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Cooperation beyond Borders

Development of Transnational Referral Mechanisms for Trafficked Persons

International Centre for Migration Policy Development
2009

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Development of Transnational Referral Mechanisms for Trafficked Persons

International Centre for Migration Policy Development (ICMPD)
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1. Foreword

This publication summarises in a few pages the three years of the development of a Transnational Referral Mechanisms in South-Eastern Europe. It is a product of the ***Programme to Support the Development of Transnational Referral Mechanisms (TRM) for Trafficked Persons in South-Eastern Europe.***

The TRM brought multidisciplinary actors together both in the practical work on specific trafficking cases but also at the policy level. Including and consulting all relevant actors in order for them to devise the most comprehensive and up-to-date policies on trafficking in human beings is a priority for all involved in anti-trafficking efforts. It is through projects such as the TRM that we all realize how many different national and international anti-trafficking actors must be involved in setting standards for transnational referral that will be valid and useful within and across national borders. One of the key strategies to a comprehensive anti-trafficking approach is the diversification of actors who work together on the issue: representatives of different institutions, with different backgrounds, expertise, methods and tools for combating trafficking in human beings.

Trafficking in human beings is not disconnected from other crimes, migration-related issues, labour and social policies. On the contrary, it is increasingly interwoven with other issues: smuggling of people, irregular migration and irregular transit migration, labour policies and wage policies, social protection and inclusion of vulnerable groups, comprehensive policies directed at children, effective exchange of information and sensitive data across borders.

In this context, and taking these cross-cutting points into consideration, we, together, have worked on the development of a transnational referral mechanism.

A TRM is a tool for institutionalised international cooperation. It is a way to encourage institutions and organisations to "talk to each other" more, in a more structured and solution-oriented way. The TRM does not offer a one-off comprehensive solution to the issue of trafficking. It is to be seen as a process on which all involved actors continue to work in coordination with their international counterparts. The number of countries currently involved in the original TRM SEE, ten, is not significant against the backdrop of the number of countries attempting to fight the phenomenon of trafficking in human beings. Since 2008, the number of countries developing a TRM has increased to 14, now including some EU (European Union) member states within the so-called TRM EU[1] project. Yet,

[1] For more information on the TRM-EU project, please see ICMPD, "Development of a Transnational Referral Mechanism for victims of trafficking between countries of origin and destination (TRM – EU)," ICMPD, www.icmpd.org/861.html?&no_cache=1&tx_icmpd_pi1[article]=1356&tx_icmpd_pi1[page]=1358

the work is not finalized: this is still only a starting point and testing ground for the TRM.

It has often been reaffirmed that in a globalised world, developments in our countries are intrinsically linked with those in other parts of the globe and that only the development of effective and targeted partnership allows for sustainable and successful planning and implementation of migration policies. Trafficking in human beings is a prime example of how these are interrelated. That is why we also talk about an external dimension within the issue of trafficking in human beings. That is why the TRM programme is so relevant and all participants have been part of a pioneering process.

The external dimension means reaching out with a view to tackle common problems and meet shared policy objectives. On the one hand, this includes reaching out to international partners. On the other hand, this is reaching out in an effort to assist addressing root causes and solving problems at their origin. Recognizing the external dimension is a step towards international cooperation.

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2. Introduction to the project

2.1. Project description

The key challenge to a human rights based and victim-centred anti-trafficking response is to ensure that all trafficked persons have access to comprehensive assistance and protection schemes. Such an approach does not only constitute a state obligation vis-à-vis victims of a serious crime, but, by offering victims a real chance to re-start self-determined lives, it also effectively breaks the trafficking cycle and results in more effective prosecution and a higher number of convictions.

In order to ensure comprehensive and effective assistance and protection for victims of trafficking, experience has shown that institutionalised[2] cooperative frameworks, including all concerned state and non-state actors, are indispensable. Such institutionalised cooperative frameworks should focus on the process management of individual trafficking cases and cover the entire sequence of case measures, from identification, assistance and protection,

[2] In the context of this publication, the term „institutionalised" will refer to structured ways of dealing with issue, as opposed to ad-hoc actions.

participation in and support during legal proceedings and legal redress, to return/resettlement and/or social inclusion of the victims in their destination-, origin- or third country. While institutionalised, these systems must at the same time be flexible to respond to the individual circumstances and needs of victims of trafficking crimes. As the majority of human trafficking cases are trans-border, it is crucial that not only national, but also cross-border referral, assistance and support mechanisms are in place, which pay due respect to the protection of personal data and privacy of victims.

When the Programme to Support the Development of Transnational Referral Mechanisms (TRM) for Trafficked Persons in South-Eastern Europe started in 2006 transnational referrals were not institutionalised. Efficient standard operating procedures (SOPs) according to defined quality standards were missing, entailing not only serious gaps in protection and assistance to victims of trafficking, but also a low level of system sustainability. To counteract this gap, within the framework of the Programme to Support the Development of Transnational Referral Mechanisms (TRM) for Trafficked Persons in South-Eastern Europe a transnational referral mechanism for the management of individual transnational trafficking cases, along with agreed quality standards and with due respect of data protection and privacy regulations was developed.

The immediate objectives of the TRM programme were the development of mechanisms necessary for comprehensive transnational victim support and institutionalised

cooperation on transnational cases between countries/actors in South-Eastern Europe (SEE), with the aim to contribute to empower trafficked persons to restart a self-determined life, being aware of their rights and of the role they might play in criminal proceedings.

