

Identifying, Referring and Assisting Trafficking Victims. An Overview of National Referral Mechanisms.

A WARNATH GROUP PRACTICE GUIDE



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PRACTICE GUIDE
by The Warnath Group

AT A GLANCE

Intended Audience:

- Government officials and stakeholders charged with assessing, creating, or amending the viability of a National Referral Mechanism (NRM).

Takeaway: Designing and establishing an effective National Referral Mechanism is key to the sensitive and appropriate identification, support, and recovery of victims of trafficking.

In This Practice Guide:

- Explanation of what an NRM is
- Key Features of an NRM
- Criteria for designing and establishing an NRM
- Additional resources on specific subjects and issues related to NRMs

Introduction

This practice guide offers an **overview of National Referral Mechanisms (NRMs)**, which are intended to establish the best possible framework for a country **to coordinate the identification, referral and assistance of trafficking victims**. The guide begins with a description of a National Referral Mechanism (NRM) and then outlines the key features of an effective NRM as well as the criteria to guide its design. Additional reference materials are also included for more detailed information on specific subjects and issues in relation to NRMs. This practice guide is for government officials and/or other stakeholders who are charged with assessing the viability of a National Referral Mechanism in their individual country or who are overseeing the creation or amendment of a National Referral Mechanism.

What is a National Referral Mechanism (NRM)?

A **National Referral Mechanism (NRM)** is a cooperative framework through which state actors fulfill their obligations to protect and promote the human rights of trafficked persons, coordinating their efforts in a strategic partnership with civil society.¹ NRMs are designed to enhance and support the identification, referral and assistance of trafficking victims in a country through coordination and cooperation among government stakeholders, civil society and international organizations. An NRM establishes particular processes for identification, referral and assistance to be followed when an adult or a child is determined to be a **presumed victim of trafficking**.² A National Referral Mechanism is a vital tool in victim protection and, as such, is a key component of a country's efforts to establish a robust and comprehensive anti-trafficking response.

A **presumed victim of trafficking** is an individual who has met the criteria of being a trafficking victim but who has not been formally identified as a trafficking victim by the relevant authority or has declined to be formally identified.

A **victim of trafficking** is someone who has been formally identified as such by someone with the authority to make this determination.

An NRM ensures the sensitive and appropriate identification of victims of trafficking and, in so doing, guards the rights of trafficking victims in line with various international, regional and national legislation and guidance.³ **The lack of an NRM can lead to a range of real-life risks and issues for trafficking victims, as well as undermine a country's anti-trafficking response**, for example:

- Trafficking victims being unidentified and, thus, not referred for the assistance needed to aid in their recovery and reintegration;
- Trafficking victims being misidentified as irregular migrants, leading to detention or deportation;
- Trafficking victims being criminalized and prosecuted for crimes committed while trafficked (for example, involvement in prostitution, criminal activity, as an irregular migrant);
- Perpetrators not being held accountable as human trafficking crimes go unnoticed by authorities and trafficking in persons (TIP) cases go unreported by victims;

- Lack of information about human trafficking and trafficking victims inhibiting an understanding of the nature of TIP in the country and the protection needs of victims;
- Data not being available to prevent and disrupt human trafficking, identify emerging forms of trafficking in the country, or aid in the prosecution of cases;
- Lack of cooperation and coordination within the government and between government and civil society weakening the anti-trafficking infrastructure in the country.

NRMs are necessarily designed differently in different countries and should be tailored in response to the specific nature and scope of trafficking in persons

Considerations in Designing an NRM

- ✓ Scope and nature of TIP (country of destination, transit, origin)
- ✓ The system of government and the existing institutional framework to combat TIP
- ✓ Existing legal and regulatory framework in place to combat TIP
- ✓ Level of cooperation with civil society on victim protection
- ✓ Availability of resources for an NRM (human and financial)
- ✓ Technical skills and capacity of cooperating institution and organizations

(TIP) in a country, including whether the country is one of origin, transit and/or destination country. An NRM also needs to take into account the system of government (for example, a centralized or decentralized system, devolved administration and so on), the institutional framework in place to combat TIP, as well as the country’s legal and regulatory framework, each of which has implications for the design and implementation of the NRM, including coordination with other countries.⁴ Also of critical importance is a realistic assessment of the resources available (human and financial) to establish and implement an NRM, the scope and nature of

cooperation between institutions and civil society engaged in victim protection as

well as the technical skills and capacity within these organizations and institutions.

An NRM should not be a static structure but rather should be regularly adapted, adjusted and improved to offer the best possible protection to trafficking victims. This requires that a **system of accountability** be established – for example, through regular meetings and communication as well as on-going monitoring and evaluation of the NRM and its operation, as discussed in more detail below (see *Formal institutional framework for implementation and cooperation*).

Key features of a National Referral Mechanism

NRM models differ from country to country to allow for adaptation to different political, legal, social and economic settings. The nature and scope of TIP (including the specific forms of trafficking in a country and different profiles of victims identified there) must be considered and accommodated in the design or modification of an NRM. These differences and variations notwithstanding, there are **key components of an effective NRM**, which are discussed in turn below.⁵ And while these components represent the best framework at present, the operation of an NRM is an on-going, dynamic process and adaptations and modifications are likely to be needed over time and in response to changing circumstances. This may require revisiting specific issues and components at various stages to enhance the NRM.

Components of an NRM



Formal institutional framework for implementation, cooperation and referral



Procedures for victim identification and referral



Comprehensive assistance services for victims of trafficking



Mechanism for voluntary referral to criminal justice and other legal avenues



Technical assistance and capacity building for NRM members

Formal institutional framework for implementation and cooperation

An effective NRM requires a formal institutional framework to guide the work of all stakeholders. This framework should be **multidisciplinary** (that is, involving the knowledge and expertise of different disciplines like social work, law enforcement, healthcare, psychology and so on, as well as their respective methods) and **intersectoral** (that is, interventions should be designed and implemented to include all relevant sectors of society including justice and governance, social services, education, labor, housing and development, health, family, community and so on).⁶

To **ensure an effective functioning of the NRM**, activities should be guided by one or a combination of institutions – sometimes called a Responsible Authority (RA) or a Competent Authority (CA). One institution may be assigned as the lead agency for the RA or CA to guide its work and be responsible for the effective implementation of NRM activities. The specific tasks that this authority assumes will depend on the nature and scope of the NRM. Different tasks that may be

assumed by the NRM's lead agency may include:

- Coordinating and providing guidance in the identification, referral and assistance of trafficking victims among government stakeholders, civil society and international organizations;
- Collecting data and reporting on the nature and scope of trafficking in the country;
- Improving national policy and procedures related to the protection of trafficking victims, such as addressing gaps in victim-protection legislation and/or immigration laws;
- Coordinating and be accountable for resources (human and financial) for the implementation of the NRM;
- Appointing and training of first responders;
- Establishing and coordinating independent, impartial, multi-disciplinary expert bodies to make initial formal identification decisions based on a "reasonable grounds" standard;⁷
- Participating in transnational referral mechanisms (TRMs) and coordinating with national referral mechanisms in other countries.

