



NATIONAL REFERRAL PATHWAY (NRP)

FOR VICTIMS OF TRAFFICKING IN PERSONS

REPUBLIC OF LIBERIA

Document outline

Preface

Abbreviations

BIN	Bureau of Immigration and Naturalization
IOM	International Organization for Migration
LN	Liberian National Police
LRRRC	Liberian Refugee Repatriation and Resettlement and Commission
MOE	Ministry of Education
MGCSP	Ministry of Gender Children and Social Protection
MOL	Ministry of Labor
MOH	Ministry of Health
MOJ	Ministry of Justice
NAP	National Action Plan
NRP	National Referral Pathway
NGO	non-governmental organization
RSD	Refugee Status Determination
SOP	Standard Operating Procedures
TIP	trafficking in persons
VOT	Victim of Trafficking

Introduction (Definition of Terms)

Who benefits from the referral pathway, or for whom is it intended?

Introduction (See SOP/NAP)

The Government of Liberia has formulated a zero-tolerance Five-Year National Action Plan (2013-18) that guides and directs the fight against human trafficking in Liberia. The provision of prompt, proper and reasonable care to the victims of Trafficking in Persons is core to the fight against human trafficking. The National Referral Pathway is therefore established to contribute to the anti-TIP fight in general, and to specifically complement the Standard Operating Procedures (SOP).

Legal and Policy Framework

The legal and policy framework of the National Referral Pathway shall include the following domestic instruments, the 2005 Anti-Human Trafficking Acts of the Government of Liberia; the Standard Operating Procedure of Secretariat of the Anti-Human Trafficking Taskforce of Liberia;

the 2013 amended version of the Liberian Penal Law regarding Extortion, Environmental Crimes, Trafficking in human beings and Migrant Smuggling; the Domestic Relations Law; the 2011 Children Law; National Regulations on Domestic and Inter-Country Adoption; and the Juvenile Diversion Guidelines of the Ministry of Justice.

Other Trafficking in Persons-related legal instruments include but not limited to regional and international treaties acceded to and/or rectified by the Government of Liberia such as the 1990 African Charter on Rights and Welfare of the Child; the 2003 “Palermo protocols” designed to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; the 1979 UN Convention on the Elimination of all Forms of Discrimination against Women; and the 1995 Beijing Platform of Action.

TYPES OF ASSISTANCE AND PROTECTION TO VOTs BY THE REFERRAL PATHWAY:

- Physical and legal security
- Medical
- Psychosocial support
- Voluntary reintegration into society (local and international, including to third country of choice by VOTs);
- Protection against Refoulement (the expulsion of persons who deserve or has the right to acquire a refugee status);

INTERNATIONAL STANDARDS FOR THE NATIONAL REFERRAL PATHWAY ARE GUIDED BY THE FOLLOWING LEGAL FRAMEWORKS:

- International Human Rights Law (Refugee Law)

ROLES OF AGENCIES IN THE REFERRAL PATHWAY OPERATION:

- Anti-Human Trafficking National Taskforce Secretariat is the overall coordinator for VOTs;
- The Secretariat comprises all GoL Agencies in the TIP fight, led by the MOL and MOJ;
- IOM as a part of principal international partners in the TIP fight;
- LRRRC/UNHCR;

- Foreign Missions in Liberia (including US Embassy)
- Other International Partners' support (Japan);

BASIC PRINCIPLES OF COOPERATION:

- Commitment to protect TIP Victims (VOTs)
- Self-determination of victim, including decisions affecting them;
- Application of International Human Rights Law, Refugee Law included
- Respect of acting institutions expertise, mandate and international processes;
- Cooperation with local Authorities;

Referral Pathway for Victims of Trafficking

The NRP is a framework for identifying victims of human trafficking and ensuring they receive appropriate care. A range of entities may be involved in a trafficking case such as the Liberia National Police (LNP), Bureau of Immigration and Naturalization (BIN), local authorities and non-governmental organizations such as charities. The NRP makes it easier for these entities to co-operate, share information and facilitate access to advise, accommodation, and support.

What is the first responder?

All individuals, agencies and organizations that find grounds for concern that a person may be a victim of human trafficking have a responsibility for ensuring the needs of the victim are assessed and addressed, and for reporting their concerns to a first responder. First responders are the agencies that will refer the victim to the agency concerned.

A. Objective

The overall objective of this NRP is to ensure and strengthen cooperation and coordination among the TIP Secretariat, Taskforce members, the judicial system, national and international organizations, civil society organizations, United Nations Agencies and local government with respect to the identification and protection of VOTs. More importantly, the referral pathway complements the Standard Operating Procedures among anti-trafficking stakeholders. Additionally, it is a procedure for cooperation and coordination, and ensures that all available expertise, capacities, and potential of each of the taskforce ministries or agencies are adequately and effectively employed to deliver the best possible protection and assistance for victims of trafficking.

