

Benchmark

Detection, identification, and protection of third-country national victims of trafficking in human beings

The situation in the Netherlands compared to other EU Member States

The benchmarks of EMN Netherlands compare the Dutch results of EMN studies with the results of EMN Member and Observer states. What are the most relevant similarities and differences? Benchmarks are drafted on the basis of EMN studies, in consultation with Dutch experts. See the EMN Netherlands website for more information about the studies (Dutch): www.emnnetherlands.nl/onderzoeken.

Participating countries

Austria (AT), Belgium (BE), Bulgaria (BG), Croatia (HR), Cyprus (CY), Czech Republic (CZ), Estonia (EE), Finland (FI), France (FR), Germany (DE), Greece (EL), Hungary (HU), Ireland (IE), Italy (IT), Latvia (LV), Lithuania (LT), Luxembourg (LU), Malta (MT), Netherlands (NL), Poland (PL), Portugal (PT), Slovakia (SK), Slovenia (SI), Spain (ES), Sweden (SE), Norway (NO), Georgia (GE).

Introduction

Trafficking in Human Beings (THB) is an exceptionally serious form of organized crime. THB involves the recruitment, transportation, transfer, harbouring or reception of persons by means of the threat or use of force or other forms of coercion, for the purpose of exploitation.¹ This can consist of having to work under duress and poor working conditions, child labour, forced prostitution, or being involved under duress in criminal activities. Victims of THB are often among the most vulnerable groups of society. Protecting victims and combating THB is a priority of both the Netherlands as well as the European Union (EU).

The EU's legal arsenal on THB is twofold: the Union has designed and put in place rules specifically dedicated to the identification and protection of victims of trafficking (such as the Anti-trafficking Directive (2011/36)² and the Victims' Rights Directive (2012/29), which covers victims in general). In addition, its legal framework regulating migration and asylum procedures may also apply, albeit more indirectly, to (presumed or identified) victims of trafficking.³

According to the latest data gathered from the EU Member States, Norway and Georgia, more than 10.500 third-country national victims of THB were registered between 2015 and 2020. Trends in the EU appear to mirror those at the global level: for every 10 victims detected, five are adult women, two are girls, and one in every three victims is a child.⁴

EMN Study and benchmark EMN Netherlands

This benchmark is a follow-up on the study of the European Migration Network (EMN) 'Detection, identification, and protection of third-country national victims of trafficking in human beings' (March 2022). The study covers the following categories of third-country nationals, detected, identified and protected as (presumed) victims of THB:

- asylum applicants;
- people in an irregular situation;
- people in possession of a valid authorisation to stay on the territory of a Member State (residence permit or short-term visa).

1 EMN Glossary 6.0, 'Trafficking in human beings. Migration and Home Affairs (europa.eu)'

2 Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (the Anti-trafficking Directive).

3 For example, the Anti-trafficking Directive introduces the concepts of detection and identification of victims in all situations, while existing instruments for international protection and forced return procedures do not explicitly provide for a tailored mechanism but contribute to it nonetheless.

4 For information and comparison, more than 14.000 victims of trafficking in human beings were recorded in the EU between 2017 and 2018; European Commission, Data collection on trafficking in human beings in the EU, 2020, <https://op.europa.eu/en/publication-detail/-/publication/5b93c49f-12a0-11eb-9a54-01aa75ed71a1>; UNODC, Global Report on Trafficking in Persons, 2020, https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTIP_2020_15jan_web.pdf; The Counter Trafficking Data Collaborative, Global Data Hub on Human Trafficking.

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Key points

Detection and identification

- The majority of states (BE, BG, CY, DE, EE, EL, ES, FI, HR, HU, IT, LT, LU, MT, PL, SI) maintain a **formal distinction between detection and identification** of victims of THB. The Netherlands and 10 other countries (AT, CZ, FR, IE, LV, PT, SE, SK; NO, GE) do not formally distinguish between the two phases. In the Netherlands, the **lack of an overall identification procedure/status** (separate from criminal proceedings) is considered a challenge (also in IE and LT).
- In countries where there is a formal distinction between detection and identification, **authorities involved in the formal identification** of victims include the police, the public prosecutor, migration services, asylum case officers, general practitioners or other health workers, employers, civil society organisations, and/or an overarching national agency.
- In the Netherlands, for the purpose of the study the **offering of the reflection period is marked as the moment of identification**. The reflection period can only be offered by the human trafficking department of the police, or border guards. In some cases, the reflection period is offered on the intercession of the investigative agency of the Netherlands Labour Authority.

National Referral Mechanism (NRM)

- Most states (all except FI, FR and NO) have NRMs in place, usually in the form of a **national agency** to which different authorities can report.
- In the Netherlands, as well as in Austria and Germany, **alternative mechanisms** exist that focus either on geographical areas or specific victim groups. In the Netherlands, this mechanism consists a.o.t. of a national network of care coordinators, structural cooperation between relevant authorities, and a Taskforce on THB which meets regularly.