In selecting institutions to be involved in a RA or CA it is important to avoid any conflict of interest with other tasks and responsibilities. For example, when an institution is tasked with identifying trafficking victims within the NRM and, at the same time, enforcing immigration controls or asylum procedures/claims, there may be direct conflict of priorities within the institution. Moreover, NRM procedures need to be transparent and accountable, including in terms of the identification process and the right of potential victims to appeal if they are not formally identified as trafficking victims.

The official institutional framework should be guided by **formal cooperation agreements** among all contributing institutions and organizations and align with national legislation, as well as adhere to international standards related to victim protection. These agreements should outline formal mechanisms and procedures that create a clear commitment and clarify the roles and tasks of those involved, including terms of reference for each institution or organization. The development and signing of these agreements will likely require a process of consultation and discussion among various institutions and organizations from government, civil

society and, in some cases, with international organizations. In addition to the agreements themselves, practical guidance for practitioners from cooperating institutions and organizations is needed, with clear designation of roles and responsibilities within the NRM and guidance on all elements of the work and tasks to be undertaken within the framework of the NRM. Examples of guidance are further discussed below (see *Procedures for victim identification and referral*).

An NRM requires a **system of accountability** which will, at minimum, involve monitoring and evaluation as well as mechanisms for feedback and complaints, whether from institutions, organizations or individuals (trafficking victims and professionals). This mechanism needs to capture failings in the institutional framework itself (for example, failure to identify and refer victims, inadequate provision of assistance, compulsory cooperation with law enforcement) as well as problems and issues with individuals within the framework (e.g. insensitive treatment by professionals, discriminatory behavior, discretionary decision making). This should be based on feedback and suggestions from NRM partners (government institutions and civil society) as well as from trafficking victims who have and have not been involved in the NRM. The **participation of trafficking victims (presumed and formally identified)** in NRM consultations and evaluation processes ensures that the framework is responsive to and meets the needs of trafficking victims. Such participation, however, is complex and must be approached with utmost care. This requires due attention to informed consent; “do no harm”, sensitive and respectful interactions and meaningful participation.⁸ Moreover, trafficking victims’ participation in such processes should in no way lead to any negative consequences for trafficking victims, including compromising their access to assistance and protection.

In designing or modifying an NRM, it will be necessary to take into account how the process differs in the case of a child trafficking victim, to clearly outline this process and to ensure its effective implementation. All children are entitled to safeguarding and protection under the law. In the case of a child, the child’s best interests will be a primary consideration in the decision to make, or not to make, a referral to the NRM as well as in any other action undertaken in relation to a child.⁹

✓ Procedures for victim identification and referral

An NRM model should provide concrete guidance on how various institutions and organizations should identify, appropriately and sensitively interact with and refer trafficking victims exploited in the country or those who have returned home after trafficking. All organizations and institutions should be provided with clearly outlined roles and responsibilities in relation to their mandate and competencies. These procedures should be defined to ensure protection and promotion of the human rights of all trafficked persons in all circumstances, including ensuring that trafficking victims are fully informed of the options available to them and given the opportunity to make informed and voluntary decisions about whether to be identified, referred and assisted as a trafficking victim.¹⁰ Whether a victim is identified and assisted abroad or at home will have implications for their referral and assistance opportunities and an NRM model should anticipate and accommodate to these different possible avenues in ways that best supports trafficking victims.

Some institutions will be tasked as **first responders** – that is, professionals most likely to encounter trafficked persons in the first instance including law enforcement, labor inspection authorities, immigration lawyers, border officials, helpline staff, medical staff, outreach organizations, social workers, community leaders and so on. First responders should be bound by a **statutory duty**¹¹ to ensure that all potential trafficking victims, whether or adults (who have given informed consent) or children (when it is in their best interest) are preliminary assessed to be trafficking victims and referred to the NRM. A statutory duty means that decisions around preliminary identification and referral are not discretionary and would include a statutory right of appeal and establish associated rights for victims going through the NRM process, with legal redress if those rights are not fulfilled.¹² An adequate number of trained and sensitized first responders from a wide range of institutions and organizations that come into contact with victims must be available for this identification and referral work.

Formal decisions about whether someone is a victim of trafficking should be made by an independent, impartial, multi-disciplinary expert body. This might be a central panel of appropriate experts with knowledge of human trafficking and the necessary skills and experience to identify whether or not someone is a

trafficking victim. It might also be a group of panels in different regions or at a local level tasked with identification and referral. In identifying child trafficking victims, experts should, in addition to the aforementioned skills, have an understanding of child protection issues and children's rights.

The initial identification of a victim of trafficking by the independent, impartial, multi-disciplinary expert body should be based on **reasonable grounds** – that is, that human trafficking is suspected, even if it cannot be proven.¹³ Decision-making should not be discretionary but rather transparent, consistent and subject to the right of appeal. The process of identification, referral and assistance should be voluntary and only occur with the written informed consent of the adult trafficking victim.¹⁴ Referrals to the NRM should be for all presumed victims of trafficking, who may be of any nationality and victims of any form of exploitation as outlined in national and international law.