This framework document highlights key areas for coordination and cooperation that are global and should be adapted and adjusted to particular regional and national contexts. In particular, the document focuses on key responsibilities of the TIP Secretariat: the identification of VOTs, the provision of protection, assistance and promotion of sustainable solutions.

B. Needs of VOTs

VOTs are often in need of a range of protection and assistance services which are not limited to physical and legal security, medical attention, psychosocial support and access to one of the following options: local integration, voluntary return, reintegration, and/or relocation to a third country. Some VOTs may also be in need of international refugee protection which includes protection against refoulement.

C. Relevant International Standards

The cooperation and coordination mechanisms among anti-human trafficking stakeholders shall be guided by the Liberia Anti-Human Trafficking Law, International Human Rights Laws, including Refugee Law.

D. The Roles of the National TIP Secretariat

The National TIP Secretariat serves as the overall coordinator to respond to all identified trafficking cases in Liberia. Once identified, the TIP-Secretariat must ensure that VOTs are provided with the best possible protection and assistance and have access to sustainable solutions.

The TIP Secretariat was constituted in 2006 based on the 2005 Act to ban trafficking in persons in Liberia.

E. Principles of Co-operation

The TIP-Secretariat and the entire Anti-Human Trafficking Taskforce accept and agree to the following principles, which underpin institutional cooperation in responding to the needs of VOTs in coordination with the relevant line ministries or agencies as defined in the SOPs:

- Commitment to ensuring that trafficked persons are identified and offered the best available protection and assistance;
- Self-determination of trafficked persons, including their involvement in decision-making;
- Application of national and international human rights laws, including refugee law, and other relevant international legal standards;

- Respect for each other's mandate, roles, expertise, capacities, and internal processes;
- Transparent collaboration and cooperation;
- Responsible information-sharing between agencies with due regard to data protection standards;
- Inclusive consideration of the role and function of other partners in meeting the needs and upholding the rights of VOTs
- Cooperation with local authorities

The TIP-Secretariat and the Anti-Human Trafficking Taskforce recognize the responsibility and efforts of national authorities to safeguard the rights of VOTs and to support the work of government in addressing the protection and assistance for VOTs. The Secretariat further recognizes the efforts of other international agencies and national civil society organizations in this partnership.

II. Framework for Coordination in the Identification of VOTs

As an initial step to facilitate successful coordination at county and national levels, the TIP-Secretariat shall designate focal points for trafficking cases to identify and protect VOTs in each county.

The overriding principle in VOT identification and protection activities is that the best interest of the individual is paramount, and that this will include ensuring that short term interventions do not ultimately compromise longer-term solutions for the individual.

On the overall, opportunities for coordination in the identification of trafficked persons may be grouped into three areas:

1. The moment an agency is first alerted to an individual;
2. During in-depth interviews
3. During the provision of service; and

4. During the status determination process

1. AGENCY 1 ALERTED

A. Agency 1, the receiving agency, should conduct initial screening and ensure that immediate needs and risks are addressed, involving other parties as necessary.

Screening/ Information Gathering:

Screening aims at assessing the individual's immediate needs and risks, using the screening tool. TIP-Secretariat shall make available to all agencies copies of the screening form for uniform information gathering. The screening form will also help each agency to determine whether the victim should be referred to another agency.

The following should be considered when conducting screening:

I. Ensure that comprehensive and accurate information are provided to the victim.

II. Obtain the victim's informed consent to share personal data where there are indications that another agency should be involved, in accordance with each agency's data protection requirement.

III. Inform the victim that she/he may be approached for a follow up interview by another agency.

With the victim's prior informed consent, Agency 1 refers victim along with screening and referral form to Agency 2 for needed services

2. In-Depth Interview

In addition to the interview criteria that are applied by each agency responsible, the following specific issues should be taken into consideration during the in-depth interview:

- Fear of return to place of origin
- Fear of victim's safety or that of other family member
- Interest in pressing charges or testifying as a witness
- Interest in accessing temporary shelter/residency or asylum procedures
- Interest in claiming compensation

In the case of a victim seeking asylum, it is at this stage that a refugee status determination expert would normally undertake the Refugee Status Determination (RSD) interview.

D. Agencies may exchange any newly- acquired information where necessary.

3. Provision of Service: Agency 2 and other Service Providers

Agency 2 provides immediate needed assistance, offers safe caring environment and respect the victim's wishes and confidentiality, learn the immediate needs and give honest and clear information about services available. If agreed or requested by victim, obtain informed consent and make further referrals when appropriate. Accompany and assist victim in accessing services.

