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RECOMMENDATIONS
FROM THE IOM PROJECT

“Strengthening the Fight against Trafficking in Persons and Migrant Smuggling in the Western Balkans”

October 2015
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CROSS-BORDER COOPERATION IN LEADING AND CONDUCTING INVESTIGATIONS ON INTERNATIONAL CASES OF HUMAN TRAFFICKING AND MIGRANT SMUGGLING.................................15
As a result of its geographic location and the region’s relative economic situation as compared to its European Union neighbours, Western Balkan countries have a history of being countries of origin and transit for human trafficking and migrant smuggling. IOM has carried out assessments on irregular migration and the trafficking in human beings and within the scope of these, concerns have been raised that victims of trafficking are neither being properly identified nor are being referred to specialized institutions within the region. There have also been cases of migrants detected in the Western Balkans, whose entry, stay and movements within the countries have been facilitated typically by small criminal smuggling networks. At the same time the research concluded that the perpetrators were not being identified and the number of investigations, prosecutions and convictions still remains low. The findings of the above-mentioned IOM research on human trafficking in the Western Balkans regionals highlighted that consistent investigation of human trafficking cases related to child begging, sexual exploitation, and forced labour constitute pertinent issues throughout the Western Balkans, which necessitate tailored and evidence-based interventions aimed at a range of stakeholders. Moreover, human trafficking and migrant smuggling is often facilitated through the services of the same organized criminal organizations which are furthermore being used by other categories of migrants such as irregular labour migrants, asylum-seekers and potential people susceptible to be drawn into violent extremisms. Therefore, the identification and screening procedure is composite and challenging, but very essential in order to process each case in an effective and rights-based manner and in order to ensure targeted referral.

Enhancing an effective national and regional cooperation constitutes a crucial factor in better preventing and tackling human trafficking, migrant smuggling, organized crime, corruption and other cross-border crimes. The joint cross-border activities and operations bring about significant advantages and benefits at both the State and inter-agency level, fostering an approach that efficiently addresses strategic issues whilst offering crucial effectiveness from a resource perspective.

In this context, the IOM has implemented the regional project “Strengthening the Fight Against Trafficking in Persons and Migrant Smuggling in the Western Balkans” from July 2014 until November 2015 and devised the recommendations of a final report with relevant governmental stakeholders

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2 The project has been financed by the IOM Development Fund and the Government of Italy.
from countries in the region, namely Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, UNSC resolution 1244-administered Kosovo, Montenegro, and Serbia.

The identified recommendations listed in this report represent the actions and measures to enhance intra-service, intra-agency, and regional cooperation. The cross-border cooperation is essential to ensure that competent authorities from the region work together in an effective and efficient manner to safeguard that victims of human trafficking and migrant smuggling are properly identified, referred to relevant national agencies, and that international cases of trafficking and smuggling are effectively detected and investigated, thus judicially processed. The governmental stakeholders involved in the project implementation encompassed officials of the Ministries of Security/Internal Affairs and Ministries of Justice, representatives of the judiciary (prosecutors and judges) and the law enforcement agencies (police and border police). Furthermore, the relevant specialized international agencies were also involved in the project, such as FRONTEX, EUROPOL, EUROJUST and the Italian National Anti-Mafia Directorate (DNA). The international agencies contributed by presenting the EU-compliant expertise and curricula which is in line with international standards and EU practices. The engagement of international partners was prioritised in the technical workshops, whereby their aim was to devise actions and measures needed to strengthen the cross-border cooperation between the countries in the region.

**METHODOLOGY**

The objective of the IOM project “Strengthening the Fight against Trafficking in Persons and Migrant Smuggling in the Western Balkans” was to strengthen the fight against human trafficking, migrant smuggling and irregular migration, while at the same time also contributing to the fight against other cross-border transgressions in the Western Balkans. The project envisaged a range of technical workshops to enhance the awareness amongst officials on emerging patterns in trafficking, smuggling and irregular migration, and to contribute to the facilitation of increased joint coordinated cross-border activities that would assist in identification and investigation of human trafficking and migrant smuggling cases.

In the period from November 2014 to May 2015, a range of workshops was
organized for governmental stakeholders from the Western Balkan countries. Two workshops were organized for law enforcement agencies (police and border police) and officials of the Ministries of Internal Affairs/Security, and two additional ones for judiciary (prosecutors and judges) and officials of the Ministries of Justice. Each workshop was attended by approximately 22–24 participants, who were selected by the relevant institution/ministry of competence. In each workshop, the participants were asked to devise a list of actions and measures for adoption on national level aimed at strengthening cross-border cooperation, in particular when it comes to the identification and investigation of human trafficking and migrant smuggling cases, with a victim-centred approach.

The experts from partner organizations/agencies actively participated in the workshop activities as follows: the experts from FRONTEX, EUROPOL and IOM facilitated the workshops for police, border police and Ministries of Security/Internal Affairs officials; whereby the experts from EUROJUST, Italian DNA and IOM facilitated the workshops for prosecutors, judges and Ministries of Justice representatives. All experts conducted tailored lectures, presenting best practices concerning coordination of cross-border activities in regard to identification of cases and investigations, while at the same time ensuring respect and protection of human trafficking victims and of smuggled migrants. The national stakeholders present at the technical workshops were asked to devise new proposals for strengthening cross-border coordination, following the best practices presented by the experts. The proposals for cross-border cooperation prepared by the national stakeholders were then analysed and revised by the international experts in order to align them with international standards and best practices. The outcomes of each workshop consist of a list of actions and measures recommended to the countries for adoption in order to strengthen cross-border cooperation in identifying and investigating international cases of human trafficking and migrant smuggling. The proposals from all technical workshops were combined in a single list of recommendations that has been submitted to the experts from the partner organizations/agencies for a final review, comments and, possibly, additional inputs.

4 The participants of the workshop were governmental stakeholders tasked with and responsible for tackling human trafficking and migrant smuggling cases on a regular basis.
This section presents the recommendations pertaining to identification and investigation of human trafficking and migrant smuggling processes acknowledged by the stakeholders in the course of the technical workshops. These recommendations present areas in need of improvement with the overall aim to strengthen cross-border cooperation in the fight against human trafficking and migrant smuggling.