Thus, the TRM was designed, piloted and endorsed by participating SEE countries based on best practices as well as identified victims' needs with due respect to data protection and privacy regulations.

2.2. Project activities

The activities implemented in the course of the 40-month programme (start: 30 June 2006, end: 30 October 2009) are structured as follows:

2.2.1. Induction and Assessment Phase (Month 1-10)

- Establishment of the Programme Team and the Advisory Board
- First Regional Steering Group Meeting
- **Launching/Fact-Finding Missions** to the beneficiary countries to conduct an assessment of relevant activities and existing good practices.
- **Victim Needs Assessment**: In cooperation with social workers/psychologists working for local service providers (non-governmental organisations) a victim needs assessment was conducted in order to develop quality criteria and standards for victims assistance, which resulted in the study "Listening to Victims. Experiences of identification, return and

assistance in South-Eastern Europe." In the framework of this comprehensive research in total 80 trafficked persons from different countries in SEE as well as other nationalities trafficked into the region were interviewed providing valuable insight into their needs and wants.

- Based on the findings of the assessment, a **first outline of the TRM Guidelines** was elaborated after a meeting of experts.
- Following an **Advisory Board Meeting,** during the **First Regional Seminar**, the draft TRM was presented and a catalogue of measures to be taken at the national level to enable the establishment of a TRM was discussed.

2.2.2. National Implementation Phase (Month 11-18)

- Subsequent **National Workshops** aimed at designing the national components of the TRM served as the basis for the elaboration of a detailed draft TRM.
- Meetings/Seminars: **Second Programme Team Meeting, Second Advisory Board Meeting, Second Regional Seminar, Second Steering Group and MARRI meeting** (to coincide with the Second Regional Seminar).

2.2.3. Regional Implementation Phase (Month 18-24)

- **National Trainings** on the usage and practical implementation of the TRM Guidelines were conducted in all participating countries.
- **Meetings/Seminars:** The **Third Programme Team Meeting, Third Advisory Board Meeting, Third Steering Group Meeting** (to coincide with the Third Regional Sem-

inar) and **Third Regional Seminar were held** to review the experiences gained during the piloting phase and incorporate them into a final draft of the TRM Guidelines).

2.2.4. Transnational Implementation Phase (Month 25-36)

- **Study visits** of the participating countries to relevant destination countries were organised to foster transnational cooperation.
- Based on the experiences gained during these visits **Transnational Workshops** were conducted in order to address remaining challenges in the implementation of the TRM.
- A **Final Regional Seminar concluded the programme.**

2.2.5. Finalisation Phase (Month 37-40)

- **Final publication** containing country-specific information gathered during the activities of the fourth project phase and summarizing the achievements and lessons learned of the TRM programme;
- Revision, finalisation and **publication of the TRM Guidelines** and distribution of the document to all National Anti-trafficking Coordinators participating in the TRM programme and other relevant anti-trafficking stakeholders;
- **Final meeting of all National Anti-trafficking Coordinators** in Vienna in October 2009 to share the latest developments in the implementation of the TRM and the monitoring mechanism in each country and to ensure commitment to continuous transnational cooperation after the end of the TRM programme.

2.2.6. Dissemination activities (Month 1-40)

- Webpage: The ICMPD anti-trafficking webpage (www.anti-trafficking.net) was used to disseminate programme information and allow all participants to exchange experiences.

2.3. Scope of the project

The programme was implemented in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Kosovo[3], Macedonia[4], Moldova, Montenegro, Romania and Serbia.

2.3.1. The national implementation teams

In order to ensure national ownership, national implementation teams were appointed in each participating country by the respective national anti-trafficking coordinator with the objective to form a team with experience and competence in the referral of trafficking victims that can actively participate in the programme, jointly develop a transnational referral mechanism and transfer knowledge to and from their country. Each national implementation team took part in the project activities on behalf of its country throughout the whole programme and consisted of the following five key actors:

- One representative of the body responsible for the coordination of the national anti-trafficking response and the

[3] Under UNSCR 1244.

[4] The country name is used in accordance with the practice of the donor to this project, USAID. Both beneficiaries of the project and the donor have recognized the country as such.

implementation of the national referral mechanism (NRM) (e.g. National Coordination Office/Secretariat, Ministry of Social Affairs, Agency for Preventing Trafficking in Human Beings etc.);

- One representative of a non-governmental organisations (NGO) providing assistance to the victims;
- One Law enforcement representative;
- One representative of the State Prosecutor Office or judiciary; and
- One representative of the Return/Migration Unit (e.g. in Ministry of Interior, Ministry of Foreign Affairs, Federal Office for Migration etc.).

