

## Case Study: handling VoT cases requiring transnational cooperation in the European Union



### Disclaimer

The content of this document represents the views of the authors only and is their sole responsibility. The European Commission does not accept any responsibility for the use that may be made of the information it contains.

## TABLE OF CONTENT

<b>Introduction .....</b>	<b>4</b>
<b>Cases presentation by scenario .....</b>	<b>5</b>
1. Spain as a country of transit in international trafficking cases .....	5
2. Human trafficking victims returned to Spain by the Dublin Regulation .....	10
a) Human trafficking victim exploited in several European countries and returned to Spain as the country of entry to the European Union by applying the Dublin Regulation .....	10
b) Victim of trafficking in human beings exploited in Spain (country of entry into Europe) who flees to another European Union country that decides to return her to Spain as a country of entry into the European Union in application of the Dublin Regulation .....	13
3. Victims of human trafficking moving to a third European country for their reintegration and recovery .....	15
<b>General recommendations .....</b>	<b>22</b>
<b>Credits.....</b>	<b>23</b>

## INTRODUCTION

This current document is embedded in the “Transnational Initiative Against Trafficking in the Context of European Asylum Systems (TIATAS)” project, which has the objective of improving early identification processes and support for victims (or presumed victims) of trafficking among refugees and migrants seeking asylum in the European Union (EU).

As a starting point, TIATAS has ascertained that many persons national from a third country that arrive in Southern Europe move rapidly to other EU member states where they seek to establish themselves. In cases where the person present signs of trafficking, or have been identified as being trafficked, and request a transnational referral, these referrals are done informally without a uniform, or rights-based, process. These situations result, more often than not, in a profound re-victimization, putting the rights that have been recognized at risk, and placing the victims in a risky position of falling back into a trafficking situation.

This document analyzes in depth eight real cases that took place between the years 2016-2022 of women victims of trafficking, which have required transnational cooperation between Spain and one, or more, European Union countries. All these cases were directly handled by the anti-trafficking organizations Proyecto Esperanza and SICAR cat. Both specialized in the accompaniment and integral support to women victims of trafficking for any means of exploitation; and are members of the religious Congregation Adoratrices in Madrid and Barcelona, respectively).

The methodology used in this document has included the following steps:

- Identification and selection of relevant cases, by the areas of direct intervention and awareness, based on data from Proyecto Esperanza and SICAR cat.
- Meetings to debrief and analyze the 8 selected cases in depth.
- Organizing the collected information into a case analysis index
- Drafting of the case study.

This case study departure point is, therefore, the direct experience of Proyecto Esperanza and SICAR cat. We think it is fundamental to understand the reality, analyze it, and break it down, in order to be able to identify best practices, difficulties, and recommendations that help us advance the protection of rights for victims of trafficking, in this case, in essential areas like referrals and transnational coordination.

Based on the case analysis, we have asked ourselves the following questions:

- What kind of scenarios are we finding in the case management of trafficking victims that have required transnational cooperation?
- What difficulties are we having when it comes to protecting and guaranteeing victims’ rights in the identification and referral procedures with a transnational component?
- What best practices can we identify that will help us to keep making progress?
- What general recommendations have developed from what we learned?

The document that follows seeks to answer these questions.

## CASES PRESENTATION BY SCENARIO

### 1. Spain as a country of transit in international trafficking cases

Because of its location and geographic characteristics, Spain is, in many international trafficking cases, a gateway country to Europe. Many of the persons in transit, trafficking victims among them, don't necessarily have Spain as their final destination, but continue their migratory journey toward other European countries where they establish themselves.

In irregular entries by boat to the coasts of Andalusia or the Canary Islands archipelago we often detect cases that indicate a possible trafficking situation. In this context, the presumed victim is often given false promises or work prospects by the traffickers who have organized the trip to Europe to follow their instructions and move immediately to other European countries where they are waiting for the presumed victim to be subjected to exploitation in different sectors.

#### *Case 1: Guinea-Conakry - Spain - France*

##### *Case description*

A woman from Guinea-Conakry arrives in the Canary Islands by boat. Upon arrival she receives humanitarian assistance, first in the Canary Islands by an organization not specialized in trafficking. Afterwards, she is transferred to the Spanish mainland where she is, again, assisted by another organization also not specialized in trafficking.

This organization, however, observes possible signs of trafficking, and contacts Proyecto Esperanza as a specialized organization in order for us to evaluate the case and offer support to the woman, in the event that the indicators of trafficking are confirmed.

After interviewing her in adequate privacy conditions and with an experienced interpreter, we observe the following **general trafficking indicators**, which are coincident with other similar cases previously handled:

- She finds herself in a very vulnerable position due to her age, gender, precarious economic situation, and the difficult social, political, and economic context in her country of origin.
- She finds herself in an irregular migratory status due to the fact that she arrived in Spain through irregular entry.
- She states that her final destination is France and that somebody is waiting for her there. She does not know, or does not provide, any additional information on her expectations, or the people waiting for her, once she gets to France.
- She says that she has to complete her journey to France following precise instructions, which include a stop in Bilbao, in the north of Spain, where she has the contact information for a man who will facilitate the rest of her journey to France.
- Despite her irregular situation and her lack of knowledge, she confides in the promises made to her by the people who facilitated her trip to Europe, and believes that the expectations of promised work in France that they've given her are real.
- She is not aware of the possible risk she is taking, and she does not self-identify as a potential trafficking victim.