The recommendations reflect the lists of actions and measures suggested to strengthen cross-border cooperation among the Western Balkan countries, as devised by the participants at the different workshops. As such, not all recommendations are equally relevant to each stakeholder and country. In order to clearly identify the source of the recommendation, each one clearly notes in which technical workshop it was proposed as follows:

(1) Workshop for law enforcement agencies from Bosnia and Herzegovina, Montenegro and Serbia on strengthening cross-border cooperation in identifying and conducting investigations on human trafficking and migrant smuggling cases (November 2014);

(2) Workshop for judiciary from Albania, the former Yugoslav Republic of Macedonia, and Kosovo/UNSCR 1244 on strengthening cross-border cooperation in leading investigations on human trafficking and migrant smuggling cases (December 2014);

(3) Workshop for law enforcement agencies from Albania, the former Yugoslav Republic of Macedonia, and Kosovo/UNSCR 1244 on strengthening cross-border cooperation in identifying and conducting investigations on human trafficking and migrant smuggling cases (March 2015);

(4) Workshop for judiciary from Bosnia and Herzegovina, Montenegro and Serbia on strengthening cross-border cooperation in leading investigations on human trafficking and migrant smuggling cases (May 2015).

The recommendations are divided into three key areas:

(I) General recommendations;

(II) Cross-border cooperation in identifying international cases of human trafficking and migrant smuggling;

(III) Cross-border cooperation in leading and conducting investigations of international cases of human trafficking and migrant smuggling.
1. Increase cooperation at all levels
   (1) (2) (3) (4)

The participants in the workshops recognized the existence of various levels of cooperation in countering human trafficking and migrant smuggling. All levels of cooperation would need to be strengthened and shaped in line with a multi-disciplinary approach (thus including operators with different profiles and expertise, in charge of the various aspects and phases of the identification and investigation process).

Besides the international level of cooperation, there is a national level of cooperation, which might be including, again, various levels of cooperation recognized by hierarchic or responsibility terms. The local level of cooperation is mainly of practical and operational character and includes cooperation between various stakeholders and actors involved and responsible for the identification and investigation of human trafficking and migrant smuggling cases. The local stakeholders and operators then need to report to a higher central level which involves legislative bodies, ministries, governmental agencies in case their cooperation encounters some problem or if it needs to be improved and strengthened. The central levels then need to bring in the legislative, executive and political players and actions aimed towards strengthening and improving the cooperation. The process of identifying and implementing the solutions to all legal, financial and practical obstacles that hamper the effective cooperation (internal and cross-border) would essentially require the active role of the higher central level in each country.⁵

Another distinction of the national level of intra-agency cooperation is made between the first and the second instance of cooperation. The first instance of cooperation occurs between the law enforcement agencies (police and border police) and all other operators (such as labour inspectors, social workers, specialized non-governmental organization staff and others) that could encounter and identify a victim, a perpetrator of a case of human trafficking and migrant smuggling. The second level of cooperation happens between prosecutors, law enforcement agencies and other operators that are responsible for the investigation process.

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⁵ For instance, various protocols of cooperation have been adopted and signed by the Western Balkan countries. However, problems have been observed when moving to the implementation of such protocols and would be due to various reasons. These include limited funds, low level of harmonization of the procedures applied in the countries, different organization and structure of the stakeholders from country to country, and others. In this regard, cooperation among the countries at their central level would be crucial in order to solve the obstacles.
Furthermore, the regional level of cooperation could be facilitated and supported by the regional platforms already formed and operative: for instance MARRI (Migration, Asylum, Refugees Regional Initiative), SELEC (Southeast European Law Enforcement Centre), SEEPAG (Southeast European Prosecutors Advisory Group) and the European Judicial Network. The use of these platforms could be strategic to enhance and strengthen the mechanisms of cross-border cooperation and the capacities and skills of relevant stakeholders from each country. In addition, a key role in supporting and facilitating cross-border cooperation, communication and information-sharing among their own stakeholders could be played by various specialized agencies of the EU such as FRONTEX, EUROPOL and EUROJUST, international organizations such as IOM, UNODC and OSCE and specialized national agencies from other countries such as the National Anti-mafia Directorate from Italy.

2. Harmonize legislative frameworks

The participants at all workshops acknowledged that harmonization of the national legislative frameworks pertaining to the identification and investigation of human trafficking and migrant smuggling cases in the Western Balkan countries would facilitate the adoption of common measures aimed at strengthening cross-border cooperation between two or more countries. The harmonization of national legislations and regulations should affect:

(i) The definitions of human trafficking and migrant smuggling and their alignment with international law and international standards such as the EU Directive 2011/36;

(ii) The definition of organized crime groups;

(iii) The internal procedures for identification and investigation of human trafficking and migrant smuggling cases;

6 This Network could play a key role in strengthening and making a more pragmatic communication between the judiciary bodies from the different countries.

7 The capacity of EUROJUST could be used by the Western Balkan countries also to foster better cooperation and exchange of information with countries and regional platforms from continents other than Europe (for instance the Hemispheric Information Exchange Network for Mutual Assistance in Criminal Matters and Extradition of the Organization of American States).

8 Building direct cooperation with the international and regional entities would be easier if the latter have a recognized legal personality. Otherwise, the international or regional platform could work as a mechanism of cooperation or coordination only following ad hoc agreements signed between the countries that participate to the platform.


06
(iv) Definition of the roles and responsibilities of other actors (such as NGOs).  

Any internal procedures which also lead to international cooperation need to respond to the national legislative framework. Hence the shortcomings affecting international cooperation could be partially solved if the legal frameworks of the countries involved were harmonized and allowed for internal amendments to improve cross-border cooperation. The legislative harmonization process would thus increase and facilitate the possibilities to devise, adopt and implement various measures of coordination among countries, related to identification and investigation procedures. Furthermore, in the light of initiating coordinated cross-border operations, legislative harmonization would facilitate the knowledge and familiarity of the systems to be applied in other countries by various stakeholders and operators.