2.3.2. What is a TRM?

In a concise definition, a Transnational Referral Mechanism refers to mechanisms and the associated procedures designed for the comprehensive assistance and transnational support of trafficked persons. Transnational referral mechanisms integrate the process of referral from initial identification, through return and assistance between countries of transit, destination and origin and involve cooperation between different government institutions and non-governmental actors. The TRM encompasses five standard operating procedures (SOPs) reflecting the main phases of the transnational referral process:

SOP 1: Identification

SOP 2: First assistance and protection

SOP 3: Longer-term assistance and social inclusion

SOP 4: Return

SOP 5: Criminal and civil proceedings

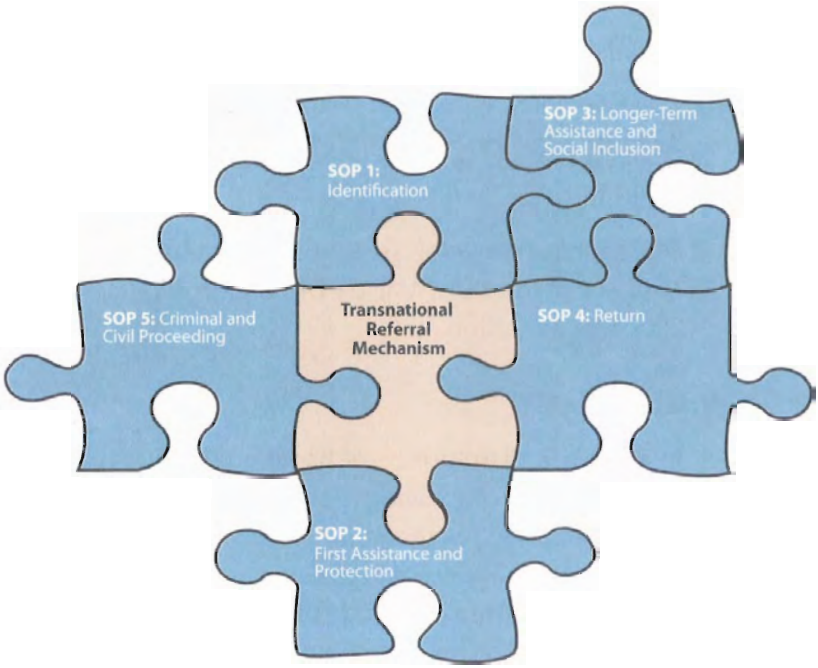

Illustration 1. Source: TRM Guidelines. June 2008

Each SOP includes several measures that give an answer to four questions: WHAT is to be done; WHEN is action to be taken; WHO should be involved and HOW should the action be executed. Thus every necessary action comes with a concrete step-by-step guide for its implementation. Some measures further include a checklist of the important actions to be undertaken.

By addressing the entire process of the transnational referral, the TRM is a flexible tool, which builds upon already existing structures and procedures at the national, bilateral and multilateral level. This flexibility is inherent to its structure with specific measures for each step of the referral process. This is, however, not a prescriptive structure. It is not necessary for the relevant actors to go through the procedures sequentially, rather they can select those measures which would most contribute to the resolution of a particular case. In short, the TRM, in its practical implementation, functions as an à-la-carte menu, whose usage is left up to the practitioners.

It should be understood that a TRM does not offer a one-off comprehensive solution to the issue of trafficking. It is to be seen as a process on which all involved actors continue to work in coordination with their international counterparts.

The TRM was "born" and first implemented on a larger scale in ten countries of South Eastern Europe[5], following an initiative from USAID[6] and the International Centre for

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[5] Transnational referral mechanism for Victims of Trafficking (TRM). Guidelines – draft. ICMPD, June 2008
The Programme to Support the Development of Transnational Referral Mechanisms (TRM) for Trafficked Persons in South-Eastern Europe (June 2006 – June 2009). For more information see http://www.icmpd.org/725.html?&no_cache=1&tx_icmpd_pi1[article]=472&tx_icmpd_pi1[page]=476

[6] The United States Agency for International Development (USAID) is an independent federal government agency, that provides economic, development and humanitarian assistance around the world. For more information, please check www.usaid.gov

Migration Policy Development (ICMPD)[7]. This initiative started in June 2006. SEE is seen as a pilot region for the implementation of a TRM[8]: it is a region that has gone through political hardships, a rapid change in the system of political values, a partial redrawing of state borders as well as unequal economic growth both within and between the states. In addition, several of the countries shared comparable political systems in the past, and thus a similar institutional heritage and similar institutional challenges. Additionally, two of the current TRM countries, Bulgaria and Romania are already European Union member states, and most of the others are aiming at a full membership in the near future. Accordingly their legislation and approaches to organised crime share some common characteristics with EU countries and make their security agendas compatible.

2.3.3. Publications

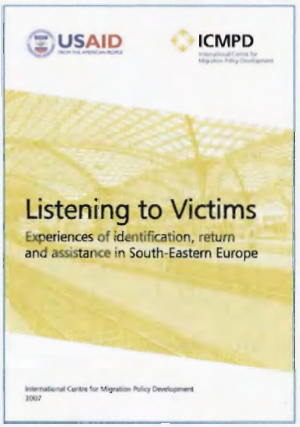
Listening to Victims

In cooperation with social workers/psychologists working for local service providers (NGOs) a victim needs assessment was conducted in order to develop quality criteria and standards for victim assistance, which resulted in the study "Listening to Victims. Experiences of identification,

[7] ICMPD is an inter-governmental organisation based in Vienna with eleven member states, specialised in providing policy advice to governments in the various issue related to migration. For more information, please check www.icmpd.org

[8] Initiatives, similar to the TRM in intention, may exist outside Europe. The team working on the TRM has not, at this stage, researched potential parallels between the TRM and other efforts in this regard.

return and assistance in South-Eastern Europe." In the framework of this comprehensive research in total 80 trafficked persons from different countries in South-Eastern Europe as well as other nationalities trafficked into the region were interviewed providing valuable insight into their needs and wants.