### *Intervention and referral*

Once Proyecto Esperanza detects these general indicators, and in communication and coordination with the organization that provided the humanitarian assistance, we intervene as a specialized anti-trafficking organization, and offer her the following information:

- Regarding the possible danger she might find herself in: we explain that we have had previous cases of victims of trafficking from her country with characteristics that match her case.
- Regarding the rights of victims of trafficking in Spain and other European countries: we explain that she has the right to be identified, protected and cared for free of charge and not conditional on her filing a complaint.
- Regarding the role of the police authorities in relation to trafficking: we insist that she can ask for help directly to the authorities, or with the accompaniment of a specialized organization.

After this intervention, the woman states her intention to move forward with the idea of going to France. She still has trusts in the promises made to her.

Respecting her decision power, Proyecto Esperanza connects with a specialized anti-trafficking organization in France to inform them of the case and to ask them to be prepared to offer support to the woman in the event that, after her arrival to France, she effectively finds herself in a trafficking situation.

Likewise, we give the woman detailed contact information for both the French specialized organization that could help her, and the police authorities in the event that she finds herself in an exploitative situation, and insist that, at any time, she can ask for help and assistance if needed. Our objective is that she has the information and the necessary contacts to seek specialized help at any moment if needed at her disposal. We follow up with the specialized organization in France but the woman does not contact them.

### *Challenges and good practices*

#### **Challenges:**

- There was limited intervention time with the woman as she was eager to urgently continue her journey to France following the instructions she had received.
- The woman was not aware of the possible danger she was in. She trusted the expectations that had been created for her, and she believed that the future she had been offered in France was real.
- In these circumstances, and with limited time, it was difficult to establish a meaningful and trustworthy rapport with her.

#### **Good practices:**

- That the fact that the organization providing humanitarian assistance detected possible signs of trafficking and communicated them immediately, seeking help from a specialized anti-trafficking organization like Proyecto Esperanza was a very positive sign.

- There was mutual trust between the organizations involved in this case, based on mutual knowledge, and on previous experiences of referral and case management, as well as common networking within the framework of the Spanish Network Against Trafficking in Persons, where both organizations share vision and objectives.
- There was good cooperation established between both organizations, which facilitated a coordinated and complementary intervention within the short timeframe available.
- The intervention was initiated and carried out on the basis of reasonable grounds or mere indications of trafficking, without waiting for certainty and confirmation.
- Immediate and preventive action was taken with the aim of informing the woman of the possible situation of risk in which she found herself, and to make her aware of the rights she had, and the existing possibilities of support, help and protection in the event that her rights were violated.
- The specialized anti-trafficking organization in Spain, Proyecto Esperanza, had a counterpart in France to which she could immediately turn to report the case and ask for collaboration.
- In response to the woman's decision to continue her journey to France, the coordination between the Spanish and French specialized organizations provided her with detailed information about her rights in France in addition to contacts of the authorities and the specialized organizations that could offer her support if needed.

## Case 2: Guinea-Conakry - Spain - France

### Case description

A woman from Guinea-Conakry from a family with limited resources. She is the oldest of 6 siblings and has never had the opportunity to study. At the age of 15 she is orphaned and goes to live with her maternal aunt, becoming the sole caretaker of her siblings. She suffers violence and abuse at the hands of her aunt, and is forced to complete all household duties without rest, in addition to selling water, food, or any kind of necessary products.

One day, whilst working, she is assaulted, beaten and raped by four men. In this context, a friend of her mother's who is in Morocco offers her a job and help to pay for her trip there. Faced with the situation of violence, the need to support her siblings, and the possibility of a forced marriage, she decides to leave.

During her stay in Morocco, she is exploited, forced to complete household chores, and care for the children of her employer without rest, and obliged to hand over all the money to the woman who paid for her trip.

An acquaintance offers her the possibility of traveling to Spain in an irregular way by boat. In order to escape from the situation in which she finds herself she accepts. Upon her arrival in the Canary Islands she is referred to a humanitarian aid center.

There, taking into account the fact that she is, allegedly, under 18, her life history, migratory trajectory and the length of time at the humanitarian aid center, the staff assess the existence of possible signs of human trafficking, as well as a situation of great vulnerability. Specifically, they observe the following **general trafficking indicators**:

- A third person organized and financed the journey.
- A third person produced a passport.
- Inconsistent narrative of some aspects of her history.

- Uncertainty of the exact times she spent in each location in her migratory journey.
- Air travel to Morocco.
- Labour exploitation in Morocco.
- Existing threats to pay the debt from the cost of the boat trip to the Canary Islands.
- Unfamiliarity with the amount of debt contracted.