Protection and support measures

- In accordance with the EU acquis on THB, all countries including the Netherlands provide for the **right to stay and other support measures** (such as access to information, interpretation, legal assistance, accommodation and material assistance, medical treatment and socio-economic integration).
- In all countries including the Netherlands, victims of THB are entitled to a **reflection period**, in some cases based on certain conditions. After the reflection period, all states provide for a **residence permit based on the cooperation of victims in criminal proceedings**; some states including the Netherlands also offer **alternative residence permits**, e.g. based on the personal circumstances or vulnerable position of the victim.

Dublin procedure

- When a suspicion of victimhood arises during the Dublin procedure, five states (EE, IT, LU, MT, SI) **directly notify the country of first entry**; this is not the case in the Netherlands.
- In most countries, presumed victims of human trafficking falling under the Dublin procedure are **granted a reflection period** (in AT, BE, BG, EE, ES, EL, FI, IE, LT, LU, LV, MT, PL, SE, SI; NO). This is currently not the case in the Netherlands, since the reflection period is only applicable to third-country nationals without a legal residence. However, the scope and policy consequences of a recent ruling by the Court of Justice of the European Union (CJEU)⁵ on this issue are being evaluated at this moment.

International cooperation mechanisms

- All countries engage in **various intra-EU and international cooperation mechanisms** in the field of human trafficking, both on knowledge exchange as well as on the operational level.
- One often mentioned mechanism is the **THB programme of Europol's European Multi-disciplinary Platform Against Criminal Threats (EMPACT)**, of which the Netherlands currently holds the presidency and which is widely considered a good practice by stakeholder in the Netherlands.

1. Detection and identification

The EU Anti-trafficking Directive⁶ defines **detection** as the process of identifying a possible situation of THB, which is followed by **identification**: the formal confirmation that the detected person is a presumed victim of trafficking.

- While majority of the states⁷ maintain a formal distinction between detection and identification of victims of THB (in accordance with the EU Anti-trafficking Directive), the Netherlands and 10 other countries⁸ do not formally distinguish between the two phases.⁹
- For the purpose of this study, the offering of the reflection period is marked as the moment of identification in the Netherlands.

1.1 Detection

Responsible authorities and detection measures

- **Authorities** that can detect (presumed) victims of THB in the different countries include the police,¹⁰ border guards,¹¹ the Labour Inspectorate,¹² migration services,¹³ asylum case officers,¹⁴ general practitioners,¹⁵ other health workers,¹⁶ employers,¹⁷ trade unions,¹⁸ civil society organisations,¹⁹ public prosecutors,²⁰ and/or a special national agency/commission.²¹
- In the Netherlands, detection can be done by any organisation involved with third-country nationals, including the above mentioned, and by everyone having suspicions of victimhood.²²
- The most common **measures to detect** victims of THB in the participating states including the Netherlands are:
 - (self-) reporting through different channels;²³
 - awareness raising campaigns;²⁴
 - the use of indicators to detect victims;²⁵
 - intelligence gathering;²⁶
 - proactive screening during asylum and migration procedures (in some cases including return and irregular migration procedures).²⁷

Good practices in detection

A number of good practices were identified with regard to the detection of victims **in the Netherlands**:

- the development of (common) indicator lists and detection guidelines together with other Member States - although the lack of harmonized indicators was also identified as a challenge;²⁸
- the programme 'Together Against Human Trafficking' (*Samen tegen Mensenhandel*)²⁹ and the Cross-domain work process on THB (*Domeinoverstijgend Informatie Gestuurd Werken (DIGW)*) implemented by the Netherlands Police;³⁰
- specific work instructions and contact points concerning THB during asylum procedures;
- an IT tool to screen online advertisements for signs of THB (also in EE).

Good practices in **other Member States** regarding detection include:

- The establishment of expert groups within the Labour Inspectorate endowed with investigative powers (LT, NO).
- The distribution of small information cards on THB and labour exploitation at working places (FI, LT).

1.2 Identification

Responsible authorities and identification measures

- In most countries, only **one or few authorities**³¹ are competent to (formally) identify third-country national victims of THB (whereas detection can usually be done by several authorities, see above). In all participating states, the police is competent to identify victims of THB.³²
- In states where there is a formal distinction between detection and identification, other **authorities involved in the identification** of victims are: the public prosecutor,³³ migration services,³⁴ asylum case officers,³⁵ general practitioners³⁶ or other health workers,³⁷ employers,³⁸ civil society organisations,³⁹ or an overarching national agency.⁴⁰
- In the Netherlands, *de facto* identification (=offering of a reflection period) can only be done by the human trafficking department of the police, border guards, or at the intercession of the investigative agency of the Netherlands Labour Authority.
- Some Member States also have **specific identification measures** in place during (ir)regular migration-and asylum procedures,⁴¹ return procedures,⁴² or for other vulnerable groups.⁴³ This is not applicable in the Netherlands, as there is no formal moment of identification.
- Notably, Finland is the only Member State where specific identification measures are in place for cases in which criminal prosecution is not possible.⁴⁴