3. **Conduct regular meetings between experts/operators of agencies from different countries**  
   (1) (2) (3) (4)

Overall, the participants in the IOM workshops highlighted the relevance and benefit of the technical workshops, as they facilitate networking and strengthen thus the mechanisms of cross-border cooperation. These technical gatherings served as a mode to getting to know each other better, to build a link and channel of communication and, in some cases, to reinforce knowledge and trust in the national procedures applied in a neighbouring country to tackle human trafficking and migrant smuggling cases.

Cross-border communication among the stakeholders from different countries is sometimes limited to a request for mutual legal assistance; hence the consistent information exchange is often missing unless there is a need to process an international request of that kind. The organization of technical events such as meetings, workshops, seminars on a regular basis is recommended as an instrument:

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10 Upon completion of the legislative harmonization, the organization of joint training courses on the legal novelties would be required in order to have a unified view and approach on the same issue. For instance, this would be applicable when it comes to the forms of human trafficking newly envisaged by the amendments to the legislation (e.g. child begging).

11 In addition, the process of joining the EU would benefit the Western Balkan countries also when it comes to the effectiveness of cross-border cooperation in countering human trafficking and migrant smuggling. Better and in-depth use of the EU specialized agencies (id est FRONTEX, EUROPOL, EUROJUST, and others), the harmonization of the national legislation to the **EU acquis**, cooperation settled among the Member States through the EU mechanisms would facilitate and improve the cross-border cooperation of the Western Balkan countries as well.
(I) to acquaint stakeholders with the procedures and modus operandi of other countries;

(II) to share information regarding current international criminal activities which have been detected by investigations on the territory of their own jurisdiction;

(III) to share experiences, good practices, problems and obstacles encountered;

(IV) to jointly identify solutions to the problems and obstacles;

(V) to decide how to proceed on cases of common interest.\(^{12}\)

It is recommended that the chiefs/heads of units and responsible officers from the units in charge of and competent to identify and to lead and conduct investigation on human trafficking and migrant smuggling cases (e.g. police, border police, prosecutor’s office, etc.) participate in the meeting.\(^{13}\) Furthermore, the participation of the officials from the units/sectors dealing with these matters in the Ministries of Security/Internal Affairs and Justice will be beneficial.\(^{14}\)

Moreover, ad hoc thematic meetings could be organized to focus on specific issues related to countering human trafficking and migrant smuggling in a cross-border perspective. The governmental agencies that are supposed to deal with that particular issue should take part in these ad hoc meetings.

### 4. Increase the human resources, equipment and technical assets, infrastructures to tackle human trafficking and migrant smuggling issues

\(^{(1)}\) \(^{(2)}\) \(^{(3)}\) \(^{(4)}\)

One of the most common impediments recognized by the participants in all workshops is the limited staff, capacities and means available to the institutions and agencies responsible for the identification and investigation of human trafficking and migrant smuggling cases. Especially the staffing is often limited; thus this might imperil the capacities to perform duties fully and

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\(^{12}\) The premises of the Police Cooperation Centers between the Western Balkan countries, when opened and operative would be considered the proper place where to conduct cross-border cooperation meetings.

\(^{13}\) A clear and distinct division and sharing of responsibilities within each institution and agency when it comes to identification and investigation of the cases would be helpful to identify the key participants in cross-border cooperation meetings.

\(^{14}\) Moreover, participation in meetings of the units that deal with issues similar or close to human trafficking and migrant smuggling (such as smuggling of goods, weapon and drug trafficking, organization fomenting the recruitment and/or transport of persons involved in violent extremisms) would be recommended as well.
effectively. In particular, a sufficient number of specialized staff, trained to process specific cases (for instance human trafficking vs. migrant smuggling cases, or human trafficking for sexual exploitation vs. human trafficking of labour exploitation/forced labour cases), should be planned as well as the possibilities for their regular enhancement of knowledge and skills.

Furthermore, limited and outdated equipment and technical assets available (for instance the means of transport, IT technologies, communications devices, etc.) hinder also the effectiveness of conducting cross-border investigations and exchange of information. The modernization and boost of resources at disposal of the various public stakeholders would be required to enhance national and international cooperation and communication.

Improvement of infrastructure would also be advisable in order to enhance the capacities to refer migrants with different profiles to corresponding facilities, thus addressing each individual to the proper referral mechanism. Each facility in place should service specific category of migrants and asylum-seekers (victims of human trafficking, smuggled migrants, unaccompanied minors, and others) and the premises should be equipped in a guest-friendly mode, paying due respect to international standards and human rights and in order to ensure the protection and safety of the individuals hosted.

CROSS-BORDER COOPERATION IN IDENTIFYING INTERNATIONAL CASES OF HUMAN TRAFFICKING AND MIGRANT SMUGGLING

1. Create a harmonized set of indicators and procedures to identify human trafficking and migrant smuggling cases

The application of a uniform set of indicators and procedures to identify human trafficking and migrant smuggling cases across the Western Balkan countries would consistently facilitate cross-border cooperation and coordination. This would be especially the case between neighbouring countries, in particular at their shared border crossing points to counter the issues jointly, hence

15 For instance, once a human trafficking network is detected, the urgent and prompt reaction of the public stakeholders (mainly police and border police), also in collecting evidence, is needed in order to avoid further continuation of the crime and exploitation. Thus, a greater number of trained inspectors would facilitate their prompt reaction.

16 As an example, this could be the case if the translation services for foreign languages (especially those languages that are not the most frequently spoken and are originally from distant regions) or the professional profiles to provide specialized services are not available in the country. When it comes to the translation services, a solution might be to adopt a regional list of translators/interpreters of those uncommon foreign languages who are available in the Western Balkans, to be shared among the countries in the region.
more effectively. Identification and adoption of uniform set of indicators and procedures would be facilitated if preceded by a harmonization of the domestic legislative frameworks within the affected countries.\textsuperscript{17}

The application of a uniform set of identification indicators at the regional level is certainly more ambitious, though it would consistently help to strengthen the cross-border cooperation. The uniform regional set of indicators could ease the task of the stakeholders responsible for the identification of human trafficking and migrant smuggling cases. In particular, this would be applicable when determining the identity of irregular migrants and in course of their interviewing procedure, and in case smugglers are not physically present in a given country.