For all these reasons, the humanitarian aid centre believes that the woman could be a victim of human trafficking for the purpose of labour exploitation in Morocco, and be at risk of becoming a victim of sex trafficking in France, since she refers her desire to go there at the insistence of a supposed relative who offers her short-term job opportunities.

### *Intervention and referral*

In view of these circumstances, the humanitarian aid center evaluates her referral to SICAR cat as an anti-trafficking specialized organization.

SICAR cat, in close collaboration and coordination with the humanitarian aid center that first assisted the woman, contacts her and offers her information:

- About the possible situation of human trafficking in which she finds herself.
- About the rights that victims of trafficking have in Spain and other European countries to be identified, protected and cared for free of charge and not conditioned to her filing a complaint.
- About SICAR cat as a specialized anti-trafficking organization offering comprehensive support.

After this intervention, the woman accepts to enter SICAR cat comprehensive support program despite her desire to go to France. During her time with SICAR cat, we initiate a bonding process with the woman, we inform her again of her rights, and we carry out a joint risk assessment in case of continuing the journey to France.

Given the insistence of continuing the trip, we initiate coordination efforts with an anti-trafficking organization in France with the aim of informing them about the case so that they are prepared to offer support to the woman in the event that, after her arrival to France, she effectively finds herself at risk, or in a trafficking situation.

Additionally, we provide her with the contact details of the specialized organization in France, as well as with information about how to proceed in case the French police requests her documentation, taking into account her status as an asylum seeker in Spain, and the existence of indications of human trafficking.

Finally, after a short stay at SICAR cat, despite the risks involved and the information provided, she decides to leave without giving notice of her departure. From that moment on, and for a period of time, SICAR cat follows up with the woman by telephone to monitor the situation. Her communication becomes more infrequent, and she expresses to be doing fine.

### *Challenges and good practices*

#### **Challenges:**



- The time to intervene with the woman was very limited. She had an urgency to continue her journey to France following the guidelines and indications given to her. The woman was aware of the risks she was taking, but felt she had no real alternative, as her family was being threaten in her country of origin. Given the lack of time, it was not possible to establish a close and trusting relationship with the woman, nor to react with more information and analysis of the situation.

### ***Good practices:***

- Early detection of trafficking indicators (prior to the exploitation phase) by the humanitarian aid center that received the woman when she arrived in Spain.
- Referral of the case to SICAR cat as a specialized anti-trafficking organization
- Preparation of a detailed report by the humanitarian aid center, including possible signs of trafficking observed, and detailing the situation of vulnerability in which she finds herself, due to her young age (possible minor), as well as the impossibility of making decisions for herself.
- The humanitarian aid center facilitated prior contact with the victim before referring her to SICAR cat.
- Complementary and coordination between the humanitarian aid center and the specialized anti-trafficking organization in the process of evaluating and assessing the risk situation, and in counselling the woman.
- Existence of mutual trust between the intervening organizations solidified in this case, in the existence of a collaboration agreement for the exchange of information, referral and case management, with the objective of improving the intervention with women potential victims of human trafficking.
- Acting on mere indications of trafficking in a preventive manner, informing the interested party of the possible risks in the event of traveling to France.
- Providing the woman with information and contact details of specialized organizations in France prior to her trip in case she needs to use them.
- Proactive coordination between the specialized anti-trafficking organization in Spain and the counterpart in France in order to inform them about the case.
- Information given to the woman about how to proceed in the event that the French police ask for her documentation, keeping in mind her status as an asylum seeker in Spain and the presence of signs of human trafficking.

### ***Common observations in Cases 1 and 2:***

- These are positive cases of early detection of signs of trafficking as soon as the person arrives on European territory.
- Spain is the country of entry to Europe and transit, France is the final destination.
- The women are determined to continue their journey to France, following the instructions given by those who facilitated their journey to Europe, despite the fact that they are in a situation of great vulnerability and the intervention carried out with them exposing the signs of trafficking that exist in their cases.
- In these circumstances, the intervention, referral, and transnational collaboration that is carried out focuses on:
  1. Providing both women with accurate and detailed information through a translator, so that the information is received in a language they can understand, about: possible risks, rights and options in France, and contact information of specialized actors in the destination country so that they can ask for help if they find themselves in a situation of exploitation.

2. Prior coordination between the specialized organization in Spain and the specialized organisation in France to inform about the cases and to be able to offer support to the women in the event that, upon their arrival in France, they, in fact, are in a trafficking situation.
  - In this type of cases, networking between specialized anti-trafficking organizations, as well as the existence of Service Directories with information on other specialized organizations is fundamental.

## 2. Human trafficking victims returned to Spain by the Dublin Regulation

The present scenario analyzes the implications of transnational trafficking cases by applying the Dublin Regulation, which establishes which European Member State is responsible for reviewing and assessing an asylum application. This scenario distinguishes two possible situations in which the casuistry is analyzed:

### a) Human trafficking victim exploited in several European countries and returned to Spain as the country of entry to the European Union by applying the Dublin Regulation

One of the defining characteristics of human trafficking is the mobility of victims who, in the cases analyzed, are exploited in different European Union (EU) countries to generate more income for their traffickers.