If the victim wants to pursue police/legal action, or if there are immediate safety and security risks to others, refer and accompany victim to police/security/legal assistance/protection officer.

For incident reporting and referral diagram please see Annex-1.

4. Status Determination

If the individual is identified as a VOT, the Secretariat shall work closely with specific government agencies responsible for victim protection (for example, Ministry of Gender Children and Social Protection, Ministry of Health, justice actors in the country) and other parties as appropriate, to ensure that the VOT is provided the best available protection, including any specialized assistance that may be available through an established national trafficking protection mechanism.

Long-Term Solutions

Long-term solutions for victims may be grouped into the following categories:

1. Voluntary return and reintegration
2. Capacity building
3. Local integration; and
4. Relocation to a third country (protective or resettlement)

Coordination mechanisms within each category may differ according to the victim's status, national laws and resources, and the local capacity of agencies and other partners. In order to proceed with the processes of providing protection and assistance to VOTs, it is necessary for agencies to exchange information on existing local resources, needs and capabilities.

Self-determination is a fundamental principle in the pursuit of appropriate protection and assistance and/or solution. The Standard Operating Procedures recognizes the right and need of VOT to be fully informed and to participate in decision-making affecting their situation.

1. Voluntary Repatriation/ Return and Reintegration

A. Voluntary Repatriation and Reintegration of VOTs who are Refugees

Where the VOT is a refugee, the TIP-Secretariat shall contact the Liberia Refugee Repatriation and Resettlement Commission (LRRRC), before repatriation.

Voluntary return is not an option for refugees in the short term. It is based on consideration for safety and dignity.

B. Voluntary Return and reintegration of VOTs who are not Refugees

If the VOT is not a refugee, the TIP-Secretariat will take the lead, working with relevant partners (government agencies, national and international organizations, civil society organizations) to manage the voluntary return and reintegration of the VOT in accordance with the 2005 Act to Ban Trafficking in Liberia.

2. Capacity Building

In order to assist VOTs sustain themselves after their reintegration into normal society, efforts should be made to build their capacities. This can be done in two-folds: academic, vocational, and specialized training.

3. Local Integration

A. Local integration of VOTs who are Refugees

Through the support of national partners, the refugee agencies shall provide short-term support to promote the self-reliance of VOTs who are also persons of concern to the TIP-Secretariat. The Secretariat will coordinate with local partners to arrange long term support and monitoring for the VOTs.

B. Integration of VoTs who are not Refugees

The TIP-Secretariat shall take the lead to provide support for both foreign and internal VOTs who are not refugees.

4. Relocation to and integration in a third country (resettlement/protective relocation)

Options to relocate to a third country shall be considered when necessary and appropriate to ensure the protection of VOTs whose security cannot be assured in their home country or host location.

A. Protective Relocation of VOTs

Considering measures such as protected entry procedures, humanitarian visas and inter-governmental agreements, the TIP-Secretariat shall promote the protective relocation of VOTs in cases where there is a high risk to his/her safety and security in the home country, and there are no temporary/permanent settlement options in the host country.

The effective protection of VOTs who do not meet the refugee definition contained in the 1951 Convention and/or its 1967 Protocol relating to the Refugees who may not meet LRRRC's resettlement criteria may require relocation to a third country where other protection tools are not available.

Additionally, the TIP-Secretariat shall continue to advocate with relevant government agencies, the judiciary, the legislature as well as local and international partners to support anti –human trafficking programs in Liberia. This is aimed at achieving comprehensive response services (prevention, protection, prosecution and partnership), safe and predictable relocation options for VOTs in accordance with the reality of their protection and assistance needs.

Annex-1: Incident Reporting and Referral Diagram

First point of entry (Agency 1 alerted)

Victim or someone tells entity about the incident or Victim reports self to service provider:

- Receive victim
- Provide services
- Document services
- Refer victim to other appropriate service providers (example, health center, shelter provider, psychosocial service, law enforcement) as needed, and based on what the victim wishes.

Agency 2 (second point of contact) and other Service Providers

Agency 2 offers safe caring environment and respect the victim's wishes and confidentiality, learn the immediate needs and give honest and clear information about services available. If agreed or requested by victim, Agency 2 obtain informed consent and make referrals to other service providers. Agencies may work together/network where appropriate to meet victim's needs. Always accompany and assist victim in accessing services.

If the victim wants to pursue police/legal action, or if there are immediate safety and security risks to others, contact the TIP secretariat, refer and accompany victim to police/security/legal assistance/protection officer.

If the victim is a refugee, contact the TIP secretariat and the Liberian Refugee Repatriation & Resettlement Commission (LRRRC).

NOTE: In all cases, consult and work with the Secretariat of the National TIP Task Force.