2. Develop uniform manuals and flyers on identification of human trafficking and migrant smuggling cases

The adoption of uniform manuals and guidelines for identification process throughout the region would contribute to the application of more harmonized methods and procedures. Uniform manuals would help the operators from each country to familiarize fully with the set of indicators and criteria to be applied, the methods and procedures undertaken and with “who is who” when it comes to the identification procedure of human trafficking and migrant smuggling cases in the neighbouring countries.\textsuperscript{18}

Likewise, the publishing of uniform flyers (booklets) summarizing the indicators and criteria, methods and procedures applied in the neighbouring countries for the identification of cases, would ease the activities of the responsible operators and their cross-border cooperation. These instruments should be available at the official land border crossing points and other key spots/locations where the operators might work (for instance at international airports). The counter human trafficking flyers could be also prepared and used as an instrument of prevention and awareness-raising at official border crossing points. They could be distributed to those crossing the border, including potential victims of trafficking and smuggled migrants, who are sometimes not aware of possible abuse of their situation, nor are they aware of the violations of their rights. These flyers should include the above-mentioned

\textsuperscript{17} Moreover, the conduction of a joint risk analysis would be considered as a pre-condition to facilitate the drafting and application of a uniform set of indicators. On joint risk analysis please refer to the Recommendation no. 5 of this chapter.

\textsuperscript{18} See more on uniform manuals in Recommendation no. 4 under “Cross-border Cooperation in Leading and Conducting Investigations on International Cases of Human Trafficking and Migrant Smuggling”.
information presented in a clear and simple way, as well as the helpline numbers.\textsuperscript{19}

\section*{3. Improve the exchange of information on suspected criminal cases of human trafficking and migrant smuggling (1) (3)}

A mechanism facilitating regular, comprehensive and consistent sharing of information and exchange of knowledge among the various stakeholders responsible for the identification of human trafficking and migrant smuggling cases needs to be devised, institutionalized and applied. In each country, public institutions/offices should be tasked with and responsible for the functioning of such mechanism of coordination at both the international and national levels. Establishing and operationalizing fully (in line with the international standards, like the 2006 Police Cooperation Convention for Southeast Europe) the International Law Enforcement Cooperation Unit (ILECU) within the Ministry of Interior would represent a valid option for international coordination, while forming special multi-agency teams could serve as a solution on national level.\textsuperscript{20}

This mechanism could be used to regularly exchange information and expertise on the profiles and characteristics of the identified trafficking or smuggling victims and cases, as well on potential victims.\textsuperscript{21}

\section*{4. Form a joint database or harmonize the operative ones (1)}

Forming a joint operational database on human trafficking and migrant smuggling cases at the regional level would represent the ultimate solution. The database should include statistics on the profiles of the cases and perpetrators, without reporting information that could reveal and harm the identity of the victim, which should be kept confidential for the protection of the individual, in line with data protection guidelines. Such unified operational database could help and support the investigations, and contribute to the upgrading and enhancing of knowledge and capacities of all operators in a harmonized and consistent manner; it could also improve and converge the respective national operations and methods applied in the region to identify the cases. Certainly, the information and statistics contained in the joint

\textsuperscript{19} This approach would also result in an incentive for the victims to collaborate with the authorities.

\textsuperscript{20} See more on ILECU in Recommendation no. 1 under “Cross-border Cooperation in Leading and Conducting Investigations on International Cases of Human Trafficking and Migrant Smuggling”.

\textsuperscript{21} The conduction of the risk analysis exercises on regular basis would be strategic in order to define the profile of the potential victims.
database could serve to understand better the trends and developments of international human trafficking and migrant smuggling.\textsuperscript{22} Consequently, the capacities and skills of the stakeholders could be improved thus consistently, as well as their response to the issues that would be designed according to the latest trends in a uniform manner.

The amendments and improvements that would be agreed upon by the countries and then applied to the already operative respective databases in each country could represent another scheme of harmonization and an alternative option to the implementation of a single joint database at the regional level. In this way, the implementation of the amendments should aim at bringing closer the structure of all databases and the statistics contained in the latter. Moreover, this would facilitate the harmonized collection and sharing of information between the countries, as well as the conduction of joint data processing exercises. In addition, the interoperability patterns and the network of cooperation between the countries would consequently benefit from the consistent adoption of those agreed amendments and improvement measures to the national databases.\textsuperscript{23}

5. **Conduct joint risk analysis on the new trends and modus operandi of human trafficking and migrant smuggling**

In order to have across-border response that is harmonized, tailored and up-to-date in identifying international cases of human trafficking and migrant smuggling, a joint risk analysis should be conducted on regular basis by all the countries in the region together. This would be strategically essential, taking into account the continuous developments of the phenomena, in order to track new trends, modus operandi and the mutation in features and identifying elements.\textsuperscript{24}

An in-depth risk analysis could however only produce effective results through comprehensive collection and processing of available information and statistics on identified and processed cases. The database or collection

\textsuperscript{22} For instance, the trends and developments regarding the switches in countries of origin of the trafficking victims and smuggled migrants, the means used for travelling, the capacities and methods used by the criminal organizations to recruit the victims and irregular migrants, to liaise and conduct the illegal activities, the means of communications, etc.

\textsuperscript{23} The EU funded project “Towards a Pan-European Monitoring System of Trafficking in Human Beings” implemented by the General Directorate of Internal Affairs, Portugal, could represent a pilot process to harmonize the national databases and the procedures for the collection, treatment, analysis and sharing of information, to be applied to the Western Balkan countries.

\textsuperscript{24} See more on risk analysis in Recommendation no. 5 under “Cross-border Cooperation in Leading and Conducting Investigations on International Cases of Human Trafficking and Migrant Smuggling”.

of data should include the information and statistics collected by all countries involved in the exercise. Possibly, the analysis could cover also data gathered in the countries of origin, and facilitate thus better understanding of the root causes and the dynamics of human trafficking and migrant smuggling.

6. **Organize joint training and other education activities for the staff of law enforcement agencies on identifying human trafficking and migrant smuggling**

(1) (3)

The need to enhance the skills of stakeholders to identify, properly screen and categorize each individual case (as human trafficking or migrant smuggling or asylum-seeker or person susceptible to be drawn to violent extremism or others) has been reported.

