



*Presidenza del Consiglio dei Ministri*  
Dipartimento per le Pari Opportunità



**ICMPD**

International Centre for  
Migration Policy Development

# Study on Post-Trafficking Experiences in the Czech Republic, Hungary, Italy and Portugal

Department for Equal Opportunities – Presidency of the Council of Ministers, Italy  
International Centre for Migration Policy Development (ICMPD)

2010



With financial support from the  
Prevention of and Fight Against Crime Programme  
European Commission – Directorate-General Justice, Freedom and Security

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# Foreword

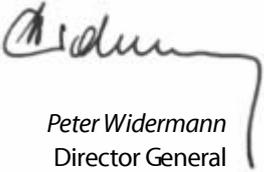
Trafficking in human beings constitutes a fundamental violation of human rights that affects a large number of women, men, and children from all over the world. In their trafficking experience, persons concerned must face different forms of deception, abuse, sufferings and retaliations that profoundly shape their lives. Those who manage to escape from exploitative conditions and are assisted by anti-trafficking agencies have a chance to re-define and self-determine their lives thanks to special protection and assistance programmes. In order to support the trafficked persons in this process, the anti-trafficking agencies must always truly “listen” to them and place their needs at the core of any service provided.

Acknowledging the real needs of trafficked persons and making them the basis of any anti-trafficking response is therefore the main purpose of the “Study on Post-Trafficking Experiences in the Czech Republic, Hungary, Italy and Portugal”. However, through this study not only the voices of trafficked persons were listened, but also those of anti-trafficking actors. The findings show – most of all – that adequate communication channels and appropriate and timely information sharing between trafficked persons and authorities as well as service providers are crucial at all stages of anti-trafficking interventions, i.e. from identification to social inclusion and to assisted voluntary return. Moreover, the study highlights that anti-trafficking responses always need to be flexible to fit individual needs of trafficked persons, their profiles and personal circumstances.

The Department for Equal Opportunities and the International Centre for Migration Policy Development (ICMPD) believe that the recommendations identified through this study are a valuable contribution on how to appropriately assist and support trafficked persons but also on how to improve the social protection schemes from the point of view of both, the assisted persons and the professionals working in the anti-trafficking field in countries of origin, transit and destination. As highlighted by the most impor-

tant international and European laws – including the Council of Europe “Convention on Action against Trafficking in Persons” – in order to comprehensively and effectively protect trafficked persons, it is fundamental that all recommendations and actions adopt an approach that puts the trafficked persons and their rights and needs at the core of all anti-trafficking interventions.

In conclusion, we wish that the recommendations presented in this study will serve as guidance for all anti-trafficking actors in their daily work as well as for policy makers when designing anti-trafficking responses at the national and international level. Such responses should always be based on the needs and opinions expressed by both, the trafficked persons as well as the anti-trafficking actors.

A handwritten signature in black ink, appearing to read 'Peter Widermann', with a long horizontal stroke extending to the right and a vertical line dropping down from the end.

*Peter Widermann*  
Director General  
ICMPD

# Acknowledgements

The “Study on Post-Trafficking Experiences in the Czech Republic, Hungary, Italy and Portugal” was drafted in the framework of the EU-funded project, “Development of a Transnational Referral Mechanism for victims of trafficking between countries of origin and destination, TRM-EU”, which was implemented by the Department for Equal Opportunities – Presidency of the Council of Ministers, Italy in partnership with the International Centre for Migration Policy Development (ICMPD). A special thanks goes to the European Union’s (EU) funding programme “Prevention of and fight against crime” – Action Grants 2007 for funding the TRM-EU project and the Italian Department for Equal Opportunities, the Czech Republic, Hungary and Portugal for supporting the research of this study. The study follows the publication “Listening to Victims. Experiences of identification, return and assistance in South-Eastern Europe” that was released in 2007 in the framework of the USAID-funded project “Programme to Support the Development of Transnational Referral Mechanisms (TRM) for Trafficked Persons in South-Eastern Europe”.