Different consent procedures will need to be considered in the case of children. The decision as to whether a child is a victim of trafficking should be taken by a panel or expert group that has child-specific expertise and is able to meaningfully assess a child's risk of harm. While consent may not be required for children (those under 18) to be referred to the NRM, it is important that the first responder explains the process to the child and moves forward as soon as possible to assist in the safeguarding of the child. Referral to the NRM does not replace or supersede established child protection processes, which should continue alongside TIP assessments. If a child is suspected of being a victim of human trafficking, state social services or the national child protection agency has the principal responsibility for investigating whether a child needs support from social services, as well as if the child needs immediate protection. Children should not need to go through the NRM process to qualify for support and protection. Moreover, children who are not determined to be TIP victims should still be evaluated within the context of the general child protection framework of the country and provided with all possible support.¹⁵

Various forms of guidance and tools will be needed by NRM stakeholders, namely in terms of what measures are to be taken, who is responsible for carrying out the measures, when measures are to be taken and how measures are to be carried out.¹⁶ Different resources may include:

- *Guidance on procedures for victim identification*, including which institutions and organizations are first responders and can make a preliminary assessment of whether someone is a presumed trafficking victim; which institution(s) have the authority to make the formal designation of victim of trafficking; procedures for victim self-identification; procedures in the process of preliminary and formal victim identification; a consistent and agreed set of indicators for all first responders to identify all forms of TIP and so on;
- *Guidance on the referral of preliminarily identified trafficking victims*, including how victims are to be referred; to which institutions and organizations victims may be referred; victims' rights and responsibilities once referred; the process of informed consent before referral including the option to decline identification and so on;
- *Guidance on assistance options for presumed and formally identified trafficking victims*, including what services are available to trafficking victims in the short- and long-term (both TIP specific and more generally); any restrictions or requirements related to services; the voluntary nature of all assistance and so on;
- *Guidance on data collected about trafficking victims as part of the NRM process*, including data protection requirements; procedures for informed consent; information about victims' rights in the collection of personal and sensitive data and so on.

In addition, each trafficking victim should be fully informed about their status as a victim of trafficking and the NRM, including processes for victim identification, referral and assistance. They should be provided with written information in a language they understand and this information should be tailored to different audiences of trafficking victims, including translations for foreign nationals and adjustments in terms of education and literacy/capacity levels. Further adjustments and tailoring may also be needed to reach child trafficking victims, depending on their age, stage of development and maturity.

Various forms of guidance may include:

- *Guidance for presumed and formally identified victims about the NRM*, including the implications of being identified as a trafficking victim and

- referred to the NRM;
- *Guidance on the rights of victims to accept or decline identification*, including the implications of such decisions as well as any issues and challenges to be faced once formally identified as a trafficking victim;
 - *Guidance on the right of appeal for victims when not formally identified as trafficking victims*, including organizations and institutions which can support an appeal;
 - *Guidance on the assistance options available to preliminarily and formally trafficking victims in the short- and long-term*;
 - *Guidance on cooperation with law enforcement*, including rights and responsibilities as a victim/witness and the right to decline participation.

✓ **Comprehensive assistance services for trafficking victims**

A key component of the NRM is the provision of comprehensive assistance to trafficking victims once identified and referred by relevant institutions and organizations. Assistance should be available as soon as an individual is assessed to be a presumed trafficking victim – that is, someone who shows indications of TIP according to the UN Protocol and/or national TIP legislation. It is the **presence of TIP indicators that triggers entitlement to support** rather than a referral into the NRM. A presumed trafficking victim who is subject to immigration control is nonetheless entitled to assistance and should be made aware of their rights and entitlements under the NRM as well as the impact that this referral process may have on their immigration status, allowing them to make an informed decision regarding initial referral.¹⁷

Comprehensive assistance would include some or all of the following services, based on and tailored to the individual needs of the victim: accommodation/housing, legal assistance, medical assistance, psychological assistance, education, professional and vocational training, economic opportunities (e.g. job placement, small business opportunities, income generating activities), family mediation and/or counseling, case monitoring and follow-up, and assistance to secondary beneficiaries (e.g. family and dependents of trafficking victims).¹⁸ This latter issue is relevant in the case of trafficked children whose families may need assistance to be able to support the trafficked

child as well as for victims with dependent family members who may themselves need assistance.¹⁹ It is also relevant for trafficking victims more generally as many, if not most, trafficking victims have dependents – whether as parents, children, spouses, siblings – and failing to take into account their assistance needs has the potential to derail a victim’s recovery and reintegration process.²⁰ In the case of foreign nationals, further assistance needs might include acquiring identification documents, assistance with securing lawful temporary residence and work opportunities in the country, facilitation of voluntary repatriation or resettlement and so on. Moreover, some trafficking victims may have special needs that must be identified and facilitated, including victims who are pregnant or have children born of trafficking, those with long-term health issues, victims with disabilities, those with mental or psychological conditions, those without family support and so on.²¹

Services should be long-term and tailored to the needs of individual trafficking victims. Assistance may be provided by specialized anti-trafficking organizations or by any institution or organization able to provide the relevant service to trafficking victims. Services should be provided by trained and qualified service providers. Ideally, services should be provided or funded by the government – either through their funding of civil society organizations or through services available from various ministries like social services, health, education, labor and so on. Many government services are available in the framework of a state’s existing support to various categories of vulnerable persons, which can be leveraged in the care of trafficking victims. In some countries, trafficking victims are legally categorized as vulnerable persons, which entitles them to services available to this administrative category. This has the further advantage of trafficking victims not needing to disclose their trafficking experiences to all service providers, thereby avoiding the risk of re-traumatization and discrimination.

Not all trafficking victims will accept residential based assistance, even in the short term, and many will wish to return immediately to their family and community. Assistance needs also to address the specific situation and needs of country nationals who return home immediately rather than initially accept shelter or alternative accommodation. Reintegration services should be available in

trafficking victim's home communities or new communities where they choose to settle.

It will be necessary to map the range of services available to all TIP victims, both TIP-specific services as well as those that may be available more generally to vulnerable persons or the population generally as well as those which are available through child protection systems. An agreed program of assistance should be outlined in relevant laws and regulations. Other relevant tools may include **minimum standards of care** for assisting trafficking victims (for residential as well as community-based programs), **standard operating procedures** for the identification, referral and assistance of trafficking victims, **specific guidance on the treatment of child trafficking victims** and so on.

In the case of trafficked children, child protection agencies should be engaged in any needs assessment and child-specific services should be leveraged. The NRM should build on existing child protection structures, which provide for an individualized, appropriate safeguarding response. In many instances, assistance through child protection agencies (and with the support of child protection specialists) may be more appropriate for assisting trafficked children. However, staff of child protection agencies and institutions should be sufficiently skilled, trained and sensitized in working with trafficked children. Institutional link and cooperation agreements between the NRM and child protection agencies are also needed to support seamless support.

✓ Mechanism for voluntary referral to criminal justice and other legal avenues

Cooperation with law enforcement and/or participation in the criminal justice system should not be a requirement for a trafficking victim to receive assistance and protection, nor should trafficking victims be in any way pressured or otherwise “persuaded” to do so.