Good practices in identification

Several good practices were identified regarding the identification of victims, especially with regard to inter-departmental cooperation:

- **Interagency cooperation** stimulated by a leading role of municipalities and the Expertise Centre for Human Smuggling and Human Trafficking (EMM) in the Netherlands;
- **The multidisciplinary approach** based on mutual trust and information exchange between different authorities, coordinated by the so-called Interdepartmental Coordination Unit for the Fight against Trafficking and Smuggling in Human Beings (Federal Public Service Justice) in Belgium;
- Special Children's Houses based on the so-called **Barnahus model** which was originally developed in Iceland (in SE and GE); the idea is to provide a safe and child-friendly environment where children can report any type of crime without being redirected to different authorities and having to tell their story repeatedly, and;
- **Separating the police unit** responsible for the protection of victims from the unit responsible for the (criminal) investigation, so as to build trust between (presumed) victims and the police in Luxembourg.

1.3 Challenges in detection and identification

Despite the detection and identification measures in place, the Netherlands and other participating states identified several challenges, among which the following:

- **The lack of a formal identification moment** (separate from the criminal investigation) and/or clear identification indicators; this is considered one of the biggest challenges by stakeholders in the Netherlands (similar challenges reported in IE and LT).
- **Fragmentation** in the detection, identification and protection process and a varying approach based on the legal status of the (presumed) victim (NL).
- **Lack of sufficient resources, training and capacity-building** of relevant authorities regarding the detection and/or identification of (presumed) victims.⁴⁵ Some states including the Netherlands consider this to be particularly relevant with regard to **specific victim groups or (new) phenomena, such as online exploitation** (CY, IE, LT, NL).⁴⁶
- Difficulties in the detection of victims due to an increase in so-called 'indoor' victimization through online channels, particularly during the COVID-19 pandemic (FR, LU).

1.4. National Referral Mechanism (NRM)

- Most participating countries⁴⁷ reported having NRMs in place at national level for all types of victims, **usually in the form of a national agency** to which different authorities can report. Only in three countries (FI, FR, NO), no formal NRM exists (yet).
- In the Netherlands, as well as Austria and Germany, alternative mechanisms exist that focus either on geographical areas (DE⁴⁸, NL) or specific victim groups (AT). Specifically, the (alternative to the) NRM in the Netherlands consists a.o.t. of a national network of care coordinators, structural cooperation between relevant authorities and a Taskforce which meets regularly.

2. Protection and support

Protection and support measures available to (presumed) victims of THB in the EU Member States, Norway and Georgia can be divided into protection through the right to stay, and other protection and support measures.

2.1 Protection through the right to stay

In the Netherlands, the rules regarding protection through the right to stay do not differ significantly from those in other participating states; with the exception of presumed victims falling under the Dublin III Regulation (see below in section 3).

Reflection period

In accordance with EC Directive 2008/82 (Residence Permit Directive), third-country national victims of THB are offered a **reflection period**, during which they are usually not transferred to another state (with the exception of third-country nationals falling under the Dublin procedure, see section 4 below).⁴⁹

- In some Member States, this reflection period is conditional on e.g. the formal identification of the victim,⁵⁰ cooperation with the authorities,⁵¹ or the obligation to avoid contact with the perpetrator(s).
- The duration of the reflection period in the different states ranges from 30⁵² to 90 days,⁵³ whereby Netherlands maintains a maximum of 90 days. Norway allows for a longer reflection period of six months.⁵⁴

Permit based on cooperation in criminal proceedings

After the reflection period expires, almost all countries⁵⁵ including the Netherlands provide for a temporary residence permit based on cooperation in criminal proceedings. In the Netherlands, this is a permit on **temporary humanitarian grounds**.

- In some states including the Netherlands, this permit is conditional on the victim pressing charges,⁵⁶ cooperating with the criminal proceedings, and/or⁵⁷ not being a threat to public security.⁵⁸
- In other states, additional requirements may apply, such as that the victim breaks ties with the perpetrator.⁵⁹ This is not an official requirement in the Netherlands.
- In most states including the Netherlands, this residence permit is valid for 6-12 months,⁶⁰ and is renewable for a certain period of time⁶¹ or for the duration of the criminal proceedings.⁶²

Other types of residence permits for victims of THB

Besides the permit based on cooperation in criminal proceedings, the vast majority of countries offer other types of residence permits for victims of THB, for example based on the **vulnerable position and/or personal circumstances** of victims.⁶³

- The Netherlands as well as Spain, Poland, and Slovenia offer an exception to the requirement of cooperation in criminal proceedings to receive a permit (based on the vulnerable position of the victim).⁶⁴

- In the Netherlands, this is done through the so-called *schrijnend pad* or distressing path that can be invoked if the victim is a minor, if due to his or her mental state the victim is unable to give a statement, or if giving a statement cannot be expected due to threats by the traffickers.⁶⁵
- In five states including the Netherlands,⁶⁶ there are permits available that specifically cover residence after the criminal investigation is concluded. In the Netherlands, victims of THB may receive a permit on **non-temporary humanitarian grounds** if the criminal investigation has been ongoing for three years, or if the prosecutor decides to prosecute the perpetrator.