In these cases, victims may come into contact with law enforcement or asylum officers in an EU destination country other than the country of entry. Unfortunately, these victims are often not properly detected and identified as such, and/or do not receive adequate attention according to their needs and the assessment of the risk to which they are exposed. As a result, they are subjected to situations of re-victimization, including, at times, exposure to new trafficking situations.

### Case 3: Nigeria - Spain - Denmark

#### Case description

Nigerian woman, from a family with limited resources, who works as a street vendor. She meets a woman with whom she shares her concerns about her precarious economic situation and who tells her that she can help her get out of this situation. In exchange for 50,000 euros, she offers to finance and organize her trip to Europe, and to provide her with a job offer once there. The woman agrees, unaware of the difference in value between naira and euros, and ignoring the exorbitant amount of money she agrees to pay as a debt.

Upon her arrival to Spain by plane, two men pick her up at the Madrid airport. They take her travel documents away and take her to an apartment where she is raped and held for three months. During those months she is forced into prostitution every day of the week, from 5:00pm until 6:00am the next day. At the end of each night they take away all the money she has earned.

At the end of those three months, the trafficker sends the woman to Denmark in order to keep her in prostitution and generate more income, while continuing to subject her to constant threats

In one year, she earns 11,000 euros for the trafficking network. Meanwhile, her family in her country of origin receives threats from the trafficker because, in her opinion, she is not paying off her debt quickly enough.

### *Intervention and referral*

After several months in Denmark, the woman is detected by the Danish authorities as a victim of trafficking for sexual exploitation in prostitution, and is formally identified as a victim of trafficking by the Danish Immigration Service.

The Danish authorities inform the woman of her rights, and she receives specific support as a victim of trafficking. She is granted a reflection recovery period.

The woman applies for International Protection in Denmark and the Danish authorities apply the Dublin Regulation, coordinating her return to Spain so that the Spanish authorities can assess her asylum application, since Spain is the country of her entry to Europe.

She is referred by the Danish authorities to Proyecto Esperanza as a specialized anti-trafficking organization so that she can receive comprehensive support upon her arrival in Spain.

Even though a formal cooperation or referral agreement doesn't exist between Proyecto Esperanza and the Danish counterpart, a prior knowledge exists between both organizations since representatives from the Danish organization have previously visited Proyecto Esperanza during a study visit to Spain.

At Proyecto Esperanza we are provided with an initial assessment of the woman's needs from Denmark. Additionally, we carry out a preliminary risk assessment whilst the woman is still in Denmark. Both assessments are completed once she arrives in Spain. Before her arrival, she receives information about her rights and options in Spain.

In order to ensure her correct detection and specialized reception in Spain, prior to her arrival, from Proyecto Esperanza we coordinate with the organization offering support to migrants returned to Spain under the Dublin Regulation at the Madrid airport, as well as with the National Police,

Upon arrival at the airport the coordination works correctly, and the woman is referred to Proyecto Esperanza, where she receives information about her rights and options in Spain, as well as comprehensive support, including accommodation, medical and psychological support, support for socio-labour integration and legal advice.

The woman formalizes a new asylum application in Spain, providing information on the trafficking situation she has experienced, and on the well-founded fear she has of returning to her country where she may receive reprisals from the trafficking network to which she has not finished paying the debt demanded.

### *Good practices and observations*

#### ***Good practices:***

- The referral takes place with sufficient time to be able to work the case properly, and to adequately prepare the intervention for the moment when the woman is returned to Spain in application of the Dublin Regulation.
- The Danish authorities issue and share, with the woman's authorization, a detailed report that facilitates the understanding of the situation in which she finds herself.

- The referring organization in Denmark facilitates the direct contact of the victim with the receiving organization in Spain, while she is still there, so that she can be directly informed of her options and rights and can raise all doubts and questions, thus generating trust and a bond between the woman and Proyecto Esperanza as the receiving organization.
- With adequate time, Proyecto Esperanza coordinates with the authorities and other key actors to be able to guarantee, in an adequate manner, the woman's reception from the first moment she returns to Spain.

#### *Observations:*

- In order to provide adequate support and protection, it is imperative to have sufficient time to coordinate the case, including detailed information. This allows for an individualized assessment of the victim's needs and risks.
- Promoting and facilitating the victim's direct contact with the receiving organization in the country to which she is to be returned before the trip provides her with rapport and a sense of calm, and helps to generate the trust and bond necessary to be able to do a good job.
- In cases of application of the Dublin Regulation where a victim of trafficking is returned to the country where she has been previously exploited, and where the trafficking network continues to operate, if there is no proper referral and coordination between all actors, as there was in this case, there is a high risk that the victim will be traced and subjected to exploitation again.
- In this case, the woman did not have any support network in Spain, so the referral by the Danish authorities to Proyecto Esperanza was crucial for her to have her basic needs covered, to access her rights, and to carry out a comprehensive recovery process as a victim of trafficking.

