and manipulation. This can take many forms such as intimate partner violence, sexual violence, child marriage, female genital mutilation and so-called 'honour crimes'. The consequences of gender-based violence are devastating and can have life-long repercussions for survivors. It can even lead to death.
5. The 'passeur' is the person who organises and carries out the ferrying and crossing of the border. In Ventimiglia, the number of *passeurs* present who accompany and control the minors is massive and they often prevent direct contact with the workers and services in the area, isolating minors in marginal areas and exposing them to gender-based violence.
6. According to the WHO: "Female genital mutilation (FGM) comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons. The practice has no health benefits for girls and women and cause severe bleeding and problems urinating, and later cysts, infections, as well as complications in childbirth and increased risk of newborn deaths."
7. The "Passo della Morte" is a trail that leads from Grimaldi (the village of Ventimiglia closest to the French border) to Menton, the first French town coming from Italy. This path has been always crossed by 'illegal people': antifascists persecuted by Mussolini's regime, Jews affected by the Racial Laws of '38, Yugoslavs seeking safety from the civil wars of the 1990s, Tunisians fleeing the Arab springs. Currently, it is one of the most popular routes used by migrants to get beyond the Alps. The path, unmarked on maps is quite dangerous with many pitfalls, has caused the deaths of so many people (for this reason it was renamed the "Death pass").
8. Be careful! These references are not necessarily indicators of trafficking, but they provide important information about the presence of a network of control exercised over presumed victims in transit through the territory of Ventimiglia.
9. The purpose of a Child Friendly Space, implemented by Save the Children in some places where emergencies are being experienced, is to provide children with a protected environment -from physical harm and psychosocial distress- in which they can participate in organized activities to play, socialize, learn, and express themselves as they rebuild their lives. Child Friendly Spaces are one of Save the Children's key programmatic interventions.
10. These rules should be applied to all unaccompanied foreign minors, as indicated by the Ministry of the Interior in its circulars of 25 July 2014 and 9 July 2007. Important reference lies in the "Protocol for the identification and holistic multidisciplinary age assessment of unaccompanied minors".
11. Legislative Decree No. 142/2015.
12. The Individual Education Project is an individualised educational programme of services and interventions that must be created on the basis of the child's history, educational and evolutionary needs.
13. It is expected that throughout the project the legal framework would be modified. In November of last year, the Council of Ministers approved the draft of the Organic Law against Trafficking. The draft was under revision before sending it to the Spanish Parliament. Due to the recent announcement of an early election in July 2023, the draft can be dismissed if there is a change in the Government's political party.
14. An autonomous Community is a territorial entity formed by one or more provinces. Within the Spanish constitutional legal system, constitutes one of the three administrative levels and it has legislative, executive and administrative powers.
15. Please, consider that, certificates from foreign authorities regarding the civil status of persons or any other foreign document that contains identifying data of the minor, such as the passport or identity documents have no probative value unless an international agreement grants it. Passports and travel documents have probative value unless there are doubts about its veracity.
16. Examination such as: Radiological examination of the left-hand carpus, through the Greulich and Pyle method; Dental orthopantomography; Radiological examination or CT scan of the proximal epiphysis of the clavicle.
17. The reality is that the procedure is not intended for there to be any other resolution. This creates a situation of defencelessness since the decree cannot be appealed directly.
18. According to the French Office for asylum seekers (OFPRA), in 2021, Ivory Coast is the second country of origin of asylum seekers in France. Among these applicants, girls and women are the majority at 60,9% (1,551 women, 1,649 accompanied girls and 29 unaccompanied girls in 2021).
19. According to the French agency of coordination against trafficking (MIPROF), in 2021 more than half of the victims of THB for the purpose of being forced into illegal activities detected in France are from North Africa (54% of 133 victims).
20. According to the French agency of coordination against trafficking (MIPROF), in 2021, a quarter of the victims assisted in France are Nigerian women victims of sexual exploitation (763 victims).
21. According to the French agency of coordination against trafficking (MIPROF), the share of victims from South America has increased in recent years and became 15% of the victims assisted in France in 2021 (140 victims).
22. Gender-based violence can include sexual, physical, mental and economic harm inflicted in public or in private. It also includes threats of violence, coercion and manipulation. This can take many forms such as intimate partner violence, sexual violence, child marriage, female genital mutilation and so-called "honor crime". The consequences of gender-based violence are devastating and can have life-long repercussions for survivors. It can even lead to death.

Save the Children believes every child deserves a future. All around the world, we do whatever it takes – every day and in times of crisis – so children can fulfil their rights to a healthy start in life, the opportunity to learn and protection from harm. Our experts go to the hardest-to-reach places where it's toughest to be a child. We ensure children's unique needs are met and their voices are heard. Together with children, families and communities, as well as supporters the world over, we achieve lasting results for millions of children. With over 100 years of expertise, we are the world's first and leading independent children's organization transforming lives and the future we share.



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