An NRM should ensure that **assistance is not contingent on cooperation with law enforcement**, either officially or unofficially.²²

A victim's informed consent should be obtained before any legal avenues are

pursued, which requires clearly explaining what involvement in a legal process means in practice, including the roles and responsibilities of a victim/witness, the potential risks and benefits involved in serving as a victim/witness, the time required for the full process to be completed, the stages of the legal process and the likelihood of a successful outcome. Trafficking victims should also be pro-actively provided with information about any other legal avenues that they may wish to pursue, for example, the possibility of filing a civil claim, insurance claim, claim for compensation and/or pursuing labor dispute resolution. Trafficking victims who wish to participate in criminal and/or civil proceedings should be supported and encouraged to do so and be offered the appropriate protections, including legal assistance, physical protection when necessary, protection from unfair treatment and the prevention of secondary trauma.²³ Therefore, an NRM should include the establishment of appropriate, officially binding mechanisms designed to harmonize victim assistance with investigative and crime-prosecution efforts.²⁴

While it is important that evidence be gathered from presumed trafficking victims in a timely fashion to support law enforcement efforts, presumed trafficking victims should be given the time needed to make decisions about their involvement as a victim/witness. A **reflection period** should be granted to every presumed trafficked person regardless of whether he/she cooperates with the law-enforcement authorities or whether there are criminal proceedings against the perpetrators. The reflection period serves to ensure that a trafficking victim has access to immediate support and assistance needed to recover from TIP and offers time to make an informed decision about whether to cooperate with the investigation against the traffickers. The specific parameters of a reflection period will need to align with existing laws and regulations as well as the criminal justice process more generally. In some countries, existing criminal procedure may mean that long reflection periods are not possible as charging decisions have to be made in a short period of time if the trafficker has been arrested.²⁵ Victims who opt to assist the police with criminal investigations should then have access to a **residence permit**.²⁶ Foreign presumed trafficking victims who are subject to immigration control may be discouraged from identifying themselves to the NRM for fear of detention and deportation, which may limit opportunities for criminal

justice engagement. Attention should be paid to how this barrier may be addressed.

In the case of trafficked children, different procedures, tailored to the unique needs and best interests of child victims, will need to be followed in terms of cooperation with the criminal justice process. To the extent that it is deemed in the best interest of a child to serve as victim/witness special care should be taken to limit the impact that this is to have on the recovery and reintegration of children.

✓ Technical assistance and capacity building for NRM members

Technical assistance and capacity building will be needed for the various organizations and institutions involved in the NRM to undertake their outlined roles and responsibilities in relation to their mandate and competencies.²⁷ In some cases, this may take the form of formal training workshops on specific topics or at specific stages of the process. In other cases, this may involve on-going mentoring and technical assistance over time. All training and technical assistance should be tailored to the specific context including the NRM model, the local setting and the varying needs and capacities of different institutions and organizations involved in the NRM. Training should be standardized and compulsory for those involved in the NRM process, but tailored to the specific roles and responsibilities and level of engagement with the NRM.

Different institutions and organizations will have varying capacities in and experiences of victim identification, referral and assistance, including variation among individuals and departments within each institution and organization. Assessing these different capacities will be necessary in determining how to proceed with training and technical assistance and such assessments should take place regularly over time. In contexts where there is a high rotation of staff within institutions training and technical assistance may need to be repeated on a regular basis or built into institutional orientation and training programs. At the same time, not all individuals within institutions and organizations (and not all institutions and organizations) will have the same level of access to and interactions with trafficking victims of trafficking and will not require the same

level of knowledge and skills. With limited resources, some institutions and organizations may need to be prioritized over others and different levels and depths of training offered. First responders who are more likely to come into contact with victims should be prioritized for training and mentoring, at least initially, and particularly in lower resourced countries.

Training and technical assistance should ideally be conducted internally by NRM stakeholders, reflective of their individual expertise and skills. When this is not possible in the immediate, external expertise may be leveraged but with a view to building the capacity of NRM stakeholders to conduct such training and technical assistance in the long term – for example, through training of trainers, development of training manuals and other archival training materials, communities of practice, web-based training and technical assistance and so on.

Training and technical assistance also needs to address how to work appropriately and effectively with trafficked children including specific guidance on identification, referral and assistance.²⁸ The NRM requires skilled and experienced child protection professionals, working together with other statutory agencies and civil society.

Criteria for the Establishment of a National Referral Mechanism

National Referral Mechanisms exist in some countries; in other countries, they do not exist or are in the process of development. Regardless of the stage of development of a country's NRM, it is useful to consider the following criteria to ensure that the NRM offers the best

possible structure to protect trafficking victims and enhance the country's anti-trafficking framework. These criteria are derived from the various resources and materials reviewed for this practice guide and in particular OSCE/ODIHR (2004) *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook*. (See *Resources and recommended reading*).

Criteria for the Establishment of an NRM



Responds to the needs of trafficking victims of all forms of TIP



Responds to the needs of trafficking victims with different profiles



Ensures access to comprehensive, long-term assistance



No requirement of cooperation with law enforcement



Tailored to the needs and rights of children



Aligns with international, regional and national legislation and regulations



Adheres to ethical principles and legal requirements



Led by the national government and sustainable in the long-term



Involves formal cooperation and relations among stakeholders

NRM should respond to the needs of victims of all forms of TIP

An NRM should be responsive in identifying victims of all forms of TIP.²⁹ This may include trafficking for sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs. This will require engaging with a wide range of institutions and organizations working on different issues. For example, identification of trafficking victims in the fishing industry may

involve fisheries inspectors, maritime police, harbor masters, coast guard, port authorities and so on. Similarly, labor inspectors have a critical role to play in identifying trafficking victims in a wide range of economic sectors where forced labor may take place, including manufacturing, construction, agriculture and service industries. In addition, an NRM will need to be sufficiently flexible and sensitive in identifying and responding to lesser known forms of TIP that may emerge in the country – for example, trafficking for forced criminality, as drug couriers, removal of organs and tissue and so on.