#### *Case 4: Guinea-Conakry - Spain - Germany*

##### *Case description*

18 years old woman from Guinea-Conakry. There is no detailed information about her situation in her country of origin. The only available information is that she was a victim of trafficking for sexual exploitation in prostitution in both Spain and Germany.

##### *Intervention and referral*

Whilst at a center for asylum seekers in Germany, the woman is returned to Spain by the German authorities in application of the Dublin Regulation without any information, coordination or referral.

Once in Madrid, the woman telephones the professionals at the German asylum center desperately asking for help. She informs them that she is homeless and living in the street, without economic resources or support of any kind, and that she is being, once again, exploited in prostitution.

Staff at the German center contacts Proyecto Esperanza through the 24-hour emergency telephone number, and facilitates the woman's telephone number so that we can try to contact her urgently and offer her support. They do not provide us with any detailed information about the case, the woman's situation, or where she is.

We try to contact her immediately on the cell phone number provided, but it is not operational, and neither that day nor in the following days and weeks we manage to contact her. It is impossible to locate her and offer her help.

We provide the little information we have to the police and the emergency social services, but, in spite of following up the case, we have not been able to locate the woman.

### *Challenges and observations*

#### *Challenges:*

- The German authorities do not inform the asylum center in Germany where the woman was initially held about her return to Spain.
- Despite her highly vulnerable profile, the German authorities also do not share any information, nor coordinate with the Spanish authorities, or with any specialized organization to organize the reception of the woman in Spain.
- No detailed information about the case is provided or offered by the asylum center in Germany that contacted Proyecto Esperanza.
- It is impossible to locate the woman on the cell phone number provided.

#### *Observations:*

- This case is a resounding example of malpractice.
- The authorities failed in their obligation of due diligence by not carrying out any information management or coordination in a situation that affected a woman in a position of extreme vulnerability.
- The poor performance of the authorities resulted in the re-victimization of the woman who, in the absence of any support and help, ended up being sexually exploited again in prostitution and disappeared.

### **b) Victim of trafficking in human beings exploited in Spain (country of entry into Europe) who flees to another European Union country that decides to return her to Spain as a country of entry into the European Union in application of the Dublin Regulation**

Spain is traditionally a country of transit and destination, and one of the main countries of entry into the European Union. Sometimes victims of trafficking who are being exploited in Spain decide to flee to other countries in order to disassociate themselves from their traffickers, put distance, and seek a safe environment in which to recover and resume their lives. In these circumstances, sometimes the victims decide to apply for International Protection in the new country where they find themselves. In this situation, the receiving country, after verifying that the country of entry to the European Union was Spain, decides, based on the Dublin Regulation, to reject the asylum application made by the victim and return her to Spain, despite the fact that this is the country where she has been exploited, and without taking into account the needs of the victim and her protection.

## Case 5: Nigeria - Spain - Germany

### Case description

Young Nigerian woman, from a family without resources. She had to quit her studies to work and, at the age of 18 became pregnant by her partner, who did not want assume his responsibility as a father. Due to the precarious economic situation, and the need to provide alone for her family, she contacts a friend in Spain who offers her the possibility of traveling and working as a prostitute. The woman agrees, leaving her son in the care of his mother in Nigeria

Before leaving she is forced to perform a voodoo ritual in which she promises to pay back 55,000 euros and not to contact the police under any circumstances. After several years in prostitution, under constant threats to her and her family back home, she decides to escape and report her case. As a result, and due to the high risk of suffering direct threats to her and/or her family, she is transferred to another province, and her son is reunited with her from Nigeria.

Despite having protection measures in Spain, both she and her family receive numerous pressures, death threats and assaults, so she decides to disassociate herself from the criminal proceedings and flee with her young son to Germany.

In Germany she applies for asylum for herself and her son, but her request is not admitted and the proceedings for her return to Spain are initiated in application of the Dublin Regulation, as the German authorities understand that it is the country responsible for examining the asylum application since it was the country of entry to the EU.

### Intervention and referral

Faced with this situation, the woman contacts SICAR cat, the specialized organization that had assisted her in Spain, to explain her situation and ask for assistance.

From SICAR cat we carry out different transnational coordination activities in order to provide the necessary information to the key actors in Germany so that, before returning her to Spain, they can make an assessment of her specific needs, as well as the risk to which she is exposed if returned. Specifically, we carry out the following actions:

- Contact the social worker of the refugee camp in Germany where the woman is staying.
- Preparation of a needs and risk assessment report to be included in the framework of the judicial process initiated after appealing the decision of rejection/in admission of the woman's asylum application in Germany.
- Referral and coordination with the organization specialized in human trafficking supporting her in the refugee camp in Germany providing them with legal advice and follow-up of the case (coordination for information on the case, background and assessment).
- Coordination with the German lawyer who contented de denial of the asylum application.