Access to international or subsidiary protection

Third-country national victims of THB may also have access to **international or subsidiary protection**, although the granting of asylum to victims of THB may be challenging due to the definitions in the Refugee Convention.⁶⁷

- Most participating states including the Netherlands⁶⁸ apply the principle of non-refoulement to (presumed) victims of THB in the same manner as in other cases. However, seven countries, including the Netherlands,⁶⁹ have specific rules or (practical) guidelines for cases involving victims of THB.
- In line with the Council of Europe (CoE) Istanbul Convention on Combating Violence against Women and Domestic Violence (Art. 60 and 61 on gender-based asylum claims), a number of states have specific **provisions on gender or recognize gender-based violence** as a form of persecution.⁷⁰ In the Netherlands the Aliens Act (*Vreemdelingenwet*) does not specifically cover gender, although asylum procedures are carried out in a gender-sensitive manner.

2.2 Other support and protection measures

Besides protection through the right to stay, victims of THB may benefit from a range of other protection and support measures. The authorities responsible for the provision of these support measures in the participating states are mostly the police,⁷¹ municipalities,⁷² civil society⁷³ or victim support organizations,⁷⁴ specialized THB agencies/case workers,⁷⁵ and international organizations.⁷⁶

- The Netherlands generally offers the **same support measures for victims as most other (member) states**, in accordance with the EU acquis (mainly the Victims' Rights Directive and the Anti-trafficking Directive). These include:
 - information and counselling;⁷⁷
 - interpretation and translation services;⁷⁸
 - legal assistance and aid;⁷⁹
 - access to appropriate accommodation;⁸⁰
 - material assistance;⁸¹
 - access to medical treatment (physical and/or psychological);⁸²
 - social and economic integration through access to employment and education.⁸³

Some countries including the Netherlands have special measures in place to protect victims from **secondary victimization**,⁸⁴ such as allowing the victim to have breaks during the interview or to be interviewed by a person of the same gender.⁸⁵ Measures to prevent secondary victimization used in other countries include accompanying victims and/or otherwise adapting interview procedures,⁸⁶ or the provision of psychological assistance.⁸⁷

Finally, certain states including the Netherlands offer **additional support or protection measures**, such as (financial) compensation for victims.⁸⁸ Finland additionally offers return assistance and/or help finding the parents or guardians of minor (presumed) victims of THB, and in Estonia victims of THB are assigned a special 'support person' if needed.

3. (Presumed) victims falling under the Dublin III Regulation

The policy regarding (presumed) victims of THB in the Dublin procedure is currently a much debated topic in the Netherlands. This is because since 2019, presumed victims falling under the Dublin procedure no longer automatically receive a temporary residence permit within 24 hours of filing a THB police report, as is the case for other presumed third-country national victims (rather, they only receive such a permit if his/her presence is deemed necessary for the criminal proceedings in the Netherlands). In combination with the fact that (presumed) victims under the Dublin III Regulation are currently not entitled to a reflection period (see below), this has led to criticism from civil society that this group is not adequately protected from re-victimization.

Notably, in 2021 the Netherlands submitted two preliminary questions to the Court of Justice of the European Union (CJEU) that are relevant to the situation of (presumed) victims of THB falling under the Dublin procedure, namely: 1) whether third-country national (presumed) victims falling under the Dublin III Regulation are entitled to a reflection period in all cases (C-66/21), and; 2) whether the suspension of the last date of transfer during the period in which the Minister for Migration decides on the objection of the third-country national whose request for a human trafficking residence permit has been rejected is in violation with the Dublin III Regulation (C-556/21). On 20 October 2022, the CJEU issued its judgement in the first case (CLI:EU:C:2022:809), from which it follows that the reflection period should also be offered – in some form - to (presumed) victims falling under the Dublin procedure. The exact scope and policy consequences of the ruling for the Netherlands are currently being assessed.

3.1 Detection and identification during the Dublin procedure

- If a suspicion of THB arises during the Dublin procedure, in most states including the Netherlands a formal assessment is carried out by the relevant authorities.⁸⁹
- In five states,⁹⁰ the country of first entry is directly notified; this is not the case in the Netherlands.
- In Luxembourg, if the exploitation took place in the first country of entry, the authorities of both Member States will determine together with the victim whether he or she is at danger if sent to the respective member state.
- In Finland and Bulgaria, (presumed) victims of THB are explicitly treated as a vulnerable group, in the sense that the Dublin hearing is used as a key moment to detect potential victims of trafficking.