Particular thanks and gratitude goes to all those who contributed to the research for this study; first and foremost to the trafficked persons interviewed for this research in the Czech Republic, Hungary, Italy and Portugal: for the time that they made available and the willingness, honesty and courage to discuss very difficult and personal issues; their openness and sincerity in answering the questions of the researchers have been indispensable to the successful completion of this study. Their experiences with identification; first assistance and protection; longer-term assistance and social inclusion; criminal and civil proceedings; and return and social inclusion and their testimonies form the basis of the results and recommendations of this study.

In addition to trafficked persons a number of anti-trafficking actors in the Czech Republic, Hungary, Italy and Portugal were interviewed for this

study. A special thanks goes to them all for being supportive of the TRM-EU project and for helping us to gain access to important information. Thanks must also go to all the organisations that assisted and supported the research, including – in Portugal – Irmãs Adoradoras, Espaço Pessoa, Associação para o Planeamento da Família, Serviço de Estrangeiros e Fronteiras, Comissão para a Cidadania e a Igualdade de Género and Associação Solidariedade Imigrante; in the Czech Republic – Caritas Czech Republic, La Strada Czech Republic and the Police of the Czech Republic; in Italy – Cooperativa Sociale Dedalus – Napoli, Cooperativa Sociale Comunità Oasi 2 San Francesco – Trani (BA), Associazione Mimosa – Padova, Associazione On the Road – Martinsicuro (TE) and ECPAT Italia onlus – Roma; and in Hungary – the National Bureau of Investigation, the Metropolitan Court of Budapest and the Hungarian Baptist Aid.

The research for this study was made possible by the fact that so many organisations agreed to meet with the researchers, which shows an admirable level of openness, as well as commitment to improve services for trafficked persons. All the organisations that assisted and supported the research encouraged their beneficiaries to speak openly about the issues they had faced, which helped in the gathering of information relevant from the perspectives of trafficked persons. In addition, several representatives of these organisations were interviewed for this study. Their input and the information they shared with the researchers is highly appreciated and duly acknowledged.

A special thanks goes to the ICMPD anti-trafficking team for their ongoing support during the field research and the drafting process, in particular Jenny Andersson for conducting fact-finding missions to the Czech Republic, Hungary and Portugal during which valuable information was collected. Particular thanks also to Jenny Andersson, Elisa Trossero and Martijn Pluim for their advice and input, to Chantal Lacroix for conducting the research workshop as well as elaborating a first draft of this study, to Barbara Cuzuioc-Weiss for finalising the study and Galina Vadaska for her constant and timely financial advice on the project. Furthermore, special thanks must also go to Isabella Orfano, who drafted the “Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in

Europe: TRM-EU” in the framework of the same project and provided invaluable input to the study.

The co-ordination of the study in the various targeted countries was made possible through a professional and dedicated team of Focal Points. First and foremost, many thanks to Valerie Quadri, who ensured the timely and efficient co-ordination of the team of five researchers in Italy and provided input to the study; Ms. Olga Šifferová in the Czech Republic; Ms. Viktória Végh in Hungary; and Mr. Nuno Gradim in Portugal.

Finally, particular thanks go to the research team – Elisa Napolitano, Roberta Amore, Francesca Biccari, Ilaria Chiapperino, Oriana De Caro, Krémer Ferenc as well as Martina Zikmundová and Madalena Duarte, who both also provided input. It was a pleasure to work with this research team, which collected invaluable information about the experiences of trafficked persons at all stages of anti-trafficking interventions as well as the views of selected anti-trafficking actors.

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# Executive Summary

The aim of this study is to provide a detailed empirical understanding of how the current transnational referral framework including identification; first assistance and protection; longer-term assistance and social inclusion; criminal and civil proceedings; and return and social inclusion is understood, perceived and experienced on the one hand by trafficked persons and on the other hand by anti-trafficking actors in the Czech Republic, Hungary, Italy and Portugal.