Finally, the German judicial authorities decide not to apply the Dublin Regulation in this case.



## Challenges good practices and observations

### Challenges:

- Lack of knowledge of the relevant procedures under Germany's legislation concerning asylum, immigration law, etc.
- Lack of knowledge of the key actors to contact in cases of repatriation due to the application of the Dublin Regulation, in which it is essential to carry out an individualized report on the risk assessment and specific needs of the victim.
- Existence of short timeframes that hinder interventions and a coordinated transnational action.
- Lack of clear procedures for international institutional coordination at the European level.
- Lack of knowledge of the intervening actors, and absence of established procedures in these cases, including clear and formal mechanisms for monitoring a case.

### Good practices:

- Coordination with the social worker of the refugee camp in Germany.
- Preparation of a risk assessment and specific needs report.
- Coordination with the anti-trafficking specialized organization in Germany providing legal advice to the victim and follow-up of the case.
- Coordination with the German lawyer: provision of the risk and specific needs assessment to the judicial process
- As a result of the efforts, she is granted subsidiary protection in Germany.

### Observations:

- This case is a positive example of collaboration and transnational coordination between professionals thanks to which the return of the trafficked person to the country of entry to the EU where she was exploited is avoided, by providing background information on the case, and conducting a risk assessment and specific needs assessment (non-application of the Dublin Regulation).
- This case highlights the need to conduct a thorough risk assessment and vulnerability analysis of the victim before issuing a return decision under the Dublin Regulation, to ensure the safety of the person and avoid re-victimization.

## 3. Victims of human trafficking moving to a third European country for their reintegration and recovery

In this scenario, Spain is neither a country of origin, nor a transit or destination country for victims of trafficking, but rather a country of refuge where they seek to distance themselves from the country where they have been exploited. In these cases, they choose Spain because they consider that it is a safe country that distances them from the trafficking network that exploited them in another country. They choose Spain also because it is where they can obtain better opportunities for their recovery and reintegration, either for reasons of social or family roots (because they have family members living in Spain, or because there is a significant community of people of their nationality).

## Case 6: Venezuela - Poland - Spain

### Case description

A Venezuelan married couple with four children first moves from Venezuela to Colombia, with three of the children under 18, searching for security and better opportunities due to their country's political, social, and economic crisis. Their oldest daughter migrates to Spain where she establishes herself.

While in Colombia, the couple receives a job offer to work at a steel company in Poland. The company that contacts them offers to pay their airfare and organizes their trip. Once in Poland, the company officials take away the couple's passports. They receive no salary, as the company claims that they must first pay off the debt incurred for the trip, and they are subjected to 12-hour working days.

Polish police intervene the company and the Venezuelan couple, along with other workers, are identified and formally recognized as victims of trafficking for labour exploitation. The Polish authorities grant them a residence and work permit for 3 months as victims of trafficking.

The couple considers moving from Poland to Spain to continue with their recovery process, since in Spain they have the support of their adult daughter, who is a documented migrant, and who can offer them support upon their arrival. They also assess that in Spain they know the language and are more familiar with the culture.

### Intervention and referral

The Polish police refer the couple to an organization specialized in assisting trafficking victims in Poland so that they can receive information and social support. They express their doubts about staying in Poland after what they've suffered, and state their interest in moving and establishing themselves in Spain, where they count on family support and an easier social and labour integration.

The specialized organization in Poland is familiar with the work of Proyecto Esperanza since both organizations are part of the same European network. The organization contacts us and requests that we provide them with information and advice, so that they can make an informed decision about their transfer from Poland to Spain and, if confirmed, we can offer them the social and legal support they need.

From Proyecto Esperanza we respond positively to the request. The specialized Polish organization provides us with direct contact with the couple, and we communicate with them, both by telephone and by text message, to learn more about their situation and needs, and to offer them all the information they need, as well as to resolve their doubts. In addition, we carry out a risk assessment, ruling out the existence of dangerous situations in Spain, as the country has no connection with the trafficking situation they have suffered in Poland.

In conversation with the couple, we assessed that they don't require housing support upon their arrival (since they will be received by their adult daughter who has legally resided in Spain for some time). We do consider that they need legal support to regularize their situation in Spain, and support for their social and labour integration, as well as adequate accommodation in the medium term (since the accommodation in their daughter's house will be temporary). From Proyecto Esperanza we coordinate with an organization specialized in supporting asylum seekers in the region where they are going to settle, so that this organization can continue to offer them the support they need



## *Challenges, good practices and observations*

### ***Challenges:***

- The information Proyecto Esperanza receives from the specialized organization in Poland is very basic. They don't send a referral report and don't elaborate on how the events occurred, nor about the rights they have in Poland since they have been formally identified as victims of trafficking. Additionally, clear and detailed information about the kind of help being offered in Poland isn't received.