✓ **NRMs should respond to the needs of trafficking victims with different profiles**

All persons within the jurisdiction of a state are entitled to human rights protection regardless of their gender, nationality, migration status, age, background or any other classification of identity. A country’s NRM should be able to identify, refer and assist any profile of trafficking victim in the country.³⁰ This requires attention to both foreign and national trafficking victims; males, females and non-binary individuals;³¹ sexual minorities;³² adults and children; individuals with and without lawful migration status; religious or cultural minority populations; and victims with specialized needs and issues. For example, some countries only provide assistance to adult female victims of trafficking even though in these same countries there are also many male victims of trafficking. A fully-considered and implemented NRM system must not ignore assistance to male victims of trafficking or any other category or profile of trafficking victim. Some types of trafficking victims may have unique and specific needs that require attention and a specialized response. Some trafficking victims have more complex assistance needs and may be considered “difficult” cases.³³

✓ **NRMs should ensure access to comprehensive, long-term and individualized assistance**

To support recovery and reintegration, trafficking victims need comprehensive services (both residential and community-based) that are long-term and tailored to their individual needs.³⁴ While such assistance may be provided by specialized anti-trafficking organizations or by any institution or organization able to provide

the relevant service to trafficking victims, service providers should be trained and qualified. Some assistance will be immediately needed when victims are first assessed to be presumed victims (initial crisis intervention, such as accommodation, medical care, psychological assistance, financial and humanitarian assistance). Other services are a part of long-term support (such as training, education, housing assistance, job placement, counseling, medical services, family mediation, support to secondary beneficiaries and so on).

✓ **NRMs should not require cooperation with law enforcement**

Identification and assistance options should not be tied to a victim's willingness to cooperate with law enforcement authorities. An NRM exists to promote the human rights of trafficked persons, regardless of whether or not they choose to cooperate with law enforcement in the prosecution of their traffickers or investigation of trafficking crimes.³⁵ Further, trafficked persons may not be ready to provide informed consent for their cooperation with the criminal justice process when they are initially identified or even for some time afterward. Assistance and protection should be provided to all trafficked persons regardless of their decision to cooperate with the criminal justice process. This should be comprehensive and long-term support.

✓ **NRMs should be tailored to the needs, rights and best interests of children**

In designing or modifying an NRM, it will be necessary to take into account how the process differs in the case of a child trafficking victim. All children are entitled to safeguarding and protection under the law and the child's best interests must be a primary consideration in the identification, referral and assistance of a presumed child victim including the decision to make, or not to make, a referral to the NRM.³⁶ Any work undertaken with children at risk (including child victims of trafficking) must be based on an assessment of protection needs with recommendations for intervention and referral. A Best Interests Assessment (BIA) is an assessment tool that involves interviews and information gathering to ensure that all the relevant factors of a particular case are considered. Determining the best interest of the child may also involve a Best Interests

Determination (BID) – that is, a “formal process with strict procedural safeguards designed to determine the child’s best interests for particularly important decisions affecting the child”.³⁷ Any steps to identify and assist a child victim must also take into account and align with child protection requirements and legislation. In some cases, this may result in a child not being identified through the NRM but rather leveraging the child protection framework. The child must be informed about and involved in any decision-making about referral to an NRM and child protection measures generally. How this takes place in practice will differ according to the specific situation of the child including the child’s age, maturity and individual capacity.

✓ NRMs should align with international, regional and national legislation

International and regional legal obligations form the basis of NRMs; these should be reviewed and adhered to in the design or modification of a country’s NRM. In addition, an individual country’s national legislation and regulatory framework will determine the structure of the NRM, as well as how it is implemented. Thus, establishing an NRM will require determining if the existing legislation and regulatory framework ensures victim identification and assistance. This will require assessing the legal framework related to TIP, including the Criminal Code; labor laws; laws on social services and employment; immigration and asylum laws; as well as investigative, criminal and judicial procedures. Existing laws may need to be harmonized with more recent anti-trafficking laws or commitments and to consider needed improvements in victim-protection legislation.³⁸ In countries where national legislation and the regulatory framework do not address how trafficking victims are identified and assisted, legislation and regulations will need to be developed as a foundation for the NRM.

✓ NRMs should be victim-centered and adhere to ethical principles and legal requirements

NRMs should be victim-centered, guided by and strictly adhering to ethical principles that have trafficking victim’s rights and needs at their core. In some cases, these are also referred to as guiding principles or leading principles. While

ethical principles can be presented in different ways, a non-comprehensive list of overarching and commonly agreed ethical guidance includes: “Do no harm”; voluntary and informed consent; confidentiality, anonymity and privacy; non-discrimination; unconditional support; safety and security; sensitivity and respect; empowerment; victim participation in decision-making; individualized approach; transparency; data protection; and ensuring the “best interests of the child”.³⁹ Some ethical (or guiding) principles will also be legal obligations under a country’s national law – for example, data protection laws, non-discrimination, child protection, the right to support and assistance and so on. These ethical principles and legal obligations) should be identified and agreed within the NRM and built into institutional agreements and terms of references.

✓ **NRMs should led by the national government and sustainable in the long term**

NRMs should be led by the national government and sustainable in the long term. While external technical support and expertise may be needed in the initial design and monitoring of an NRM, an NRM should led by the government in partnership with national civil society organizations. International organizations and technical experts may support the development or modification of an NRM and play an advisory role but one that declines over time as the government and civil society build their capacity.⁴⁰

✓ **NRMs should have formal cooperation and relations among stakeholders**

A formal cooperation agreement among various stakeholders, both government and civil society, is an important foundation for a successful NRM. NRMs should be guided by formal cooperation agreements such as a memorandum of understanding (MOU), that outline the specific role and duties of each institution and organization involved in the NRM.⁴¹ Cooperation and partnership agreements will need to be both horizontal (for example, across government ministries) as well as vertical (for example, from national to local level institutions and organizations). NRMs should take an inclusive approach, engaging as many stakeholders as possible, to ensure that the reach of the NRM is as wide and as

deep as is needed to afford protection to all trafficking victims.

Conclusion

This practice guide provides, in broad brush strokes, an overview of the different components of a National Referral Mechanism and the role it can play in improving a country's efforts to protect trafficking victims and its overarching anti-trafficking response. An effective NRM is key to the sensitive and appropriate identification of trafficking victims and in ensuring that victims are supported to recover and move on from their trafficking experiences.

NRM models will necessarily differ from country to country to allow for adaptation to different political, legal, social and economic settings. The nature and scope (including the specific forms of trafficking in a country and different profiles of victims identified there) must be considered and accommodated in the design or modification of an NRM.