The research clearly shows that before the TRM programme started transnational referrals existed only on an ad-hoc basis and barely met the needs of trafficked persons. More specifically, some of the main concerns identified were:

Access to information: Victims need and want more information about their options and the referral process to be followed and want to be involved in decision-making.

Safety and security: Security was not always assessed on a case-by-case basis and safety and security procedures were handled unevenly, not always balanced against the importance of longer term recovery.

Linguistic and cultural barriers: At all stages of the referral process victims faced both linguistic and cultural communication barriers.

Models of intervention and quality care: The type and quality of interventions – from identification to assistance – were uneven not only between countries but also within countries. Victims themselves questioned some of the

models of care being used (i.e. closed vs. open shelters, residential vs. non/residential programmes).

Engagement of victims in the design and implementation of interventions: Victims often have a clear idea of their needs and how processes and procedures can be improved to better meet their needs. Systems of intervention and assistance which are designed, implemented and adjusted in a participatory manner are more effective, efficient and ultimately humanistic.

Gaps in the process: These include the sometimes inadequate identification skills of identifying actors and missed identification opportunities; that victims continue to be detained/arrested and interrogated; the continuation of unassisted returns; victims' limited access to justice; the conditionality of some assistance; not knowing where to turn for help; and the complexity of the reintegration process.

Importance of individual case-by-case approach: There is a need for flexibility and creativity in responding not only to different identification and assistance needs but also to different profiles of victims.[9]

TRM Guidelines

The TRM Guidelines were designed to meet exactly these needs described above with the aim to ensure proper assistance to trafficked persons throughout the referral process. Divided into five chapters – identification crisis

[9] Surtees, Rebecca. Listening to Victims. Experiences of identification, return and assistance in South-Eastern Europe. ICMPD, 2007. p. 14-16.

intervention care/first assistance; assistance and social inclusion; voluntary return, legal stay and resettlement; and criminal proceedings and compensation claims – the Guidelines offer a set of standard operating procedures for each stage of the referral process and are meant to serve as a practical tool to implement a sustainable transnational referral mechanism in a given country.

The Guidelines are primarily intended for all anti-trafficking actors that come into contact with a trafficked person (may she or he be presumed or identified) and are involved in any step of his/her identification, protection, assistance, criminal proceedings or return process; they are also designed for policy makers and planners who are responsible for the prevention, protection and prosecution policies and interventions. This might include practitioners and specialists of anti-trafficking non-governmental, governmental, international organisations and others, such as shelter workers, case managers, psychologists, legal guardians, interpreters, etc.

The Guidelines are meant to equip the above-mentioned actors with the necessary tools to perform all necessary steps to ensure the full assistance and protection of a trafficked person at any stage of the national and/or transnational referral with due respect for the human rights standards. The Guidelines should be adapted to meet the national procedures established by the National Referral Mechanism (if any), the legislation and the individual country needs. In case of child victims, the Guidelines should complement and support the national child protection scheme in place.

3. Transnational seminars

In the framework of the TRM project, four regional seminars were organized. Each of them hosted more than 110 participants from more than 15 countries, and brought together representatives from governmental, non-governmental and international organisations active in the fight against trafficking in human beings. These seminars were important milestones in the project and proved an invaluable platform for exchange of information, knowledge and expertise among the participants and resulted in very concrete ideas and recommendations, which helped to shape the project activities according to the specific needs of each participating country.

3.1. First Regional Seminar

23-26 April 2007 in Sofia, Bulgaria

Objectives: revise and further develop the draft TRM Guidelines and agree on a catalogue of national measures to enable the establishment of a TRM.

The first regional seminar benefited from the participation of national delegations from Albania, Bosnia and

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Herzegovina, Bulgaria, Croatia, Kosovo, Macedonia, Moldova, Montenegro, Romania and Serbia. Each national delegation was comprised of a representative from the anti-trafficking coordinator's offices, a prosecutor, a representative of a migration authority and a representative of an NGO. In addition, members of the Advisory Board from the main international organisations, active in the field of anti-trafficking, attended the seminar, along with representatives of USAID and US embassies from South-Eastern Europe. Furthermore, the attendance of representatives from Greece, Italy, the Netherlands, Spain, the Russian Federation, United Kingdom and Ukraine, as main destination countries for victims of trafficking from South-Eastern Europe, was highly appreciated by the participants.

During Session One the results of the assessment phase of the programme were presented and discussed. After a short introduction on the achievement of the fact-finding missions to the participating countries conducted by the

programme team, the preliminary results of the research report on victim needs in South-Eastern Europe "Listening to Victims. Experiences of identification, return and assistance" were presented.

Further in this session, the first draft of the TRM Guidelines was introduced as a work-in-progress document to be revised in the course of the implementation of the TRM programme in compliance with national standards and coordinated with the countries' National Referral Mechanisms.

Session Two served to further develop and revise the TRM Guidelines. The participants discussed the draft of the TRM Guidelines in thematic working groups focusing on four substantive areas as outlined in the draft TRM Guidelines: (1) identification, (2) crisis intervention, assistance and reintegration, (3) return and (4) criminal proceedings and compensation. In general, the material was seen as a very useful and practical tool that can easily be used to facilitate a comprehensive transnational referral of victims beyond South-Eastern Europe as well.

In parallel a meeting with the National Anti-trafficking Coordinators of the countries participating in the programme took place. They confirmed their commitment to ensure the necessary follow-up work at the national level in order to achieve the implementation of the TRM programme. The TRM Guidelines, which, according to the National Coordinators, should be a practical implementation guide, were seen as an excellent tool to develop and institutionalise the cooperation of all concerned actors in the region and beyond.