Following the regional risk analysis exercise, joint training should be designed and conducted regularly for those institutions and operators from neighbouring countries which are responsible and involved in the identification and screening of human trafficking and migrant smuggling cases (e.g. high-level officials and responsible practitioners from border police and police). The training should also benefit those operators who, due to their activities or area of intervention, might have higher probability to encounter or uncover such cases (e.g. NGO staff, labour inspectors, custom officers, and others). The training should give emphasis on the identification indicators and most effective procedures to detect the cases, particularly those cases related to the new trends or to the newly revealed modus operandi. For instance, human trafficking for labour exploitation and the different profiled cases that involve juvenile victims (e.g. child begging) or forced marriage are generally recognized as new emerging trends of human trafficking in the Western Balkans. The best practices on how to detect, approach and tackle the issues should be presented, alongside the new procedures and referral mechanisms devised in order to adjust the institutional response to new human trafficking and migrant smuggling trends.25

The assistance of international or regional organizations and specialized agencies (e.g. IOM, EUROPOL, FRONTEX, etc.) in the capacity building process should be strategic. The impact of the training could be stronger if common practical exercises and operations in the field (for instance joint surveillances) could follow the capacity building experience. This approach would contribute to harmonized enhancement of the procedures and operators’ skills, to identify human trafficking and migrant smuggling.

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25 Some case studies from other countries or regions, describing how institutional response performed in the field and cases were successfully identified and categorized, as well how the procedure has been successfully completed, should be presented in the training.
7. Form mixed professional teams

(3)

The identification procedure is not a single stage procedure, but rather necessitates a process that is formed by several steps. In this light for instance, border police might be the first operator to uncover a case of international human trafficking. However if the first entry officials encounter difficulties in fully ascertaining and identifying the case as human trafficking, they should refer it and the related information to another public institution which is responsible for a second-instance identification.

Creating a mixed professional group composed of operators with different profiles and backgrounds (for instance police, doctors, psychologists, labour inspectors, and others) could help in identifying and categorizing effectively a single case as trafficking or smuggling. Thus, the mixed professional profiling group could be composed of professionals representing various (governmental and non-governmental) institutions with different profiles and fields of experience. This group could conduct the identification and screening procedure of the cases.26

8. Establish trilateral cooperation centres as an instrument to facilitate and strengthen cooperation among various actors

(1) (3)

It was advised that joint cooperation centres are established and those already operative, are strengthened. The trilateral Police Cooperation Centre (PCC) opened in Trebinje (BiH) facilitating cooperation among the border police of Bosnia and Herzegovina, Serbia and Montenegro represents an instrument fostering better cross-border cooperation among law enforcement agencies. Thus, the latter should be strengthened and other centres of this kind opened between Western Balkan countries.27

Besides being a mechanism for sharing and exchanging information, the PCC could facilitate the conduct of joint and coordinated operations between the agencies that participate in the centre, for instance joint patrolling along the border or at border spots between two or three countries (the joint patrolling/controls conducted by the law enforcement agencies from neighbouring countries would be recommended particularly in those border areas that are most heavily populated) or the handover of coordinated tail and hot pursuit of a suspected case once it crosses the border. These operations could help

26 An alternative solution would be to form the mixed professional group at the inter-governmental level with members coming from the various Ministries (Ministries of Security/Interior, Justice, Social Welfare, and Labour).

27 The police cooperation center could be an instrument to coordinate the information sharing and activities between the police, border police but also custom officers.
to prevent and detect the micro-organizations that run various illegal cross-border activities.

Furthermore, the cooperation and coordination between the national contact points and/or liaison officers, where established and operational in each Western Balkan country, could be intensified, enhancing their capacities and means of communications.  

**CROSS-BORDER COOPERATION IN LEADING AND CONDUCTING INVESTIGATIONS ON INTERNATIONAL CASES OF HUMAN TRAFFICKING AND MIGRANT SMUGGLING**

1. **Establish or strengthen the role of national authorized contact persons/units for activity cooperation and information exchange**

The exchange of information does not mean exchange of evidence, which can be used as document in legal proceedings. Any exchange of evidence, which intends to be part of a trial in the country that requests it, should be requested by the latter through the internationally recognized official channels (i.e. international rogatory). On another note, the exchange of information should include data and information on suspected criminal cases that might be relevant for practitioners from another country in order to better understand the phenomenon and conduct their investigation activities; however, they could not be used as documents in a trial. In any case, the exchange of information should respect the principle of respect of the victim’s rights, his/her protection and keeping the identity confidential.

With the aim to improve internal cooperation in a country for identifying and investigating human trafficking and migrant smuggling cases, each institution involved (law enforcement agencies, prosecutor’s office, labour inspection, etc.) should appoint an authorized officer or unit competent and responsible for cooperation with other bodies and operators to function properly. Further, in order to strengthen cross-border exchanges of information, each country should appoint a contact person or, assuming the turnover of personnel in each institution and the need to guarantee and provide continuity as regards duty, performance and expertise, should form an ad hoc unit within the Ministerial structure, responsible for managing the international flow.

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28 See more on national contact points and liaison officers in Recommendation no. 1 under “Cross-border Cooperation in Leading and Conducting Investigations on International Cases of Human Trafficking and Migrant Smuggling”.
of information and the coordination of joint international activities. In this way, all flow of information and the activities conducted by any national actor within the scope of an international collaboration should always go through the contact person/unit.

Establishing and fully operationalizing the International Law Enforcement Cooperation Unit (ILECU) within the Ministries of the Interior could represent an option for all international requests of assistance, especially when it comes to police cooperation. The ILECU would act as the single focal point for all international requests of assistance received. It would represent the unit for international coordination and cooperation; all international flow of information and coordination for cross-border activities would then pass through this unit.

2. **Ensure more effective and fluid exchanges of information between the stakeholders from different countries**

   The exchange of information should always go through the official communication channels as identified by the countries. In many cases the information exchange is a complex procedure. Consequently, there is a need to simplify the official procedures, while at the same time respecting the principle of national security, public stability and safety, principle to protect data and prevention of information leaks. A mechanism for fast track screening of the information requested should be devised and adopted.