3.2 Application of the reflection period to (presumed) victims in the Dublin procedure

- In most Member States and Norway, presumed victims of human trafficking falling under the Dublin procedure are **granted a reflection period**.⁹¹
- This is not the case in the Netherlands, since the reflection period is intended for third-country nationals who have no legal residence (thus, according to the authorities in the Netherlands, excluding asylum seekers and third-country nationals falling under the Dublin III Regulation, as they have a right to stay in the Netherlands until the Dublin transfer). However, as mentioned above the consequences of the recent CJEU ruling in the case C-66/21 are currently being assessed in the Netherlands.

3.3 Halting of Dublin transfers

- In many states including the Netherlands, Dublin transfers are halted when the (presumed) victim is formally identified⁹² and/or granted a residence permit.⁹³
- Notably, in France, if an association specialized in care and support to victims of THB provides sufficient evidence, this can lead the authorities to take charge of the

asylum application of the third-country national falling under the Dublin III Regulation **without formal identification by the police.**

- In the Netherlands, whether (presumed) victims are granted a residence permit is dependent on if the **cooperation of the victim is deemed necessary** for criminal proceedings *within* the Netherlands (this policy was introduced in 2019).⁹⁴ There are similar policies in Belgium, Lithuania and Luxembourg.
- If there are indications for criminal proceedings in the country of first entry (thus, outside of the Netherlands), the relevant authorities in the respective country are adequately informed through the public prosecutor.

4. EU and international cooperation mechanisms

EU Member States, Norway and Georgia cooperate on both the EU and the international level to detect, prevent, and combat THB. The Netherlands actively engages in different intra-EU and international cooperation mechanisms, and has established cooperation with third (i.e. victim source) countries.

4.1 Intra-EU cooperation

Most states including the Netherlands participate in various European knowledge exchange and cooperation mechanisms:⁹⁵

- One of the most reported mechanisms, including by the Netherlands, is the **National Rapporteur network** led by the EU National Rapporteur on THB.⁹⁶
- In addition, participating states often referred to **Europol**⁹⁷ and **Eurojust**⁹⁸ as effective intra-EU cooperation mechanisms. Half of the Member States and Norway explicitly mentioned Europol's European Multidisciplinary Platform Against Criminal Threats (EMPACT).⁹⁹
- In the Netherlands, the **THB programme of EMPACT** - of which the Netherlands is currently the driver - is widely considered a good practice by stakeholders.

On the operational level:

- States often referred to **joint investigation teams** as a valuable tool to combat THB across EU borders, and six Member States¹⁰⁰ explicitly mentioned the Europol Joint Action Days. The Netherlands has also installed **police liaison officers** in various Member States.
- The Netherlands further organizes **ad hoc trainings** for law enforcement agencies to enable mutual learning. Mutual job-shadowing between relevant authorities in the different Member States was also mentioned by Germany (i.e. with Bulgaria and Romania).

4.2 International cooperation and cooperation with third countries

International cooperation mechanisms

- The Netherlands engages in various international cooperation mechanisms, such as through the International Organization for Migration (IOM);¹⁰¹ the global initiative Cooperation on Migration and Partnerships for Sustainable Solutions (COMPASS);¹⁰² EMPACT THB (see above); and the International Centre for Migration Policy Development (ICMPD).¹⁰³
- International mechanisms that were often mentioned by other participating states include Interpol,¹⁰⁴ the Group of Experts on Action against Trafficking in Human Beings (GRETA),¹⁰⁵ and the Council of the Baltic Sea States (CBSS), in particular the Transnational Referral Mechanism (TRM).¹⁰⁶

Cooperation with third (victim source) countries

- 16 states including the Netherlands reported to mostly focus on **safe return and reintegration** when cooperating with third countries.¹⁰⁷ This is often done through Assisted Voluntary Return and Reintegration (AVRR) programmes implemented by the IOM and other organisations.¹⁰⁸
- Furthermore, 16 countries including the Netherlands¹⁰⁹ reported **initiatives to facilitate police cooperation and investigations** into labour exploitation in third countries.
- For example, the Netherlands participates in the Finance Against Slavery and Trafficking (FAST) initiative together with the United Nations (UN), Australia and Liechtenstein. The Netherlands also uses capacity-building workshops to enhance cooperation with relevant authorities in victim source and transit countries.
- Participating countries (including the Netherlands)¹¹⁰ have also used **international liaison officers or diplomatic missions**¹¹¹ as cooperation mechanisms with third countries.

5 CJEU, C-66/21, ECLI:EU:C:2022:809.

6 Directive 2011/36 on preventing and combating trafficking in human beings and protecting its victims and replacing Council Framework Decision 2002/629/JHA, Articles 11(2), 11(5), 12(2) and 12(3).

7 BE, BG, CY, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LU, MT, PL, SI.

8 AT, CZ, FR, IE, LV, NL, PT, SE, SK and NO, GE.

9 That is, it is not always clear when in the process there are merely suspicions of victimhood (detection) and when it is deemed certain that someone is a presumed victim (identification), because there is no moment of formal identification.

10 In all Member States, Norway and Georgia, law enforcement (the police and in some cases the public prosecutor) is competent to detect and identify victims of THB.