During Session Three the participants gathered in national working groups and discussed the compatibility of the draft TRM Guidelines with the national legislation and operating procedures. They identified steps at the national level that are needed in order to ensure the implementation of the TRM, consisting of national measures and actors that shall be included in the TRM procedures. The participating countries stated that the TRM would not require the establishment of new structures; however, bilateral or multi-lateral agreements might be needed in order to ensure the sustainability of the TRM.

Following an overview of the next steps to be undertaken within the TRM programme the seminar concluded with the acknowledgment that a meaningful process had started and that the development of a functional TRM among South-Eastern European countries and destination countries outside the region was going in the right direction.

3.2. Second Regional Seminar

13-16 November 2007 in Sarajevo, Bosnia and Herzegovina

Objectives: share the results of the national phase in each country, agree on timelines and responsibilities to consolidate the implementation of the TRM Guidelines in transnational cases and discuss cooperation with countries outside South-Eastern Europe.

The second regional seminar benefited from the participation of national delegations from Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Kosovo, Macedonia, Moldova,

Montenegro, Romania and Serbia. Each national delegation was comprised of a representative from the anti-trafficking coordinator's office, a prosecutor, a representative of a migration authority and a representative of an NGO. In addition, members of the Advisory Board from the main international organisations, active in the field of anti-trafficking, attended the seminar, along with representatives of USAID and US embassies from the SEE region. Furthermore, representatives from Austria, Germany, Greece, Italy, the Russian Federation and Turkey as main destination countries for victims of trafficking from South-Eastern contributed significantly to the discussion.

During the seminar the participating countries from South-Eastern Europe were divided into cluster working groups according to their priorities and in consideration of the relevance and importance of other participating coun-

tries for cooperation in the referral of victims. Thus the cluster working groups included representatives from countries of origin, transit and destination and allowed the participants from South-Eastern Europe to share information with their counterparts from outside the region.

In the cluster working groups, participants exchanged experiences and good practices based on the knowledge gained during the national workshops held in each country before the seminar and elaborated practical mechanisms of communication and coordination with the cluster countries. The work of the cluster groups laid the ground for establishing valuable contacts and prospects for transnational cooperation – an essential basis for the development of activities during the third phase of the project.

Following a request from the participating countries, the second regional seminar also addressed the issue of child victims. UNICEF presented special measures for child victims followed by a discussion on the integration of these measures into the TRM Guidelines.

The seminar concluded with an understanding of the crucial role of the National Implementation Teams as multipliers of the agreements on the further steps in the development of the TRM Guidelines. The participants acknowledged the fact that effective transnational referrals of victims of trafficking are contingent upon the commitment and participation of countries of origin, transit and destination. Thus the foundations of transnational cooperation were laid. All participants recognized the fact that the TRM Guidelines will be most useful when they are

concrete, operational and used in practice in transnational cases and agreed on working towards their further institutionalization.

3.3. Third Regional Seminar

19-22 May 2008 in Rome, Italy

Objectives: present the results of the third phase of the TRM programme, test the TRM Guidelines in the work on transnational case studies and discuss future steps.

In addition to the delegations from each beneficiary country, representatives from relevant governmental, non-governmental and international organisations from South-Eastern Europe and outside the region participated in this event.

The seminar focused on the work in transnational cluster working groups. Six working groups discussed real cases of transnational cooperation in human trafficking and some groups took the initiative to work on actual ongoing or recently completed cases, in which the delegations participating in Rome were directly involved. The results of the working groups, which were taken into consideration for the fourth transnational implementation phase of the programme, were presented in plenary followed by a panel discussion focusing on the sustainability of transnational referral mechanisms.

After a presentation of the latest version of the TRM Guidelines, the seminar concluded with the launch of the EU-funded project "Development of a transnational referral

mechanism for victims of trafficking between countries of origin and destination TRM-EU," implemented in close correlation and continuity with the current TRM programme in South-Eastern Europe, and a presentation of the next phase of the TRM programme.

At the closing of the seminar a common agreement among the participants was voiced that the transnational referral of victims represents a shared responsibility between countries of origin and destination, which respects the different roles of the actors involved, according to their mandate and responsibilities in an integrated approach. It was reiterated that the aim of the programme is not to promote the transnational referral by all means, but rather to offer a model for a harmonised referral of victims between two or more countries based on common standards.

3.4. Fourth Regional Seminar

2-3 June 2009 in Ohrid, Macedonia

Objectives: present the results of the TRM programme, discuss the implementation of the TRM Guidelines on actual trafficking cases and share ideas about future steps towards broader transnational cooperation.

As the concluding event of the three-year TRM programme, the seminar focused on the progress in the implementation of the TRM of all involved countries, on discussions about cross-cutting issues and on the outlook for future comprehensive anti-trafficking responses.

During the presentations delivered by the delegations of the countries participating in the programme, the progress made by all participating countries and the tangible changes in their daily approach to resolving transnational cases of trafficking were emphasized. This progress was summarized with the following sentence by a number of national representatives: the TRM countries now speak a common language of transnational cooperation. A vivid example for that was provided during the case presentations. Two joint presentations were held by the representatives of Macedonia and Kosovo and Bulgaria and Romania respectively. The stories of the cases, told jointly by the partner institutions, contained lessons learned about practical cooperation: they highlighted the need for transnational work, facilitated contacts and mutual understanding. Furthermore, the representatives of Spain and Italy shared their experiences in transnational cooperation and expressed their interest and commitment to participate in the TRM concept.

