

National Referral Mechanism: the framework for anti-trafficking legislation

Text submitted to *If you speak up, I will join!* By Margo Slyusareva, Charity Fund Galaxy, Russia



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Effective anti-trafficking legislation and national frameworks for protection of trafficked persons are essential in ensuring that governments globally are able to achieve success in combatting trafficking in human beings. The Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (ODIHR) has been active in working to combat trafficking in human beings in the OSCE region since 1999. In particular, ODIHR has assisted the OSCE participating States in the development of National Referral Mechanisms (NRMs), in line with the guidance offered in 7 languages in the ODIHR handbook *National Referral Mechanisms – Joining Efforts to Protect the Rights of Trafficked Persons* (<http://www.osce.org/odihr/13967>). ODIHR paved the way in promoting access to justice and effective remedies for victims of trafficking, including through the development of resources instrumental in providing guidance and assistance to participating States, including *Compensation for Trafficked and Exploited Persons in the OSCE Region* (<http://www.osce.org/odihr/32023?download=true>) and *The Guiding Principles on Human Rights in the Return of Trafficked Persons* (<http://www.osce.org/odihr/124268>).

A National Referral Mechanism (NRM) is a co-operative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons and provide them with effective referral pathways for referral to appropriate support services. In ODIHR's 2004 "National Referral Mechanisms – Joining Efforts to Protect the Rights of Trafficked Persons" Handbook (NRM Handbook), NRMs are defined as "co-operative frameworks through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, co-ordinating their efforts in a strategic partnership with civil society." An NRM essentially concerns the process of identifying and referring victims of trafficking for assistance, whilst ensuring respect for the human rights of the persons concerned and a gender-sensitive approach. The NRM concept therefore links the protection of trafficked persons' rights with efforts to secure criminal sanctions against the perpetrators of trafficking, while ensuring strong victim protection mechanisms. The rights which should be protected under an NRM are

broad and include rights to legal counselling, data protection, non-discrimination, privacy, access to housing, healthcare (including reproductive rights), social and medical assistance, reflection periods and temporary or permanent residency, compensation, asylum and protection from unsafe return to countries of origin, amongst others. Effective NRMs require good co-operation between government agencies and civil society.

Since the ODIHR published the NRM Handbook in 2004, there have been significant developments in the area of combating trafficking in human beings, including on issues such as labour trafficking, child trafficking, organ trafficking, human trafficking in crisis situations, trafficking in human beings for criminal and terrorist activities. Over 70% of trafficking victims are female resulting in a need for a stronger focus on gender aspects, including gender based violence. ODIHR is finalizing the update of the NRM Handbook, which will be launched in the second half of 2020. The updated version of the handbook, for example will feature an NRM for Children, as trafficked children have specific needs and require different responses.

Dr. Maia Rusakova, the lead expert from Charity Fund Galaxy (Russia), has contributed to the update of the NRM Handbook through serving as a member of the ODIHR NRM Update Advisory Group, composed of top experts in the field of anti-trafficking in the OSCE region. She likewise served as the consultant for the development of the NRM for Children and utilized the promising practices of the St. Petersburg State Social Shelter for children “Transit” and of other organizations working in the field of child protection and anti-trafficking in Russian Federation for this purpose.