11 BE, BG, CY, CZ, EE, EL, ES, FI, FR, HR, IE, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK and NO, GE.

12 BE, BG, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IE, LT, LU, LV, MT, NL, PT, SE, SI, SK and NO, GE.

13 BE, BG, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IE, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK and NO, GE.

14 BE, BG, CY, CZ, EE, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PT, SE, SI, SK and NO, GE.

15 BE, CZ, FI, FR, HR, IE, LU, NL and NO, GE.

16 BE, EL, FI, FR, HR, IE, IT, LU, LV, NL, SE, SK and GE.

17 BE, FI, FR, HR, IE, LV, LU, NL, SE.

18 BE, FI, FR, IE, LT, LV, LU, NL, SE, SI.

19 BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, IE, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK and NO, GE.

20 BE, CY, EE, FI, FR, HR, IE, NL, PL, SE and GE.

21 In FI and GE.

22 The authorities responsible for detection in the different countries include the police (in all Member States, Norway and Georgia, law enforcement (the police and in some cases the public prosecutor) is competent to detect and identify victims of THB), border guards (BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, IE, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK and NO, GE), the Labour Inspectorate (BE, BG, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IE, LT, LU, LV, MT, NL, PT, SE, SI, SK and NO, GE), migration services (BE, BG, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IE, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK and NO, GE), asylum case officers (BE, BG, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PT, SE, SI, SK and NO, GE), general practitioners (BE, CZ, FI, FR, HR, IE, LU, NL and NO, GE), other health workers (BE, EL, FI, FR, HR, IE, IT, LU, LV, NL, SE, SK and GE), employers (BE, FI, FR, HR, IE, LV, LU, NL, SE), trade unions (BE, FI, FR, IE, LT, LV, LU, NL, SE, SI), civil society organisations (BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, IE, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK and NO, GE), public prosecutors (BE, CY, EE, FI, FR, HR, IE, NL, PL, SE and GE), or a special national agency/commission (in FI and GE).

23 AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, LU, LV, NL, PT, SE, SI, SK and NO, GE.

24 AT, BE, BG, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, LU, LV, NL, PT, SE, SI, SK and NO, GE.

25 AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, LT, LU, LV, NL, PL, PT, SE, SI, SK and NO, GE.

26 BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, LV, LU, NL, PT, SE, SK and NO, GE.

27 Asylum (AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LV, LU, NL, PL, PT, SI, SK and GE) and migration (BG, CY, CZ, DE, EE, FI, HU, LV, NL, PT, SI, SK and GE) procedures.

28 In 2011, Bulgaria, France, Greece, the Netherlands, Romania and Spain participated in the project, 'Development of Common Guidelines and Procedures on Identification of Victims of Human Trafficking', which resulted in the establishment of a manual for frontline detection of victims of human trafficking. It contained a collection of indicators for different groups of victims and exploitation situations.

29 The Netherlands launched its programme 'Together Against Human Trafficking' (*Samen Tegen Mensenhandel*) in 2018. Involving a variety of authorities and organisations working to combat trafficking in human beings, the programme seeks to strengthen cooperation between authorities and other actors (e.g. healthcare facilities and shelters). NB: this programme concerns all aspects of the fight against THB, not only the detection of (presumed) victims.

30 The Netherlands Police are implementing a system, the so-called 'Cross-domain Work Process on Trafficking in Human Beings' (*Domeinoverstijgend Informatie Gestuurd Werken* (DIGW)), which is designed to use intelligence in the detection of human trafficking and the victims of human trafficking. It is a bridge between intelligence and investigation procedures. This system uses knowledge-based models to translate criminal laws into factual indicators.

31 Or in some cases a combination of different authorities (EE, FI, IT).

32 In four Member States (BG, IE, ES, MT), the police are the only authority competent to identify third-country national victims of THB.