While the key components discussed in this practice guide represent the best framework at present, as noted in this practice guide, the operation of an NRM is an on-going dynamic process and adaptations and modifications are likely to be needed over time and in response to changing circumstances. This may require revisiting specific issues and components to enhance the NRM.

The establishment and implementation an NRM require effort and resources as well as significant commitment from a country's government at all levels and with its civil society partners. It is, however, worth the time and resources needed to create an appropriate, victim-centered system to identify, refer and assist victims of human trafficking. It is with a robust NRM that the rights of trafficking victims are best and most effectively protected.

Resources and Recommended Reading

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Acknowledgements

For more information about drafting or amending national anti-human trafficking laws contact the Warnath Group at info@WarnathGroup.com. This Practice Guide was authored by the NEXUS Institute's Senior Researcher Rebecca Surtees & Research Associate Laura S. Johnson. To access additional practical tools and resources, visit our website at www.WarnathGroup.com. Studies and background material are available at www.NEXUSInstitute.net.

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Endnotes

¹ OSCE/ODIHR (2004) *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook*. Warsaw, Poland: OSCE Office for Democratic Institutions and Human Rights, p. 15.

² A presumed victim of trafficking is an individual who has met the criteria of being a trafficking victim under national law and/or international conventions, but who has not been formally identified by the relevant authorities as a trafficking victim or has declined to be formally or legally identified as trafficked. If a person is a presumed victim, this does not rule out the possibility that the person's status will later be assessed otherwise. See EC (2018) 'Presumed Victim of Trafficking in Human Beings', *Migration and Home Affairs*. European Commission. A victim of trafficking is someone who had been formally identified as such by someone with the authority to make this determination. This involves the formal assignation of the administrative status of a trafficking victim, with the attendant rights and protections.

³ Various international and regional laws and instruments obligate countries to identify and protect victims. The UN Trafficking Protocol states: "Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society..." UN (2000) *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, UN Doc A/45/49 ("UN Trafficking Protocol"), Article 6. The Council of Europe *Convention on Action against Trafficking in Human Beings* states: "Each Party shall adopt such legislative or other measures as may be necessary to identify victims as appropriate in collaboration with other Parties and relevant support organizations". Council of Europe (2005) *Council of Europe Convention on Action against Trafficking in Human Beings*, CoE Convention 197. Also, in the EU, the *EU Strategy towards the Eradication of Trafficking in Human Beings* states: "Member States should ensure that formal, functional national referral mechanisms are established. These mechanisms should describe procedures to better identify, refer, protect and assist victims and include all relevant public authorities and civil society." EC (2012) *The EU Strategy towards the Eradication of Trafficking in Human Beings: 2012-2016*. Brussels, Belgium: European Commission, p. 6. And the 2011 EU Directive states: "A person should be provided with assistance and support as soon as there is a reasonable-grounds indication for believing that he or she might have been trafficked and irrespective of his or her willingness to act as a witness". EU (2011) *Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA* ("EU Directive"). Finally, the Association of Southeast Asian Nations (ASEAN) *Convention Against Trafficking in Persons (ACTIP)* states: "Each Party shall establish national guidelines or procedures for the proper identification of victims of trafficking in persons, and where appropriate, may collaborate with relevant non-governmental victim assistance organisations". ASEAN (2015) *ASEAN Convention Against Trafficking in Persons, Especially Women and Children* ("ACTIP"), Article 14.

⁴ Transnational referral mechanisms (TRMs) refer to formalized coordination between different countries' national referral mechanisms. A TRM provides for cross-border assistance and/or transfer of identified victims and links all stages of the referral process so that trafficking victims can be referred in a comprehensive legal and ethical way from one country to another. For further guidance on TRMs, please see ICMPD (2010)

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Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU. Vienna: International Centre for Migration Policy Development & USAID. TRMs rely on the effective functioning of NRMs and, as such, NRMs are an essential building block for wider transnational cooperation and coordination. OSCE/ODIHR (2004) *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook*. Warsaw, Poland: OSCE Office for Democratic Institutions and Human Rights, p. 28.

⁵ Adapted from OSCE/ODIHR (2004) *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook*. Warsaw, Poland: OSCE Office for Democratic Institutions and Human Rights, p. 16.

⁶ OSCE/ODIHR (2004) *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook*. Warsaw, Poland: OSCE Office for Democratic Institutions and Human Rights, p. 26.

⁷ To reach a positive reasonable grounds decision, the independent, impartial, multi-disciplinary expert body only needs to determine that, based on the information available, it is reasonable to believe that the person is a victim of trafficking. The EU Directive states: “A person should be provided with assistance and support as soon as there is a reasonable-grounds indication for believing that he or she might have been trafficked and irrespective of his or her willingness to act as a witness”. EU (2011) *Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA*.

⁸ For guidance on how to ethically and appropriately engage trafficking victims in monitoring and evaluation of identification and assistance efforts, please see: Surtees, R. (2013) *Ethical principles in the reintegration of trafficked persons. Lessons from the Balkans*. Brussels: King Baudouin Foundation and Vienna and Washington, D.C.: NEXUS Institute; Surtees, R. (2010) *Monitoring anti-trafficking re/integration programmes. A manual*. Brussels: KBF & Washington, D.C.: NEXUS Institute. See also J/TIP (2017) *Engaging Survivors of Human Trafficking Fact Sheet*. Washington, D.C.: U.S. Department of State Office to Monitor and Combat Trafficking in Persons. Child participation means mainstreaming children’s views and efforts in all activities, recognizing that they are capable of understanding, making decisions and acting on them. This is also important in any assessment and evaluation of an NRM process. Child participation should be voluntary, informed, meaningful and in their best interests. Specific expertise and skills are required to consult and engage with children and professionals should enable developmentally appropriate ways of child participation. Child Protection Working Group (CPWG) (2012) *Minimum Standards for Child Protection in Humanitarian Action*. Child Protection Working Group (CPWG); Surtees, R. (2014) *Re/integration of trafficked persons. Working with trafficked children and youth*. Brussels: KBF & Washington, DC: NEXUS Institute.

⁹ The “best interests of the child” are enshrined in Article 3.1 of the United Nations *Convention on the Rights of the Child* (CRC). United Nations (1989) *Convention on the Rights of the Child* (CRC), Article 3.1.