The real life assistance and protection needs of trafficked persons should always be at the centre of all anti-trafficking interventions. Therefore, the views and experiences of trafficked persons and anti-trafficking actors presented in this study should ideally influence the development of transnational referral mechanisms in countries such as the Czech Republic, Hungary, Italy or Portugal, which represent a sample of countries of origin, transit and destination for trafficking in human beings. At the same time it is important to mention that this study is not an evaluation or assessment of the anti-trafficking policies and structures in a given country. It acknowledges the work of governmental, non-governmental and international actors at all stages of anti-trafficking intervention, from identification to return and social inclusion.

As an introduction to the study a basic, but by no means exhaustive, overview of the current transnational referral frameworks of the four participating countries is provided. The information was mainly collected during fact-finding missions and via questionnaires in the framework of the project “Development of a Transnational Referral Mechanism for victims of trafficking between countries of origin and destination, TRM-EU”.

Although the focus of the research for this study was not on the recruitment process itself, but on the post-trafficking experience of trafficked persons, some respondents at their own initiative talked about their trafficking experiences. They reported that they were mainly recruited by acquaintan-

ces and/or friends with false promises regarding the place of work and/or job. In many cases the dependency on the trafficker was even more aggravated, because their documents were taken away, they were intimidated by physical and psychological violence and/or because debts were imposed on them.

Trafficked persons were identified through a wide range of actors, including “official identification channels” such as law enforcement, judges, social workers or NGOs, as well as “unofficial identification channels” such as private citizens or the victims themselves. In some cases identification opportunities were missed, which either prolonged trafficking situations or resulted in inappropriate treatment of trafficked persons as criminals (e.g. due to their illegal status in the country of destination, etc.) rather than as victims of crime. In this regard, anti-trafficking actors called for a structure and/or procedures to be put in place to be able to properly identify trafficked persons in good time. Moreover, they stressed the importance of training all relevant actors who might be involved in the identification phase, including police officers, judges, doctors, etc.

The overall identification process of trafficked persons involved a wide spectrum of emotions, both negative and positive. These included fear due to their illegal status in the country of destination or fear of the consequences they might face by the exploiter, but also shame that they have been trafficked and/or of being arrested by the police. With time these negative feelings usually translated into positive ones such as gratitude and relief, because they managed to escape the trafficking situation. It is noteworthy that negative feelings such as fear, shock or confusion are more prevalent in the first phases of identification and assistance. These eventually give way to more positive emotions, as trafficked persons make their way through assistance and protection programmes.

The assistance and protection phase of trafficked persons was also marked by a wide range of feelings. At the initial stage negative emotions dominated, including the fear of being found by the exploiter and, at first, a lack of trust for the service providing agency and/or its staff. Worry and confusion were also among the feelings trafficked persons experienced at the beginning. However, respondents reported at the same time to have felt

safe, comfortable and relieved, and also thankful to escape from the trafficking situation. In general, negative emotions changed into more positive feelings once trust and confidence had been established. Overall, the trafficked persons' assessment of the services provided in shelters or during assistance and protection programmes was positive. Throughout the research for this study respondents underlined the importance of giving trafficked persons a feeling of usefulness, and for the possibility of different activities such as language courses and vocational training in order to facilitate their recovery and to include them socially in the longer-term. In this regard, striking the right balance between providing assistance and protection and encouraging autonomy and self-confidence, including the promotion of individual abilities and skills, is vital for social inclusion and the (re-)integration of trafficked persons. In general, both the presence of a cultural mediator and timely, appropriate and comprehensive information-sharing contributed to a great extent in creating a feeling of safety for trafficked persons. Therefore providing adequate, understandable and timely information to trafficked persons is a crucial part of any referral programme, both at identification as well as at a later stage of assistance such as return. Whilst in some respects information was readily available to trafficked persons – in particular on assistance and protection programmes – it appears that information before identification was lacking and needs to be made more visible and easily available to especially vulnerable groups.