33 In BE, CY, EE, EL, FI, HR; also in CZ, PT, SE, and GE (no formal distinction).

34 FI; also in CZ, PT, SE, SK and NO (no formal distinction).

35 In DE, FI, IT; also in CZ, PT, SE, SK and NO (no formal distinction).

36 HR; also in SE (no formal distinction).

37 In HR, IT; also in CZ, SE and SK (no formal distinction).

38 HR.

- 39 DE, ES, LV, SE, SK; also in CZ, LV, SE, SK and NO (no formal distinction).
- 40 FI and DE.
- 41 DE, FI, HU, LT, SK and NO (asylum), FI, SE, SK and NO (regular migration), SP and NO (irregular migrants).
- 42 HU, LT, NO.
- 43 BE, ES, HR, HU, IE, SE, SK, NO.
- 44 FI provides this in the form of a National Assistance System for Victims of Trafficking in Human Beings that can formally identify a victim after consulting a multidisciplinary expert team.
- 45 The lack of tailored resources and training was almost universally considered an obstacle to the detection of (different forms of) THB; BE, FI, IE, LT, SE and GE noted an overall lack of capacity on the national and local level in that regard.
- 46 CY, IE, LT, NL; it is noteworthy that Netherlands Police already started investing in more digital expertise before the pandemic.
- 47 BE, BG, CY, CZ, EE, ES, EL, HR, IE, LT, LU, PL, PT, SE, SI, SK and GE.
- 48 With the exception of one central referral point for asylum seekers (in DE).
- 49 The majority of EU Member States, Norway and Georgia, allow both presumed and identified victims access to the reflection period (AT, BE, BG, CY, CZ, DE, EL, FI, IE, IT, LV, NL, PT, SE, SK and NO, GE), while the remainder require formal identification as victims (EE, ES, FR, HR, HU, LT, LU, MT, SI).
- 50 EE, ES, FR, HR, HU, LT, LU, MT, SI.
- 51 BG, LT, MT.
- 52 AT, CY, FR, LT, LV, MT (extendable), SI, SE and GE.
- 53 GE, BG, BE, CZ, EE, EL, ES, IE, LU, NL, PL, PT, SK.
- 54 Finally, in the Netherlands only the police (also in AT, CZ, DE, EE, ES, FI, FR, HU, IE, IT, LU, LV, PL, PT, SE, SI, SK and NO), border guards (also FI, FR, PL, PT) and the Investigative Agency of the Labour Authority (the latter may intercede) (also in FR and SI) can offer a reflection period; while in other Member States the public prosecutor (BG, DE, EE, EL, IT, LT, PL, SE, SK), civil society organizations (in BE, CZ, HR, SI, SK), the ministry (LU, SK), a special agency or commission (FI), or social work centres (SI) may also be authorized to offer a reflection period.
- 55 AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HU, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK and NO, GE.
- 56 Also in FR, LU and NO.
- 57 Also in AT, CY, DE, FI, FR, IE, LU, LV, PT, SE, SI, SK and NO.
- 58 Also in BE, CY, DE, EE, FR, HR, LU, PL, SE, SI. Note that in the Netherlands, this condition does not apply if the danger is linked to the THB victimhood.
- 59 BE, CY, DE, EE, FI, FR, IE, LU, PL, PT, SE, SI, SK and NO.
- 60 AT (12 months, renewable), BE (three months for presumed victims; six months for identified victims), CY (12 months, renewable) CZ (six months), DE (minimum six months), EE (6-12 months), EL (12 months), FI (6-12 months), FR (6-12 months according to the situation), HR (6-12 months), HU, IE (six months for identified victims), IT (initial duration six months, renewable up to 12 months, LU (six months, renewable), LV, NL (12 months, renewable).
- 61 AT, CY, NL, SI, SK, LU (renewable, on each occasion for a period of six months, for the duration of the judicial proceedings).
- 62 BE, CY, CZ, EE, EL, FI, FR, HU, IE, LU, PL, SE and NO, GE; In the Netherlands, this permit can be renewed for a period of 12 months until the conclusion of the criminal investigation.
- 63 BE, BG, CZ, DE, EL, ES, FI, FR, HR, IT, LU, LV, MT, NL, PL, SI and GE.
- 64 ES, NL, PL and SI.
- 65 Note that the 'distressing path' is not technically a different type of permit; that is, the victim will still receive the same residence permit (on temporary humanitarian grounds) as other victims who are cooperating in the criminal proceedings.
- 66 BE, FR, NL, PL and NO.
- 67 This is expressly stated in the preamble of the Residence Permit Directive, Recital 4, and is also reflected in the EU asylum acquis, which explicitly recognises victims of trafficking as a vulnerable group with potentially special reception needs (e.g. recast Qualification Directive, Article 20(3)). However, note that being a victim of THB in itself is not a ground for being granted international protection.
- 68 AT, BE, BG, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LT, LU, LV, MT, NL, PL, SE, SI, SK and NO, GE.
- 69 CY, EL, HR, LU, SE, SI.
- 70 AT, BE, DE, FI, IE, LU, SE and NO.
- 71 For information and counselling, interpretation and translation (especially during the reflection period), legal assistance and aid (during reflection period), access to medical treatment (in some cases), integration (in very rare cases), measures to prevent secondary victimization (most often).
- 72 For information and counselling, interpretation and translation, legal assistance and aid, access to appropriate accommodation, material assistance, access to medical treatment, integration, measures to prevent secondary victimization (in some cases).
- 73 For information and counselling, interpretation and translation, legal assistance and aid, access to appropriate accommodation, material assistance, access to medical treatment, integration, measures to prevent secondary victimization (in some cases).
- 74 For material assistance (in AT and LU).
- 75 For information and counselling (case workers), access to appropriate accommodation, material assistance.
- 76 For information and counselling, integration through access to employment and education (in some cases), measures to prevent secondary victimization.
- 77 AT, BE, BG, CY, CZ, EE, FI, HR, IE, IT, LU, SE, SI, SK and NO, GE (with the exception of third-country national victims falling under the Dublin procedure, since Georgia is not bound by the Dublin III Regulation); in CZ, ES, EL, HU and PO, only certain types of information for certain groups of victims are provided for.
- 78 AT, BE, BG, CY, CZ, EE, ES, FI, FR, HR, IE, IT, LU, NL, SE, SI, SK and NO, GE (guaranteed in all cases); EL, HU, LT, LV, PL, PT (in certain situations only).
- 79 AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, IE, IT, LT, LU, NL, SE, SI, SK and NO, GE.
- 80 AT, BE, BG, CY, CZ, DE, EE, FI, FR, HR, IT, LU, LV, NL, PL, SE, SI, SK and NO, GE (in all cases).
- 81 AT, BE, BG, CZ, DE, EE, ES, FI, FR, IE, IT, LT, LU, LV, NL, PL, SK and NO (during asylum and Dublin III procedures).
- 82 AT, BE, BG, CZ, EE, ES, FI, FR, HR, IE, IT, LT, LU, LV, NL, SE, SI, SK and GE, NO (in all situations); DE, EL, HU, PL, PT (in certain situations only).
- 83 In all situations: AT, BE, BG, CY, ES, FI, HR, IT, LU, SI and NO, GE; in certain situations: CZ, DE, EE, EL, ES, IE, FR, HU, LV, NL, PL, PT, SE, SK.
- 84 However, note that measures to prevent secondary victimization were reported less than the other protection measures mentioned above. Such measures can be applied during the reflection period, during identification, asylum/migration, or criminal procedures.
- 85 CZ, DE, EL, FR, HR, NL, SE and NO.
- 86 CZ, DE, FR, HR, SE and NO.
- 87 FR, LT, SI.
- 88 AT, BE, CY, EL, FR, LT, LV, NL, SI and GE.
- 89 AT, BE, CY, CZ, DE, EE, FI, FR, HR, IE, IT, LT, LU, NL, SE, SI, SK and NO, GE.
- 90 EE, IT, LU, MT, S.
- 91 AT, BE, BG, EE, ES, EL, FI, IE, LT, LU, LV, MT, PL, SE, SI and NO (sometimes under certain conditions).
- 92 CY, DE, LU and NO.
- 93 BE, FI, FR and NO.
- 94 Specifically, in NL (presumed) victims of THB falling under the Dublin procedure will only receive a residence permit if the public prosecutor decides that there are sufficient indications for initiating a criminal investigation in the Netherlands, and if the presence of the third-country national is required for these criminal proceedings.