¹⁰ Some trafficking victims may opt not to be formally identified as trafficked for various reasons including fear and lack of trust in authorities; not wanting to be involved in the legal process; not wanting to disclose their trafficking experience; not wanting to return home; because identification did not offer what they need or want; shame and embarrassment; and so on. For further discussion of barriers to victim identification, please see: Baldwin, S., Eisenman, D., Sayles, J., Ryan, G., & Chuang, K. (2011) ‘Identification of Human Trafficking Victims in Health Care Settings’, *Health and Human*

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Rights: Vol. 13, No. 1. Pp. 36 – 49; Brunovskis, A. & Surtees, R. (2018) 'Identification of Trafficking Victims in Europe and the former Soviet Union', *SAGE Handbook of Human Trafficking and Modern Day Slavery*. SAGE Publishing Pp. 339-359; Brunovskis, A. & Surtees, R. (2012) *Out of sight? Factors and Challenges in Identifying Trafficked Persons*. Oslo, Norway: Fafo and Washington, DC: NEXUS Institute; Brunovskis, A. & Surtees, R. (2007) *Leaving the past behind? When victims of trafficking decline assistance*. Oslo, Norway: Fafo and Washington, DC: NEXUS Institute; Okech, D., Morreau, W., & Benson, K. (2011) 'Human trafficking: Improving victim identification and service provision', *International Social Work*. SAGE Publishing Pp. 1-16; Patel, R.B., Ahn, R., Burke, T.F. (2010) 'Human Trafficking in the Emergency Department', *Western Journal of Emergency Medicine*: 11, 5. Pp. 402-404; Schwarz, C., Unruh, E., Cronin, K., Evans-Simpson, S., Britton, H., & Ramaswamy, M. (2016) 'Human Trafficking Identification and Service Provision in the Medical and Social Service Sectors', *Health and Human Rights Journal*: 18, 1. Pp. 181-192; Shandro, J., Chisolm-Straker, M., Duber, H.C., Findlay, S.L., Munoz, J., Schmitz, G., Stanzer, M., Stoklosa, H., Wiener, D.E., Wingkun, N. (2016) 'Human Trafficking: A Guide to Identification and Approach for the Emergency Physician', *Annals of Emergency Medicine*: 68, 4. Pp. 501-508; Surtees, R. (2008) *Listening to Victims. Experiences of identification, return and assistance*. Vienna, Austria: ICMPD, NEXUS Institute & USAID; Surtees, R. & T. Zulfahary (2018) *Seeing the unseen. Barriers and opportunities in the identification of trafficking victims in Indonesia*. Washington, DC: NEXUS Institute.

¹¹ Statutory duty refers to the laws that members of a particular profession must obey.

¹² Law Centre NI (2014) *NRM Review*. United Kingdom: Law Centre Northern Ireland, p. 20.

¹³ "Reasonable grounds" is a decision based on "I suspect but I cannot prove". By contrast, the higher threshold of "conclusive grounds" is made on the balance of probabilities, which can be defined as "more likely than not". Law Centre NI (2014) *NRM Review*. United Kingdom: Law Centre Northern Ireland, p. 14. See also UK Home Office (2018) *Victims of modern slavery. Competent authority guidance. Version 4.0*. United Kingdom: UK Home Office, pp. 16-17; UK Home Office (2016) *National Referral Mechanism: guidance for child first responders*. United Kingdom: UK Home Office, pp. 19-23. While "conclusive grounds" decisions may be required at later stages for TIP victims (for example in determining eligibility for permanent immigration status), the initial identification of victims referred through the NRM should be made using a "reasonable grounds" standard to ensure presumed victims receive the assistance and protection to which they are entitled.

¹⁴ In cases where a presumed adult victim refuses to be identified or referred to the NRM, it is advisable nonetheless for first responders to provide an anonymous report to the Competent Authority/Responsible Authority which can assist in data collection about the nature and scope of human trafficking in the country, leading, in turn, to a more informed policy response to human trafficking. However, such a mechanism must guard the anonymity of the victim and all agencies involved (including law enforcement). Protections must also be in place to ensure that first responder making an anonymous referral is not at risk of any criminal offence – e.g. in relation to assisting unlawful immigration, harboring an illegal entrant, etc. Law Centre NI (2014) *NRM Review*. United Kingdom: Law Centre Northern Ireland, p. 9.

¹⁵ NMT (2016) *National Referral Mechanism: Protecting and supporting victims of Trafficking in Human Beings in Sweden*. Stockholm: National Task Force Against Prostitution and Human Trafficking; UK Home Office (2018) *Victims of modern slavery. Competent authority guidance. Version 4.0*. United Kingdom: UK Home Office; UK

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Home Office (2016) *National Referral Mechanism: guidance for child first responders*. United Kingdom: UK Home Office.

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¹⁷ Law Centre NI (2014) *NRM Review*. United Kingdom: Law Centre Northern Ireland, p. 15.

¹⁸ OSCE/ODIHR (2004) *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook*. Warsaw, Poland: OSCE Office for Democratic Institutions and Human Rights, p. 77-79; Surtees, R. (2010) *Monitoring anti-trafficking re/integration programs: A manual*. Brussels: King Baudouin Foundation and Washington, D.C.: NEXUS Institute. See also Article 11 of the EU Directive, which establish that assistance and support measures “shall include at least standards of living capable of ensuring victims’ subsistence through measures such as the provision of appropriate and safe accommodation and material assistance, as well as necessary medical treatment including psychological assistance, counselling and information, and translation and interpretation services where appropriate”; Articles 13-16 of the EU Directive address specific assistance and support to child victims. EU (2011) *Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA*, Articles 11-16.

¹⁹ The EU Directive provides that where a potential child victim has family members in the country, measures should be taken where possible and appropriate, to provide assistance and support to those family members. EU (2011) *Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA*, Article 14(3).

²⁰ Surtees, R. (2014) *Re/integration of trafficked persons. Working with trafficked children and youth*. Brussels: King Baudouin Foundation and Washington, D.C.: NEXUS Institute, p. 26; Surtees, R. (2017) *Our Lives. Vulnerability and Resilience among Indonesian Trafficking Victims*. Washington, D.C.: NEXUS Institute; Surtees, R. (2017) *Moving on. Family and community reintegration among Indonesian Trafficking Victims*. Washington, D.C.: NEXUS Institute.