Throughout the three-year implementation of the TRM programme, several cross-cutting issues were identified as relevant to all participating countries and pertaining to transnational cooperation in anti-trafficking efforts. The Ohrid seminar featured expert presentations on four of these issues, i.e. monitoring and evaluation; information exchange and data protection; special measures for children and social inclusion of victims of trafficking, which were also discussed among the participants in four working groups.

It was continuously recognized by the participants that the TRM provides a broad framework for practical transnational cooperation, which addresses an array of relevant issues. To show and foster possible links between different

activities, during the concluding session of the seminar a number of TRM related initiatives were presented by the participants. The TRM EU includes four of the countries currently involved in the TRM (Albania, Bulgaria, Macedonia and Romania) and four additional EU member states: Czech Republic, Hungary, Italy and Portugal. It follows the model of the TRM implemented in South-Eastern Europe and is a proof that the TRM can continue to be expanded to include more committed states.

4. Development of the TRM through the phases

The TRM project evolved throughout all phases of implementation. Alternating between national and transnational activities that complemented each other, the participating countries took on the ownership of the TRM Project and adapted its outputs to their own anti-trafficking system particularities and needs.

The activities that took place were requested by the countries and based on the observations of the project team on outstanding challenges. Continuously building up national capacities and improving the TRM Guidelines, the project evolved through the phases. The number of people who are familiar with the TRM Guidelines and TRM concept has increased substantially, and so has the number of instances in which the Guidelines are used for the resolution of transnational cases of trafficking.

4.1. National workshops

Based on the findings of the victim needs assessment and the specific needs of the participating countries, the national implementation phase initiated the adaptation

and implementation process of the TRM Guidelines at the national level.

From October 2007 to January 2008 fourteen tailor-made national workshops (see schedule below) gathered more than 400 national and local representatives from governmental institutions, NGOs and international organisations active in the field of trafficking in human beings. These representatives provided the basis for the elaboration of detailed draft TRM Guidelines and their adaptation on national levels. The objectives of the workshops were to adapt the Guidelines to the national level and to discuss the enforcement of the TRM. The workshops served as a platform to discuss and incorporate good practices to the TRM Guidelines as well as to specify the relevant actors and institutions on the national level in charge of transnational referral. Participants also discussed the details on TRM implementation and agreed on a catalogue of necessary

national measures to ensure the implementation of the TRM including the timelines and responsibilities.

National Workshops

Albania	Local Workshop, 4 October, 2007 Second National Workshop, 15 October 2007
Bulgaria	National Workshop, 30-31 October, 2007
BiH	National Workshop, 1-2 October, 2007
Croatia	National Workshop, 29-30 October, 2007
Kosovo	National Workshop, 9 January 2008
Macedonia	National Workshop, 8-10 October, 2007
Moldova	National Workshop, 11-12 June, 2007
Montenegro	First National Workshop, 22-23 October, 2007 Second National Workshop, 6 November, 2007
Romania	First National Workshop, 1-3 October, 2007 Second National Workshop, 5-7 November, 2007
Serbia	First National Workshop, 21 September, 2007 Second National Workshop, 12 October, 2007

4.2. Trainings

Between February and April 2008, the implementation of the TRM moved on to the next phase. Up until this point, the national actors involved in the process of implementation were mostly the national implementation team members[10], representing a wide variety of institutions involved in anti-trafficking efforts. Throughout the Second National Implementation Phase it became evident that relevant local and national actors need additional trainings in order for as many national stakeholders as possible to become familiar with the TRM and start using the TRM Guidelines in their everyday work. Hence trainings were organized in each country.

One or more trainings, organized by the Local Liaison Officers and supported by the Vienna project team took place in each country during the period between January and May 2008 (see table below). A total of more than

[10] See chapter 2 of this publication

700 practitioners were trained across the ten countries. The number of trainings, as well as the composition of the target groups, was determined by the national situation and specific needs. The methodology for the trainings provided general guidelines for conducting them, and thus also allowed for flexibility and adaptation to the specificity of each target group and national situation.

Trainings on the TRM Guidelines

Albania	7-8 April 2008: Elbasan 21-22 April 2008: Shkoder 5-6 May 2008: Fier
Bulgaria	26-27 February 2008: Sofia 17-18 March 2008: Burgas 27-28 March: Varna 3-4 April: Sofia 24-25 April: Pazardjik
Bosnia and Herzegovina	6-7 May 2008: Vogosca
Croatia	28-30 April 2008: Vodice
Kosovo	15-17 March 2008: Prishtina 20-21 March 2008: Prizren 3-4 April 2008: Peja 10-11 April 2008: Mitrovica
Macedonia	21-22 March 2008: Skopje 4-7 April 2008: Ohrid 18-21 April 2008: Ohrid
Moldova	14-16 April 2008: Chisinau
Montenegro	24 April 2008: Milocer
Romania	7-9 April 2008: Busteni 9-11 April 2008: Busteni
Serbia	7 March 2008: Belgrade 9 May 2008: Belgrade

The added value of the trainings was their multi-disciplinarily approach. Conducted by trainers from different backgrounds, each focusing on their field of speciality, the trainings provided a comprehensive overview on the process of referral. The target group was also from different backgrounds, thus creating a valuable exchange of viewpoints among participants. The trainings fulfilled a twofold purpose: in addition to familiarizing the national actors with the TRM Guidelines and stimulating them to use them more in their practical work, it they also created a national platform for exchange of contacts and expertise.