- 95 Other mentioned intra-EU mechanisms include: The European Return and Reintegration Network (ERRIN) ensuring cooperation between migration authorities (NB: the activities of this network have been transferred to Frontex); the European Crime Prevention Network (EUCPN), a centre of expertise connecting local, national and European levels; the Euregional Information and Expertise Center (EURIEC) strengthening cross-border administrative collaboration in the fight against cross-border crime; the informal European network to exchange good practices on the care for child trafficking victims between professionals and national authorities promoted by the 'Koutcha project'; and the Police and Customs Cooperation Centre (PCCC) for internal border regions.
- 96 BE, BG, CY, CZ, DE, EE, EL, ES, HR, FI, FR, IE, IT, LT, LU, LV, NL, SE, SI, SK and NO.
- 97 AT, BE, CY, CZ, DE, EL, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PT, SI, SK and NO, GE.
- 98 BE, CZ, EL, ES, FI, SK and, GE, NO.
- 99 AT, BE, CY, CZ, EL, ES, FI, FR, HR, HU, IE, IT, LT, LV, NL, PT, SE and NO.
- 100 AT, BE, DE, ES, FR, HR.
- 101 CZ, DE, LT, LU, NL, IE, SK and NO, GE.
- 102 In 2021, the IOM and the Dutch Ministry of Foreign Affairs launched the Cooperation on Migration and Partnerships for Sustainable Solutions initiative (COMPASS), a global cooperation initiative involving 12 countries (Afghanistan, Chad (DTM), Egypt, Ethiopia, Iraq, Lebanon, Libya, Mali, Morocco, Niger, Nigeria, and Tunisia). COMPASS adopts a whole-of-society approach to combating human trafficking and facilitating voluntary returns in a sustainable manner.
- 103 DE also referred to the ICMPD in the context of international cooperation mechanisms.
- 104 CY, CZ, EL, HR, IE, LU, LV, SK and GE.
- 105 CY, EL, FR, LV, SK and NO, GE.
- 106 EE, FI, SE.
- 107 AT, BE, CY, CZ, EL, FI, FR, HR, IE, IT, LT, LU, NL, SI, SK and NO.
- 108 For example, the (AMIF-funded) Transnational Action - safe and sustainable return and reintegration for victims of trafficking (TACT) project involves Greece, France, Italy, Poland and Spain as destination countries, and Albania, Morocco and Ukraine as priority countries for return.
- 109 AT, BE, CY, CZ, EL, FI, FR, HR, IE, IT, LT, LU, NL, SI, SK and NO.
- 110 BE, CZ, EL, ES, FR, HR, LT, LV, NL and GE.
- 111 BE, EL, HR, LU, LV and GE.