²¹ The EU Directive states: “Member States shall attend to victims with special needs, where those needs derive, in particular, from whether they are pregnant, their health, a disability, a mental or psychological disorder they have, or a serious form of psychological, physical or sexual violence they have suffered”. EU (2011) *Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA*, Article 11(7). Some “difficult cases” are a consequence of the trafficking experience – for example, becoming pregnant while trafficked, suffering injuries that require medical care and being severely traumatized as a result of TIP. In instances, difficulties are a function of a victim’s personal, family and community situation and may have contributed to the persons’ vulnerability to trafficking – for example, persons with dependent family members, persons with disabilities, persons with past experiences of violence and social marginalization and persons with no family/social network. For a discussion of different categories of special needs, please see Surtees, R. (2008) *Re/integration of trafficked persons. Handling “difficult cases”*. Brussels: King Baudouin Foundation and Washington, D.C.: NEXUS Institute.

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²² OSCE/ODIHR (2004) *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook*. Warsaw, Poland: OSCE Office for Democratic Institutions and Human Rights, p. 23-24, 25.

²³ Article 12 of the EU Directive establishes that victim/witnesses are entitled to “access without delay to legal counselling, and, in accordance with the role of victims in the relevant justice system, to legal representation, including for the purpose of claiming compensation” as well as “appropriate protection on the basis of an individual risk assessment, inter alia, by having access to witness protection programmes or other similar measures, if appropriate and in accordance with the grounds defined by national law or procedures”. EU (2011) *Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA*, Article 12. See also OSCE/ODIHR (2004) *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook*. Warsaw, Poland: OSCE Office for Democratic Institutions and Human Rights, pp. 96-103.

²⁴ For more information on victim assistance during investigative and crime-prosecution efforts see Stanger, J. (2018) *Practice Guide: Providing Social Services Support for People Who Experienced Human Trafficking Acting as Witnesses in Legal Proceedings*. Washington, D.C.: The Warnath Group.

²⁵ For further information about reflection periods, please see Brunovskis, A. (2012) *Balancing protection and prosecution in anti-trafficking policies. A comparative analysis of reflection periods and related temporary residence permits for victims of trafficking in the Nordic countries, Belgium and Italy*. Denmark: Nordic Council of Ministers.

²⁶ Residence permits, when provided, are normally granted after a reflection period is over and are linked to the decision of a trafficking victim to cooperate with the law enforcement authorities in criminal proceedings. Residence permits may be temporary (for the duration of cooperation with law enforcement) or permanent. Access to a residence permit should be, but is not always, permissible under existing law in a country. Residence permits are recommended in various international and regional instruments including UN (2000) *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, UN Doc A/45/49 (“UN Trafficking Protocol”), Article 7; ASEAN (2015) *ASEAN Convention Against Trafficking in Persons, Especially Women and Children*. Kuala Lumpur, Malaysia. Article 14. Residence permits are obligations in various international and regional instruments including the Council of Europe (2005) *Council of Europe Convention on Action against Trafficking in Human Beings*, CoE Convention 197. Article 14; Stability Pact for South Eastern Europe (2002) *Statement on Commitments on the Legalization of the Status of Trafficked Persons*. Tirana, Albania: Task Force on Trafficking in Human Beings. Commitments 5, 6.

²⁷ OSCE/ODIHR (2004) *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook*. Warsaw, Poland: OSCE Office for Democratic Institutions and Human Rights, p. 53.

²⁸ See, for example, UK Home Office (2016) *National Referral Mechanism: guidance for child first responders*. United Kingdom: UK Home Office; UK Home Office (2018) *Victims of modern slavery. Competent authority guidance. Version 4.0*. United Kingdom: UK Home Office. See also guidance from the National Referral Mechanism in Sweden which offers child specific guidance for each step of the process. NMT (2016) *National Referral Mechanism: Protecting and supporting victims of Trafficking in Human Beings in Sweden*. Stockholm: National Task Force Against Prostitution and Human Trafficking.

Endnotes

- ²⁹ OSCE/ODIHR (2004) *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook*. Warsaw, Poland: OSCE Office for Democratic Institutions and Human Rights, p. 24.
- ³⁰ OSCE/ODIHR (2004) *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook*. Warsaw, Poland: OSCE Office for Democratic Institutions and Human Rights, p. 24-25.
- ³¹ Non-binary individuals are persons whose gender is neither male nor female.
- ³² Sexual minorities are individuals whose sexual identity, orientation or practices differ from the majority of the surrounding society.
- ³³ Surtees, R. (2008) *Re/integration of trafficked persons. Handling “difficult” cases*. Brussels: King Baudouin Foundation and Washington, DC: NEXUS Institute.
- ³⁴ OSCE/ODIHR (2004) *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook*. Warsaw, Poland: OSCE Office for Democratic Institutions and Human Rights, p. 25.
- ³⁵ OSCE/ODIHR (2004) *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook*. Warsaw, Poland: OSCE Office for Democratic Institutions and Human Rights, p. 23-24.
- ³⁶ The best interests of the child principle, as enshrined in Article 3.1 of the Convention on the Rights of the Child (CRC), states that: “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”. UN (1989) *Convention on the Rights of the Child*, Article 3.1.
- ³⁷ UNHCR (2008) *UNHCR Guidelines on Determining the Best Interests of the Child*. Geneva, Switzerland: United Nations High Commissioner for Refugees, p. 8.
- ³⁸ OSCE/ODIHR (2004) *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook*. Warsaw, Poland: OSCE Office for Democratic Institutions and Human Rights, p. 39.
- ³⁹ See, for example, guidance in the following documents and resources. National Commission for Combatting Trafficking in Human Beings & Animus Association (2010) *National Mechanism for the Referral and Support of Trafficked Persons in Bulgaria*. Sofia, Bulgaria: National Commission for Combatting Trafficking in Human Beings & Animus Association; NMT (2016) *National Referral Mechanism: Protecting and supporting victims of Trafficking in Human Beings in Sweden*. Stockholm: National Task Force Against Prostitution and Human Trafficking, p.11; OSCE/ODIHR (2004) *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook*. Warsaw, Poland: OSCE Office for Democratic Institutions and Human Rights; Surtees, R. (2013) *Ethical principles in the re/integration of trafficked persons. Experiences from the Balkans*. Brussels: King Baudouin Foundation and Washington, D.C.: NEXUS Institute.
- ⁴⁰ OSCE/ODIHR (2004) *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook*. Warsaw, Poland: OSCE Office for Democratic Institutions and Human Rights, p. 27.
- ⁴¹ OSCE/ODIHR (2004) *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook*. Warsaw, Poland: OSCE Office for Democratic Institutions and Human Rights, pp. 66-68.