4.3. Study visits

A transnational referral necessitates the active participation of countries of origin, transit and destination throughout the process. In order to include as many countries outside SEE as possible in the process of development of a transnational referral mechanism, the participating SEE countries visited EU countries, other countries from the region, or countries that had yet not been involved in any TRM activities yet (see table below).

Thus the study visits provided a logical continuation of the previous two program phases, where the focus lay on national activities. In addition to the large transnational seminars, where the participating SEE countries could meet representatives of relevant countries outside the region, the study visits provided a favourable opportunity for more extensive contacts. A small delegation from each participating country attended numerous meetings with authorities and other relevant anti-trafficking actors in each of the countries visited.

The added value of the study visits was the truly transnational element. Participants from both sides were able to match faces with the names and functions of their counterparts. Furthermore, they were able to discuss current or past cases and agree on ways to improve their direct cooperation.

Study visits

Albania	Kosovo	10 – 13 December 2008
Bulgaria	France	23 – 27 February 2009
Bosnia and Herzegovina	Italy	19 – 23 January 2009
Croatia	Spain	8 – 13 November 2008
Kosovo	Montenegro	14 – 17 December 2008
Macedonia	France	8 – 12 December 2008
Moldova	Cyprus	23 – 24 April 2009
Montenegro	Ukraine	23 – 26 February 2009
Romania	Spain	8 – 13 November 2008
Serbia	Italy	19 – 23 January 2009

4.4. Transnational workshops

During the previous activities in the TRM project, one common request crystallized among all participating countries: to create a platform in which issues of common concern for a small cluster of countries are discussed in more depth. That is why three transnational workshops were organized throughout the region. These were the culmination of activities in the TRM project.

Representatives of Bosnia and Herzegovina, Croatia and Serbia met in Osijek, Croatia on 27-29 April 2009. Representatives of Bulgaria, Moldova and Romania met in Varna, Bulgaria, on 12-15 May 2009. Representatives of Albania, Kosovo, Macedonia and Montenegro met in Budva, Montenegro, on 13-16 April 2009.

Building upon the work done in the previous phases, and bringing together anti-trafficking actors that had a similar

level of understanding of the TRM concept and the familiarity with the TRM Guidelines, the transnational workshops focused on cross-border issues, identified as relevant by each cluster of countries. Most valuably, the participants discussed real transnational cases and identified good practices and elements for improvement in their future work.

The transnational workshops provided a different setting for contacts from the large transnational seminars. In a smaller format, with up to 30 participants, everybody was able to take part in the discussion and be active in the working groups. The smaller and more informal setting provided an opportunity for intensive discussions, openness and an overriding ambition for improvement and continuation of current anti-trafficking efforts.

5. Lessons learned and recommendations

As with any process, the TRM requires monitoring and evaluation. It has become evident, that a sensible process for **evaluation**, just as a sensible referral itself, should be in place. Different models of evaluation exist – from independent institutions, such as national *rapporteurs*, to self-evaluation of each implementing body. Until now, not enough time has passed yet for the involved actors to conduct an objective evaluation of the effects of the continuous implementation of the TRM Guidelines in actual trafficking cases. The draft document itself has been further developed between June 2006 and August 2009 and a final version was published in October 2009.

A practical evaluation of the TRM mechanism is planned. It will monitor to what extent to which the relevant standard operating procedures and measures have been followed and implemented in practice. This evaluation is not meant to replace performance reports of any international organisation, but is intended to facilitate the updating and upgrading of the TRM. The most appropriate way to find out how effective the TRM is would be for national institutions, responsible for coordinating the anti-trafficking responses, to evaluate their own work (which they already do as part of their ongoing work) against the backdrop of the TRM.

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***Recommendation**: Continuous evaluation of the individual steps to implement the TRM should take place. In addition, progress monitoring of the usage of the SOPs shall be conducted in close coordination with the implementing institutions.*

II The TRM is an additional building block in the scheme for combating trafficking and is intended to rest upon a solid **national base**. As of present this precondition of a well-functioning national referral mechanism is not fulfilled everywhere. Even in countries where the institution of National Anti-Trafficking Coordinator exists, the incumbent sometimes lacks the needed resources and the necessary political backing for successful implementation of both the NRM and the TRM. Without an institutional recognition of the problem of human trafficking and at least initial attempts for a structured national response in one country, it would be rather difficult to implement an effective mechanism for transnational referral. Project work has shown that in some countries the development of a TRM has served as a stimulus for the further elaboration of the national referral mechanism and streamlining the two processes.

***Recommendation**: The NRMs in participating countries shall be strengthened and/or further developed in conjunction with the TRM.*

III To some extent certain provisions for a TRM have so far remained **recommendations** only. The usage of the TRM Guidelines has started in a number of the ten countries currently involved in it. The additional four EU countries involved in the TRM-EU project are also on their way to

adapting the TRM Guidelines to their specific needs. Yet, it has become evident that the adequate usage of the TRM requires **training** of the main actors. Even though it provides a step-by-step guidance, it is best used by practitioners familiar with its concept, structure and benefits. Notwithstanding the transnational element of the TRM, such trainings will best be suited for a national audience of relevant actors. During national trainings, the role of the actors involved will further crystallize in the specific context of the TRM SOPs, thus providing a more solid basis for transnational cooperation.