### ***Good practices:***

- The established trust and collaboration between the specialized organizations in Poland and Spain (thanks to years of working in the same European network) facilitates the contact and referral, and give the Venezuelan couple confidence in Proyecto Esperanza.
- From the initial moment of the decision-making process, the Polish organization facilitate direct contact between the Venezuelan couple and Proyecto Esperanza providing them with the opportunity to resolve their doubts and express their needs without an intermediary and in their native language. This allowed us to offer guidance and information at a key moment for them, helping them in their decision-making process, with accurate and detailed information about their options and possibilities, as well as the difficulties they may face in Spain.

### ***Observations:***

- In this case, Spain is not the country of origin, transit, or final trafficking destination. It is the country where the victims want to resettle and continue their recovery and reintegration processes with the most opportunities.
- The existence of trust and mutual knowledge between the specialized organizations in Poland and Spain, due to previous networking facilitates coordination and referral process.
- The transfer from Poland to Spain occurs at the initiative of the victims (not the authorities) because they have relatives and better options for their recovery here. In these cases, it is important that the authorities of the destination country (in this case the Spanish authorities) recognize that victims of trafficking who have been exploited and formally identified as victims of trafficking in another European country, and who are now in their territory, need support and protection for their complete recovery.

## *Case 7: Honduras - Finland - Spain*

### *Case description*

Honduran woman, from a family with limited economic resources and with a young daughter at her care. She is working in a beauty salon when she receives, through an acquaintance, an offer to work in a beauty salon in Finland. This person convinces, and deceives her, telling her that Spanish is also spoken there, that she won't need winter

clothing, that she will be able to earn 1,600 euros per month and that, after three months, she can get a residence permit in the country and regroup her daughter. Faced with such an offer, the woman accepts and asks for a loan of 2,400 euros from a bank in Honduras to pay for the trip.

When she arrives in Finland, she discovers that the offer is not real, and that her job will be to clean houses and offices. She works weekdays for two companies in rotating shifts (one during the day and one at night) from 5:00 in the morning until midnight, with no days off. In addition, she works in a bar on weekends, and sometimes works in other cities, as well as in homes. She receives no salary, is not allowed to talk to anyone, and her communications are monitored. She sleeps on the floor, and is fed discontinuously. In addition to her, there are two other women in the same situation.

One day, in a Latin cult church, she meets a woman who makes her realize that what they are doing to her is a crime and that she should report it. When she returns home later that day, the trafficker, upon learning that she has interacted with another person, throws her out of the house, giving her only 200 euros. The woman decides to file a complaint. From that moment on, she receives threats against her daughter in Honduras, forcing her mother and daughter to move out of their house.

The woman is identified as a victim of human trafficking by the Finnish authorities and receives specialized assistance, beginning a process of recovery and integration with the intention of reuniting her daughter in the future.

However, she finds she must travel urgently to Honduras because her daughter has a serious health problem. To this end she requests support for voluntary assisted return.

After some time in Honduras, and once her daughter is recovered, she travels again to Europe due to the uncertain climate and fear she has of being located by the trafficking network. On this occasion, she travels to Spain, fearing she can't go to Finland after accepting the conditions of the voluntary return that included a stipulation not to return to Finland in subsequent years.

### *Intervention and referral*

A few months later, while the woman is residing in Spain irregularly, the specialized organization that provided her with assistance in Finland and that is still in communication with her, contacts SICAR cat in order to figure out the best way for the woman to return to Finland and continue her recovery process there.

From SICAR cat we get in contact with the woman in order to properly coordinate a possible return to Finland. Nevertheless, the woman expresses her desire to stay in Spain, together with her new partner and young baby.

Under these circumstances, SICAR cat conducts the following intervention:

- Assessment of her possible rights in Spain as a victim of trafficking in Finland.
- Coordination with the police authorities in Spain so that she can be identified as a victim of trafficking exploited in Finland.
- Legal advice in relation to possible rights she has as a victim of trafficking applying for International Protection.
- Support in applying for asylum based on the fear that something may happen to her if she returns to the country of origin or, even to Finland as the trafficking networks operate in both countries.
- Coordination with the Finnish authorities to provide a certificate that recognizes the woman's status as a human trafficking victim in Finland, along with a request for assistance and protection from the applicant to the Spanish authorities.

As a result of these efforts, the woman is formally identified as a victim of trafficking in Spain.

### *Challenges, good practices and observations*

#### **Challenges:**

- While in Finland, when the woman decides to return to her country because of her daughter's serious health problem she is advised to take advantage of voluntary return. This makes it difficult for her to return later to Finland, where she was residing legally.

#### **Good practices:**

- Identification as a victim of trafficking in Spain (country where she decides to seek refuge after filing a complaint in Finland).
- Transnational police coordination through Interpol in order to collect information and documentation on the formal identification as a victim of trafficking in Finland, as well as the criminal proceedings initiated, proving the veracity of the allegations made by the applicant.
- The Finnish authorities provide a certificate verifying her status as a victim of trafficking.
- Issuance of a request for assistance and protection by the Finnish authorities addressed to the Spanish authorities.