The individual needs and requirements of trafficked persons need to be assessed on a case-by-case basis at all stages of anti-trafficking intervention. In case trafficked persons decided to return to their country of origin, the return process was in general assessed positively. The return of foreign trafficked persons was assisted and carried out in a majority of cases by the International Organization for Migration (IOM). The fear of being re-trafficked and also a common wish to work and to be able to financially support their loved ones back home were among the main reasons why trafficked persons did not want to return to their countries of origin. In general, finding a job, being autonomous and being economically independent and/or to financially support their families were among the main plans and goals following assistance and protection programmes. Moreover, one of the conclusions of the research for this study was that traf-

ficked persons, who have successfully participated in all phases of the support programmes, were frequently willing to disseminate information about assistance and protection and to share their post-trafficking experiences with other trafficked persons by becoming a cultural mediator and/or work for a service provider.

Training of relevant stakeholders is a key issue at all stages of anti-trafficking intervention. With regard to criminal and civil proceedings, it is especially important to teach and enable all actors involved to properly communicate with trafficked persons, since a general fear of and lack of trust in authorities can influence a trafficked person's willingness to testify. Furthermore, if a confrontation with the perpetrator is foreseen and if no protection for the witness outside the police or court building is provided, trafficked persons might not be prepared to co-operate with the authorities. Fear and lack of trust in authorities can impede both assistance – in cases where trafficked persons are reluctant to take part in assistance programmes – as well as the fight against trafficking in human beings, since the testimonies of trafficked persons are at times incomplete and the prosecution of exploiters impossible. In addition, possible language barriers, fear of stigmatisation and the possibility of losing the moral, physical and psychological integrity or in many cases economical dependence on the exploiter could also have a negative impact on a trafficked person's willingness to testify.

Finally, well structured and functioning co-operation among all relevant authorities and actors involved within a certain country as well as between countries of origin, transit and destination is a crucial element for timely and appropriate identification, referral, assistance and protection of trafficked persons. In this regard, anti-trafficking actors stressed that co-operation with embassies and countries of origin remained difficult and could be improved at the technical level. Nationally, co-operation and communication between all actors is usually framed by national action plans (NAP). In general, anti-trafficking actors welcomed the development and existence of a NAP. At the same time they underlined that it should be flexible enough to be able to adapt to any and every situation individually.

In summary, the following recommendations have been formulated; they are outlined in detail in the chapter on final thoughts and recommendations:

- Identification procedures need to be further strengthened since they continue to be one of the weak parts in the referral process.
- Information on assistance and protection programmes needs to be more visible and made more easily available.
- Cultural mediators should be utilised to facilitate communication between trafficked persons and service providers and/or authorities.
- In addition to first assistance and protection, longer-term assistance and social inclusion of trafficked persons needs to be properly planned.
- Anti-trafficking actors should balance the provision of assistance and protection against the promotion of autonomy and self-confidence.
- Co-operation and communication between anti-trafficking actors nationally and internationally should be functional.

# 1. Research Framework

## 1.1. Background and objectives

The “Study on Post-Trafficking Experiences in the Czech Republic, Hungary, Italy and Portugal” was drafted in the framework of the project “Development of a Transnational Referral Mechanism for victims of trafficking between countries of origin and destination (TRM – EU)”, which was launched in May 2008 in Rome, Italy. It was funded by the European Commission in the framework of their funding programme “Prevention of and fight against crime” - Action Grants 2007.

The TRM-EU project was implemented by the Department for Equal Opportunities, Italy and the International Centre for Migration Policy Development (ICMPD) in partnership with the Office of the National Co-ordinator for the Fight against Trafficking, Albania; the National Anti-Trafficking Commission, Bulgaria; the Department of Crime Prevention of the Ministry of the Interior, the Czech Republic; the Ministry of Justice and Law Enforcement, Hungary; the National Commission for Combating Trafficking in Human Beings, the former Yugoslav Republic of Macedonia; the Commission for Citizenship and Gender Equality, Portugal; the National Agency against Trafficking in Persons, Romania; as well as the Italian NGOs Associazione On the Road; ECPAT Italy; Dedalus; Mimosa; and Comunità OASI 2.