   Other methods could facilitate the exchange of information, such as the regular conduction of meetings among representatives of law enforcement agencies and judiciary from neighbouring countries. Moreover, a network of experts could be formed and institutionalized, in parallel to the upgrade and improvement of the communications equipment. One more solution for protected information exchange could be the adoption of a secure system for transmitting data by all countries, like SIENA (the Secure Information Exchange Network Application) established by EUROPOL for EU Member States. SIENA is

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29 The contact person or unit would be also responsible for the communication with specialized international institutions and agencies.

30 Joint coordination meetings between contact points or representatives of the ad hoc units should be held on a regular basis and would have an impact in enhancing the communication, cooperation, sharing of information and mutual trust. Other stakeholders, such as law enforcement agencies and judiciary would be recommended to take part in the joint coordination meetings.

31 Besides the information flow and exchange made through ILECU, there would be an additional cross-border exchange of information at the operational level, to be carried out at the field context directly between the actors from different countries, who participate to the operations.

32 See also in Recommendation no. 3 under “General Recommendations”.
a tailored-made messaging system designed to enable swift, secure and user-friendly communication and exchange of operational and strategic crime-related information and intelligence between EUROPOL, the EU Member States and third parties that have cooperation agreements with EUROPOL (for instance, EUROJUST, FRONTEX and INTERPOL have access to SIENA as well).

3. **Conduct harmonized awareness and information campaigns with communities at risk of exploitation and human trafficking**

(1) (4)

Nationals of Western Balkan countries commute easily from one country to another within the region for short-term, seasonal as well as long-term jobs. According to the previous investigated cases (e.g. the “SerbAZ” case, where Serbian, Bosnian and Macedonian workers were victims of labour exploitation in Azerbaijan) the workers are not aware that their rights have been violated, they are being exploited and are victims of human trafficking.

Therefore, there is a need for awareness and information campaigns to be conducted among those geographic communities or categories of people that are at risk of being recruited and then exploited.33 Assuming the circulation of workers within the region, it would be advisable to conduct such awareness/information campaigns at the cross-border/regional level (including both the countries of recruitment and exploitation) in a harmonized and coordinated manner.

4. **Develop harmonized manuals on human trafficking and migrant smuggling and on cross-border cooperation**

(4)

The publication of unified manuals for the relevant stakeholders from the Western Balkan countries could contribute to enhance the efficiency in detecting and identifying human trafficking cases and to increase the pace in conducting cross-border investigations. These manuals should include a chapter on the relevant legislation and procedures to conduct cross-border investigation applied in each country, the definitions and identification criteria for human trafficking and migrant smuggling cases, the list and details of authorized offices or units of the various stakeholders/institutions from each country and their specific competence in the investigation process, the details of the national contact point or unit in each country for the exchange of information. Other information that could help the stakeholders to better perform their duties in a cross-border perspective could also be included in the

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33 The campaigns would cover the employee’s rights and their possible violations, including the elements of exploitation, the risk components in the recruitment, transport and employing process.
manuals (for instance a national or, if applicable, a regional list of interpreters for foreign languages).

A manual of this kind would assist the stakeholders and operators in understanding and familiarizing themselves with the system and procedure applied in other countries. Thus in case of a specific request or need to be addressed by the institutions from another country and related to the investigation phase, the manual could help the single operator to determine the responsible institution and proper procedure for addressing the request.

5. **Raise awareness and skills of the law enforcement agencies on new trends and forms of human trafficking and migrant smuggling**

As stated in Recommendation no. 5 for identification of international cases of human trafficking and migrant smuggling, joint risk analysis should be conducted regularly in order to learn about the new trends, tendencies and modus operandi of human trafficking and migrant smuggling. This risk analysis would help to design prompt and effective responses to combat the issues in the most effective way.

In order to strengthen the response from all countries in investigating new trends and forms of human trafficking and migrant smuggling in a coordinated manner, the outcomes of the analyses could be used to facilitate the design of joint training courses and other kind of educational activities for law enforcement agencies and judiciary responsible for conducting investigations. At the training course, indicators of new forms of human trafficking and migrant smuggling, best practices in tackling and investigating cases of new forms could be presented. Furthermore, harmonized methodologies on how to counter them could be devised during the joint training.

This kind of training and other educational activities would help the relevant public stakeholders and other operators to improve their knowledge and familiarize themselves with all the different forms of human trafficking and migrant smuggling, as well as to recognize and process each case in an appropriate and harmonized manner. The participation of experts from specialized international organizations and agencies in the training, with their contributions and know-how, would be considered strategic and crucial.

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34 In any case, training courses and educational activities would benefit other operators as well, such as social workers, labour inspectors, NGO operators, and others.

35 As some experts consider the human trafficking for labour exploitation and those cases that involve underage victims as the new concern on the frontiers of human trafficking, it would be crucial for the public stakeholders responsible for combating such issues to be fully familiar with the specific indicators and able to recognize the difference between labour exploitation versus human trafficking for labour exploitation.
6. Increase the number of trained inspectors and organization of training courses on how to deal with new emerging threats

More frequent training should be organized for the officers from various institutions responsible for the investigation of human trafficking and migrant smuggling cases (mainly law enforcement agencies and judiciary). Such training could focus on how to optimize the capacities to deal with human trafficking and migrant smuggling, meanwhile tackling also other emerging threats related or linked to migration routes and patterns such as terrorism and foreign-fighter recruitment and movement, the Ebola epidemic spread, mass influx of migrants and refugees, and others. In addition to presenting the best techniques on how to investigate human trafficking and migrant smuggling cases and how to tackle the new threats, training should also encompass a component on cross-border cooperation as this would have an impact on efficiency and pace in conducting international investigations in human trafficking and migrant smuggling cases.

The availability of a comprehensive database would be strategic to carry out a risk analysis exercise, hence to identify emerging trends and phenomena, to build a detailed knowledge based on the latter and to devise new joint training programs for the stakeholders on how to better conduct their regular duties, while dealing with the new threats as well. Such training could provide opportunities to exchange best practices among the participants, with the involvement of experts from EU Member States and specialized agencies.