#### **Observations:**

- The preparation of the certificate of victim status by the Finnish authorities facilitates her identification as a victim of trafficking in Spain, and evidences the risk that the woman runs in the event of returning to her country of origin, which is the basis for her application for International Protection in Spain.

### *Case 8: Nigeria - Spain - Norway - Sweden*

#### **Case description**

Nigerian woman. After the death of her father, her uncles, in conjunction with traffickers, offer her to work in Europe in exchange for an education. The woman accepts the proposal and, once she arrives in Europe, she is exploited by a criminal network with connections in several European countries. She is forced to provide sexual services in several European countries, including Norway and Spain. She is controlled through threats and the use of force, on one occasion putting her life in danger.

During her stay in Spain, where the traffickers operate in several regions, she is forced into prostitution. In addition, she is forced to marry a man (of EU nationality) in order to regularize her administrative situation. The woman claims to have contacted the Spanish authorities regarding her situation, but has not received any help.

She flees to Norway. Once there, along with others who had been exploited in prostitution, she files a complaint as a victim of trafficking, but the investigation is closed for lack of evidence.

She travels to Sweden, where she files a complaint with the police about the threats and harassment she is suffering. She states that the Swedish authorities do not offer her protection, although she is referred to an organization where she is offered support.

At this point an intergovernmental agency contacts SICAR cat to coordinate the voluntary return of the woman to Spain. According to the needs and risk assessment carried out by them, she:

- Has a history of vulnerability that has affected her mental and psychological well-being.
- Has received psychological treatment in Sweden, and, although her mental health has improved, she has difficulty assessing whether situations are dangerous, as well as setting boundaries.
- Has serious physical health problems, for which she has not received any treatment.
- Needs legal advice to divorce her husband.
- There is a considerable risk that she may suffer exploitation again on her return to Spain unless she receives adequate support.

### *Intervention and referral*

In coordination with the intergovernmental agency in Sweden, SICAR cat contacts the woman and conducts an interview in order to gather information about her situation and safety, and to propose a process of recovery and autonomy in Spain.

In addition, the intergovernmental agency in Sweden shares information about the woman's life history, trafficking experience, and current situation, and conducts an assessment of specific needs and risk, based on her vulnerability, health status and the presence of a human trafficking network.

### *Challenges, good practices and observations*

#### ***Challenges:***

- Difficulty in knowing the real possibilities and options the woman has in Sweden, should she wish to stay there.

#### ***Good practices:***

- Fluid communication between the intergovernmental agency and SICAR cat as a specialized organization, and existence of a collaboration agreement between the two.
- Existence of reasonable timeframes to assess the woman's situation and prepare the intervention strategy.
- Elaboration of a needs and risk assessment by the referring agency.

#### ***Observations:***

This is a positive case of transnational collaboration and coordination due to:

- The existence of an Agreement between an intergovernmental agency and an organization specialized in human trafficking.

- The referring intergovernmental agency conducting a prior risk and needs assessment, providing information on the case, and assessing the specific needs based on the woman's current risk and vulnerabilities.

In short, this case shows the need and usefulness of having transnational referral mechanisms that contain clear procedures and specific tools to carry out adequate risk and specific needs assessments for victims of human trafficking.

## GENERAL RECOMMENDATIONS

On the basis of the cases analyzed, we would like to conclude with three general recommendations we consider key in avoiding the re-victimization to which victims, or potential victims of trafficking, from third countries are often subjected in transnational referral processes:

- *To generate common agreements or Memorandums of Understanding (MoU) between organizations, authorities and key actors in Southern European countries, which are the gateway to the EU for refugees and migrants, and organizations, authorities and key actors located in the countries of subsequent reception.*
- *To establish a Standard Operating Procedure (SOP) for transnational referral to ensure that transnational referral procedures are coordinated, consistent and centered on the rights of the victims or potential victims.*
- *To strengthen the training of key actors (both traditional and non-traditional), to improve the early identification of potential victims of trafficking, in the context of asylum procedures, and their ability to refer victims or potential victims safely and quickly. Awareness of the transnational dimension of human trafficking among frontline professionals is critical to advancing access to rights for trafficked persons.*

## DOCUMENT WRITTEN BY

*SANDRA CAMACHO - SICAR cat - Adoratrices*

*MARTA GONZÁLEZ - Proyecto Esperanza - Adoratrices*

*NEREA BILBATÚA - Proyecto Esperanza - Adoratrices*

*Translated by Rosalie Candau*

## CONTACT INFORMATION

### ***SICAR cat- Adoratrices (Catalonia)***

Tel. 24 hours: +34 679 65 40 88

[sandra.c@adoratrius.cat](mailto:sandra.c@adoratrius.cat)

[www.adoratrius.cat](http://www.adoratrius.cat)

### ***Proyecto Esperanza- Adoratrices (Madrid)***

Tel. 24 hours: +34 607 54 25 15

[Info@proyectoesperanza.org](mailto:Info@proyectoesperanza.org)

[www.proyectoesperanza.org](http://www.proyectoesperanza.org)