The TRM-EU project was built upon the principles of the USAID-funded “Programme to Support the Development of Transnational Referral Mechanisms (TRM) for Trafficked Persons in South-Eastern Europe” and focused on the transnational co-operation between countries of origin, transit and destination, and as such, sought to promote good anti-trafficking practices between participating countries and to enhance co-operation between governmental and non-governmental actors nationally and transnationally.

The TRM-EU project aimed at supporting the development of a functional, institutionalised transnational referral mechanism (TRM) for trafficked per-

sons between countries or origin, transit and destination by building on the ongoing development of national referral mechanisms (NRM) in the participating countries. Hence, the project intended to contribute to a more effective and sustainable national and EU-wide anti-trafficking response. The specific objective of the project was to:

- promote and develop transnational tools for comprehensive and appropriate victim assistance and support;
- ensure effective and harmonised co-operation on trafficking cases between the participating countries;
- promote good anti-trafficking practices from participating countries and enhance the co-operation between governmental and non-governmental actors nationally and transnationally.

This study seeks to provide a detailed empirical understanding of how the current transnational referral framework including:

- identification;
- first assistance and protection;
- longer-term assistance and social inclusion;
- criminal and civil proceedings;
- return and social inclusion

is understood, perceived and experienced on the one hand by trafficked persons and on the other hand by selected anti-trafficking actors (service providers including NGOs, religious congregations, government organisations and/or law enforcement officials) from the Czech Republic, Hungary, Italy and Portugal.

This study focuses on the experiences of trafficked persons, including all aspects of anti-trafficking interventions, mainly in countries of destination. As such, it complements the “Listening to Victims. Experiences of identification, return and assistance in South-Eastern Europe” (TRM-SEE study) that was released in 2007 within the framework of the USAID-funded project “Programme to Support the Development of Transnational Referral Mechanisms (TRM) for Trafficked Persons in South-Eastern Europe”. The differences between the two studies can be summarised as follows:

- This study primarily focuses on countries of destination whilst the TRM-SEE study mainly focused on countries of origin;
- Lessons learnt from the previous study, such as interview methods, limitations, logistical challenges et. al. positively influenced the work of the researchers;
- The data source has been widened to give more room and focus to the view of selected anti-trafficking actors;
- In this study focus was also laid on trafficked persons' and anti-trafficking actors' experiences with criminal and civil proceedings.

During the implementation of the TRM-EU project it appeared that transnational referrals of trafficked persons are not institutionalised and efficient standard operating procedures (SOPs) are often lacking. This leaves serious gaps in the protection and assistance of trafficked persons and affects the operational and institutional sustainability. The results of this study should ideally influence the development of transnational referral mechanisms for the management of individual transnational trafficking cases.

In view of the project aims outlined above, and in order to support them, the present study had three main objectives:

1. To ensure that the real life assistance and protection needs of trafficked persons are at the centre of the TRM-EU project;
2. To provide independent and research-based information about the transnational referral mechanisms and a victim-centered evaluation of this process; and
3. To serve as the foundation and basis for the "Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU".

Researchers built their questions and conducted their research while keeping in mind the importance of listening to trafficked persons expressing their needs, as this will better inform and assist organisations and actors seeking to address trafficking. Indeed, the emphasis was on increased understanding of what trafficked persons found positive and negative about their experiences with anti-trafficking interventions. The aim was to help empower trafficked persons through their direct involvement in the design and implementation of anti-trafficking programmes and policies. The voices

of trafficked persons, supported by the views of anti-trafficking actors, are translated into findings that should act as a springboard for change<sup>1</sup>.

The research team conducting the interviews with trafficked persons and anti-trafficking actors in the four countries was comprised of Elisa Napolitano (Italy), Roberta Amore (Italy), Francesca Biccari (Italy), Ilaria Chiaperino (Italy), Oriana De Caro (Italy), Krémer Ferenc (Hungary), Martina Zikmundová (Czech Republic), Madalena Duarte (Portugal). All are experienced researchers and/or social care professionals with experience of working with vulnerable people, including trafficked persons.