7. Develop measures to deal with new emerging threats

Whenever a new phenomenon related or linked to migration emerges, special measures should be adopted or new teams should be established within the responsible departments to properly prevent and tackle it, so to avoid the overburdening of the police and border police capacities and their means. This is applicable in particular when it comes to activities performed at the border crossing points, aimed at handling those persons who might be part of the new emerging trend/phenomenon and are about to enter the territory of a country.

36 While rising, the new emerging threats add greatly to the workload of the police, thus affecting their capacities to tackle the areas/activities they are regularly responsible for.

37 In this way, once an international case occurs and needs to be investigated, the stakeholders (police and prosecutors) would know how to establish and conduct cooperation with stakeholders from another country. Any emerging new threat would not affect their capacities at large extent.

38 See also Recommendation no. 5 in this chapter and Recommendation no. 5 under “Cross-border Cooperation in Identifying International Cases of Human Trafficking and Migrant Smuggling”.

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For instance, activities carried out to prevent the risk of contagion from Ebola contributed to burdening the capacities of the police and border police. The adoption of joint cross-border initiatives, mechanisms of information sharing, instructions and protective measures in case of contagious disease risks could help to alleviate the work of the police and border police, including making it more efficient. Furthermore, the exchange of dactyloscopic files (fingerprint identification slides/fiches) of individuals at risk of being involved in violent extremism, who have been identified within the flow of migrants, would benefit the effective and timely conduction of counter terrorism activities. When it comes to the flow of unaccompanied minors, a new trend that has lately affected the Western Balkan countries, some measures should be adopted to facilitate the communication with the minors (due to the lack of available translation services of certain foreign languages).³⁹

In addition to the ad hoc measures, the adoption of joint actions and mobilization of efforts at the cross-border or regional levels would be essential in case of an emergency or crisis, as when a specific issue burdens significantly and imperils the capacities of the stakeholders of one or more countries.⁴⁰

8. **Introduce investigators expert in information technologies to properly identify and investigate human trafficking and migrant smuggling cases**

(1)

The human trafficking and migrant smuggling organizations are frequently practicing new methods of recruitment, for the flow and transfer of money, for the communication between the organization members and with victims; they are all increasingly based on the use of IT technologies (such as Skype, social network, mobile phone, and others). The practice of these new methods and technologies enables the traffickers and smugglers to conduct some segments of their illegal business even without being physically present.

Therefore, during the investigation process the participation of professional experts from the field of information technology would be surely an asset for the success of the action when it comes to detection and investigation of such cases. With this aim, ad hoc training should be conducted to form experts in the specific sector and constantly update their knowledge and skills.

In addition, it would be recommended that other personnel with two specific

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³⁹ A problem in establishing communication with the minor would affect the possibilities to set up and conduct a smooth procedure of investigation and would jeopardize the outcome of the procedure.

⁴⁰ Assuming the pressure of irregular migrants to enter the Western Balkan countries at the borders with Greece and Bulgaria, the measures at the external border of the EU should be strengthened (for instance with more staff, equipment, capacities of the institutions and agencies). Some of the activities could be conducted jointly and with the support of FRONTEX.
profiles always be involved actively in the investigation process: 1) experts in finance investigations to detect and trace national and international financial transactions and money flows/laundry of the organizations involved in human trafficking and migrant smuggling; and 2) experts in migration trails to detect and retrace the entire pattern and history of a single case of human trafficking or migrant smuggling (for instance the visa issue process, migration facilitation, etc.). Their participation would significantly contribute to the quality of outcomes of the investigations, especially when it comes to international cases.

9. **Furnish premises at the official border crossing points to provide short-term accommodation and interview trafficking victims and smuggled migrants**

Each official border crossing point should be provided with proper facilities to encourage the collaboration of the human trafficking victims and the smuggled migrants with the operators responsible for countering trafficking and smuggling. Friendly premises with all necessary equipment and measures for immediate and short-term hosting of the victim and migrant should be established and functioning. This accommodation should be used for a short-term purpose before the human trafficking victim or the smuggled migrant is transferred to a more appropriate and safe facilities (e.g. the safe-house). The facilities at the border crossing points should be comfortable, in respect of human dignity and rights, and respecting all international standards to protect the individual and preserve his/her identity confidential.41

10. **Build equipped investigation rooms with a victim-friendly environment and use videoconference means to interview trafficking victims and smuggled migrants**

The absence of proper premises and infrastructure to conduct interviews with the human trafficking victims and the smuggled migrants is a problem in some of the countries.

The premises for hosting the victim and witness for the interview and additional phases of the investigation process should be victim-friendly. Thus, the room should be fully equipped with the necessary tools and furniture to make the victim and witness feel safe, comfortable and willing to collaborate, to secure a safe gathering and sharing of evidence and information, where the

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41 Those premises could be also used for other migration related categories; for instance for those people who are refused entry in the country.
law enforcement officers can build trust with the victim or witness.\textsuperscript{42} In this light, the one-way screen interview rooms at the investigation departments should be installed and used for the identification of suspects during the pre-trial investigation stage as this approach helps to avoid direct confrontation between the victims and suspect.

Furthermore, a video-link testimony system could be used for cross-border interviewing of victims and witnesses, who are based in another country. This might be an option to keep the victim or witness safe, comfortable and willing to collaborate, meanwhile securing the outcomes of legal proceedings. The videoconference would make it possible to protect the confidentiality, privacy and identity of the person also during the court hearings held in a country other than the one where the victim or witness is based. However, the use of videoconference technology should be considered carefully due to the risks of violations of the confidentiality and safe communication.\textsuperscript{43}

11. Form joint investigation teams (JIT) to conduct joint operations (1) (2) (3) (4)

The JIT would represent a crucial way to undertake and strengthen cross-border cooperation in conducting investigations, as well as to secure the pace of data collection and exchange of information and evidences.\textsuperscript{44} The team should be composed of representatives with different profiles (mainly police officers and prosecutors). The investigative activities of the team should be conducted jointly on the territory of one of the countries that participate in the JIT. The operations should be conducted by the team members who have jurisdiction on the territory, with the presence and assistance of members from the other participating countries. The evidence gathered by the JIT can be handed over to the other country, member of the JIT, without resorting necessarily to international rogatory.