***Recommendation**: Trainings at the national level, targeting an interdisciplinary audience of relevant actors should take place on a regular basis. Such trainings need to be targeted specifically towards better understanding and practical implementation of the SOPs. Using the contact list to "resolve" case studies and drilling the skills needed for practical international work are essential addition to the day-to-day work of practitioners.*

IV No matter how self-explanatory it may seem, the issue of **mutual trust** remains a stepping stone for cooperation. In the pilot TRM SEE region throughout the years cooperation has often been imposed upon state authorities from above. Yet the trust in each other's capabilities and rule-of-law systems has to come from within the country. Only then can transnational cooperation properly function in an issue as sensitive as trafficking in human beings.

***Recommendation**: Regular multilateral and bilateral meetings between one or two representatives of the main anti-*

trafficking actors (ministry of interior, prosecutor's office, service providing NGOs) should be held within the framework of the TRM. At such meetings, real cases, ongoing or already solved, may be discussed in accordance with confidentiality and data protection measures, in order for the possibility of feedback. An analysis of the how cases have been resolved shall be encouraged.

V

The TRM commenced as a **pilot regional programme**. An initial **indicator that the TRM is efficient and effective** is that other countries have opted to join the programme, increasing its applicability as a transnational referral system. The pilot TRM started in a region, characterised by a number of particularities, some of which facilitate and others hinder the proper implementation and functioning of the TRM. If the TRM indeed forms a stable basis for international cooperation in the process of referral of victims of trafficking, its **model should be "exportable" to other regions of the world**. Perhaps one of the most logical groups of countries in which a TRM may be implemented is one where the countries involved share certain political or legislative features. The region that has the most unified supranational legislative structure is the European Union. Yet, as discussed above, it takes a number of other factors for a TRM to become operational; a mere approximation of legislation is not sufficient. The countries from the pilot TRM SEE which conducted study visits to EU countries have communicated their positive experiences with the TRM. Here a step-by-step implementation approach is evident: countries continuously learning from each other, exchanging practical experiences, information, and contacts.

A gradual expansion of the TRM model beyond the currently included ten countries would be sensible in order to preserve the present degree of efficiency. To facilitate this process a peer-to-peer approach may be applied, in that countries more experienced with the TRM share and educate others in implementing analogous initiatives.

Recalling the analysis of EU documentation on joint efforts both to combat trafficking in human beings as an aspect of organised crime, and to provide adequate protection of victims across the EU, one would expect all EU member states to be ready to take up the challenge of establishing a TRM. It is thus a worthy initiative to inspire actors active within the European Union to create a transnational referral mechanism, following the example of South-East European countries.

Recommendation: *An assessment on the need of countries for a TRM shall be conducted.*[11] *This assessment shall evaluate the existing NRM and already established international cooperation as well as, the willingness and capacity of the relevant actors to be involved in an institutionalised mechanism for referring victims across borders.*

VI

The nature of the trafficking crime as a **dual security threat** to both states and persons continues to pose one of the main difficulties to effectively combating it. Its implications regarding state security, on one side, and to the wellbeing of the persons, on the other, trigger different approaches

[11] An assessment of this kind was conducted in Ukraine in September-October 2008.

and feeds off different interests. For example, the contradictory status of a victim of trafficking as a victim or as a witness of a crime requires a particular way of handling a trafficking case. Thus more programmatic flexibility should be applied to designing anti-trafficking responses.

Recommendation: *A multidisciplinary approach shall be applied to the resolution of trafficking cases. With an understanding of the duality of the problem, relevant actors shall cooperate across sectors to find the most appropriate solutions for the referral of victims transnationally.*

VII The ultimate goal of a Transnational Referral Mechanism is that assistance and support to victims of trafficking that have been trafficked **across borders is provided in a coordinated and effective manner.**

Recommendation: *Every case of trafficking shall be looked at individually, with particular attention to the needs of each trafficked person. Notwithstanding this needs-tailored approach, an institutionalised framework of standard operating procedures should be developed in order to ensure the efficiency of the referral.*

MARRI
Migration, Asylum, Refugees Regional Initiative

Republic of Bulgaria
Ministry of Interior

Cooperation beyond Borders

Development of Transnational Referral Mechanisms for Trafficked Persons

Ensuring adequate assistance to trafficked persons has been the focus of anti-trafficking efforts worldwide. However, up until recently, little attention has been paid to the transnational referral of victims.

This publication summarises in a few pages the three years of development of a Transnational Referral Mechanism in South-Eastern Europe, initiated by USAID in co-operation with the International Centre for Migration Policy Development (ICMPD), which took place under the *Programme to Support the Development of Transnational Referral Mechanisms (TRM) for Trafficked Persons in South-Eastern Europe.*

A TRM is a tool for institutionalised international cooperation. It is a way to encourage institutions and organizations to "talk to each other" more, in a more structured and solution-oriented way. The TRM brought multidisciplinary actors together from both the practical and policy level during a 40-month period. Their co-operation showed that only through the joint and coordinated commitment of government officials, law enforcement agencies, NGOs and International Organisations can combating trafficking in human beings be successful and effective support can be given to the actors involved in it. The TRM programme has proven to be an important contribution to this effort for international coordination.

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