## 1.2. Further related publications<sup>2</sup>

While a number of studies and documents have examined the identification, return and assistance process for trafficked persons, the focus has primarily been on the legal and administrative frameworks in which identification and assistance takes place. Studies of how trafficked persons themselves have perceived and experienced their post-trafficking life and how they themselves value and evaluate interventions and assistance have been far less common. That being said, some studies have sought to address this gap by taking, as their point of origin and primary focus, trafficked persons' opinions, perceptions and experiences of the assistance framework.

*Agency or illness – the conceptualization of trafficking: victims' choices and behaviors in the assistance system* (2008) considers assistance systems in South-Eastern Europe including the values and philosophies inherent in these programmes. Particular attention is paid to the use of rules and restrictions in some programmes for trafficked persons and the impact these may have on trafficked persons' recovery (Brunovskis, A. & Surtees, R., 2008).

*Re/integration of trafficked persons: handling "difficult" cases* (2008) explores some of the "difficult" cases faced in the re/integration of trafficked persons in South-eastern Europe (SEE). The intention of this paper is, on the

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<sup>1</sup> Compare ICMPD/Surtees, R., 2007: Listening to Victims. Experiences of identification, return and assistance in South-Eastern Europe (p. 22).

<sup>2</sup> This section is based on and integrates the review of literature of the publication ICMPD/Surtees, R., 2007: Listening to Victims. Experiences of identification, return and assistance in South-Eastern Europe (p.30-32).

one hand, to explore with re/integration organisations in the SEE region some strategies for handling “difficult” cases. On the other hand it is to share these experiences more broadly – with practitioners, policy makers and programme beneficiaries – to start a broader dialogue about “difficult” and complex cases with those working on and experiencing re/integration efforts (Surtees, R., 2008).

*Re/integration of trafficked persons: how can our work be more effective* (2008) explores some of the issues and obstacles to re/integration through the lens of re/integration programmes in South-eastern Europe (SEE), issues identified by both service providers and trafficked persons. The intention of this paper is to better understand these constraints and obstacles to sustainable re/integration, and, as importantly, what could potentially be done to deal with these in effective, appropriate and sensitive ways (Surtees, R., 2008).

*Leaving the past behind: why some trafficking victims decline assistance* (2007) considers the reasons why some trafficked persons decline assistance through an empirical study of the issue in three countries in South-Eastern Europe – Albania, Serbia and Moldova. Reasons why some trafficked persons decline to enter the assistance framework include, but are not limited to, issues such as different forms of stigma associated both with trafficking and being assisted, gaps and problems in the assistance framework, a lack of trust in the system, limited understanding of the assistance framework, the desire to return home to their family or community, not needing assistance and not identifying themselves as trafficked persons (Brunovskis, A. & Surtees, R., 2007).

*Listening to Victims. Experiences of identification, return and assistance in South-Eastern Europe* (2007) is a study of how the existing identification, referral and assistance framework is understood, perceived and experienced by the individual trafficked persons themselves. It recognises that trafficked persons are a distinct group and highlights the diversity of their trafficking experiences. The study gives voice to the hope that by listening to trafficked persons expressing their needs and wants, it will be possible to assist and support the many organisations and actors seeking to address human trafficking in South-Eastern Europe and beyond (ICMPD/Surtees, R., 2007).

*The courageous testimony: trafficked women's motivations for and experiences from testifying against their traffickers* (2006) discusses trafficked

women's experiences in either agreeing or declining to testify, including what influenced their decisions, their subsequent assessment of the consequences of their decisions, and their experiences prior to, during, and after the trials (Bjerkan, L. & Dyrliid, L., 2006a).

*The silence experience: reintegration of victims of trafficking for sexual exploitation* (2006) discusses some of the obstacles to dignified and smooth reintegration including the fear of stigma and prejudice. The article stresses the need to take these conditions into consideration when designing reintegration programmes and also argues that the wide variety of trafficked persons' individual histories, experiences and future prospects require diverse and flexible reintegration programmes (Bjerkan, L. & Dyrliid, L., 2006b).