The JIT should be formed on an ad hoc basis to tackle sensitive and complex cases in a comprehensive way. The team members should receive prior training

\textsuperscript{42} The police stations should be provided with the kits for the first victim needs, including some refreshments, hygienic packages, clean toilets, and other items. Moreover, ad hoc medical and psychological teams should be ready to provide care and assistance to the victim or witness when requested with consent of the victim or witness.

\textsuperscript{43} In parallel, the already operative tools of communication could be strengthened, their use, safety and confidentiality of communication increased.

\textsuperscript{44} The members of human trafficking and migrant smuggling organizations frequently move from one country to another and are often based in a third country, other than the one in which the criminal organization operates; they constantly change place of residence, vehicles, phone numbers, etc. Therefore, the implementation of operational activities and investigations on human trafficking and migrant smuggling cases through the joint investigation team (JIT) would benefit the capacities to control, identify and investigate the perpetrators and their criminal organizations.
on how to investigate the case through the JIT in a cross-border manner. The language barrier in written and oral communication within the JIT is an issue that should be taken into account and solved for the proper functioning of the team.\textsuperscript{45} International support, cooperation and expertise are strategic in setting the team’s structure and functions as well as in commencing its work.

The JIT is envisaged by a number of international instruments, such as the 2006 Police Cooperation Convention for Southeast Europe (art. 27) and the 2001 Second Additional Protocol to the 1959 Council of Europe Convention on Mutual Assistance in Criminal Matters (art. 20). The ratification of international instruments and the harmonization of internal system to international standards could facilitate the forming of such team.

12. Conduct joint parallel investigations between two or more countries (3) (4)

Joint parallel investigations on one common case of interest are conducted by the stakeholders from two or more countries (prosecutors and police and, when applicable, border police), each of them autonomously in their territory of jurisdiction but in a coordinated and parallel manner. Coordination between the stakeholders from different countries, who are part of a joint parallel investigation on one cross-border case, should be arranged in a safe and efficient manner.\textsuperscript{46}

Alongside the JIT, joint parallel investigation is considered one of the key tools for effective cross-border cooperation in investigating human trafficking and migrant smuggling cases. Unlike the JIT, evidence gathered by the stakeholders within the operations of a joint parallel investigation in the territory of own jurisdiction can be handed over to the stakeholders from another country which participates in the joint parallel investigation only through the institution of international letter rogatory.

\textsuperscript{45} The financial implications of forming and keeping the JIT operative should be considered by the countries at the time of planning it. International support in this regard should be sought when needed and the JIT could facilitate access to funds from external sources, like EUROPOL and EUROJUST.

\textsuperscript{46} A harmonization of the legislation in each country (possibly in line with the sectorial international standards), consequently of the domestic procedures for conducting investigations on human trafficking and migrant smuggling cases, would ease and facilitate the possibilities to conduct joint parallel investigations. Thus, the operators from one country would smoothly familiarize with the counterparts and procedures in the other country, while the process of devising and setting a joint parallel investigation and its mechanisms of coordination between members from different countries would result easier.
13. Improve the process of extradition of persons

Practical experience has shown that there is a need to improve the extradition process between the Western Balkan countries. Therefore, a comprehensive network of bilateral agreements on extradition should be created. Moreover, it was advised to ensure that there open and more frequent communication between the institutions responsible of extradition in each country should be in place in order to improve it. Such communication could increase familiarity and trust among the operators in the other country engaged in the extradition procedure.

14. Conduct risk assessment in the country of origin or receipt prior to the repatriation or resettlement of the human trafficking victim

Strengthening cross-border cooperation could also contribute to the implementation of a safe repatriation or resettlement process of human trafficking victims. The latter should be conducted in a coordinated manner, in due time and with the victim’s consent in order to secure effective protection and identity confidentiality, avoid retaliation and re-traumatisation, and to eradicate the risk of return to the exploiting environment. The victim should be assisted and his/her rights respected and protected, during the implementation of all phases: from the logistic preparation to the transfer (transport, border crossing, etc.), from the placement in the location of return or resettlement to social inclusion within the new community.

All relevant and necessary information (on the victims, criminal organization and traffickers, the conditions present in the place of repatriation or resettlement, or other), which might be useful prior to repatriation or resettlement of the victim, should be exchanged and analysed by the institutions that participate in assessing the possibilities for a repatriation or resettlement. In this light, a joint risk assessment conducted by the institutions of the country where the exploitation took place, jointly with the institutions of the country that is supposed to receive the victim, would contribute to strengthening the coordination of the action of repatriation or resettlement and to ensure the successful outcome of the process, while reducing the risk of a new traumatisation and victimisation. A social anamnesis of the victim’s family and

47 Before giving consent to return or resettlement, the victim should be always informed on his/her own rights, the process of return/resettlement, the conditions present in the place of destination and the measures planned for his/her inclusion in the new community.

48 Judiciary and law enforcement agencies should be involved in such process, alongside other institutions, such as the Office of National Anti-trafficking Coordinator, social welfare centers, health institutions, employment bureaus, non-governmental organizations, and others.
the community that is supposed to host the victim should be conducted in order to assess whether conditions for a return without any risk are in place.49

15. Sign bilateral/trilateral agreements on repatriation/resettlement of the human trafficking victim or witness

Cross-border cooperation with a victim-centred approach would be facilitated and strengthened by the adoption of agreements on repatriation or resettlement of the victim or witness of a human trafficking case. Two or more countries could sign bilateral or trilateral or multilateral agreements to acknowledge a common procedure with safe protection of the victims and witnesses. The group of three or more countries that sign the agreement would be composed of the country of exploitation, the country of origin of the victim and the third country where the victim or witness could be safely resettled in case the conditions for a return to the country of origin are not appropriate.

The agreement could encourage the adoption of harmonized measures in different countries aimed at covering all phases of the repatriation/resettlement procedure, while also protecting and respecting the rights of the victim or witness (for instance, when it comes to providing accommodation in a safe house or to granting and respecting the reflection period, or fulfilling the right to compensation).50

49 The conduction of this assessment exercise would require and thus contribute to fostering the fluid and mutual flow of information between the institutions from both countries.

50 The costs to implement the repatriation or resettlement procedure are something to be taken into account by the countries prior to signing the agreement.