*Stolen smiles: the physical and psychological health consequences of women and adolescents trafficked to Europe* (2006) is a study of the physical and psychological impact of trafficking on women and adolescents trafficked to Europe. The study, while largely quantitative, also provides qualitative information about trafficked persons' assistance experiences as they relate to their physical and mental well-being and also highlights what the short and longer-term needs of trafficked persons are (Zimmerman, C. & Watts, C., 2006).

*A Life of One's Own: rehabilitation of victims of trafficking for sexual exploitation* (2005) is a study of rehabilitation programmes in Serbia and Moldova and is premised on the need for more research based information on the contents and effects of rehabilitation on trafficked persons (Bjerkan, L., 2005).

*Voices of victims* (2004) is a pilot study of the experiences of young women in prostitution in the Netherlands. Ten young women were interviewed about their experiences of forced prostitution as well as their exposure to mental healthcare professionals, police and judicial actors (ECPAT, 2004).<sup>3</sup>

### 1.3. Research methodology

This study analyses how the current identification; first assistance and protection; longer-term assistance and social inclusion; criminal and civil proceedings; and return and social inclusion framework in the EU is perceived,

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<sup>3</sup> Only available in Dutch.

on the one hand by trafficked persons, and on the other by anti-trafficking actors. The study is based on interviews undertaken in the Czech Republic, Hungary, Italy and Portugal. Persons trafficked for sexual and labour exploitation were interviewed in the four countries to illustrate the situation from their perspective. Furthermore, interviews were conducted with selected anti-trafficking actors (service providers including NGOs, religious congregations, government organisations and/or law enforcement officials). Researchers from all four countries conducted those interviews, transcribed them and translated them into English. The study was compiled based on the answers provided by the interviewed trafficked persons and anti-trafficking actors.

The aim of the study was to empirically examine the views and experiences of trafficked persons in the Czech Republic, Hungary, Italy and Portugal primarily from a destination country perspective<sup>4</sup>. Given the challenges of identifying and accessing trafficked persons, in some cases a limited number of trafficked persons were also interviewed after their return. As already mentioned above, in order to obtain a clear picture of the transnational referral mechanism in the targeted countries, and to supplement the views expressed by trafficked persons and widen the sample from the TRM-SEE study, interviews were also conducted with selected anti-trafficking actors. These interviews helped shed light on the experiences of individuals who assist trafficked persons at all stages of anti-trafficking intervention.

Whilst trafficked persons were interviewed in the Czech Republic, Hungary, Italy and Portugal, it is important to note that their exploitation experiences often involved other regions and countries along the way, including Asia, Central Asia, the European Union, Eastern Europe, Africa, South and North America. That is to say, whilst the aim of the research was to generate a qualitative picture of trafficked persons' post-trafficking experiences primarily in countries of destination, some of the views expressed by trafficked persons can – and at times do – refer to anti-trafficking interventions

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<sup>4</sup> Countries affected by trafficking in human beings cover the whole scope of the trafficking process – that is countries of origin, transit and destination. The aim of this study, however, was to shed light on the identification, assistance and integration experiences of trafficked persons primarily in destination countries.

in countries of origin, transit and destination. Because of this, it is important to emphasise that the findings should not be read as specific to the Czech Republic, Hungary, Italy and Portugal but should be seen as referring to general patterns documented in multiple cases and contexts.

An eclectic yet structured research design was necessary to capture the complexity of trafficked persons' post-trafficking experiences with anti-trafficking interventions and to provide a thorough understanding of the reality of the transnational referral mechanisms. Within this research design, semi-structured interviews with trafficked persons were conducted at various stages of their post-trafficking life to answer the following guiding research questions:

- What are the trafficked persons' experiences (both positive and negative) with national organisations and actors primarily in countries of destination, in particular with respect to:
  - Identification?
  - First assistance and protection?
  - Longer-term assistance and social inclusion?
  - Criminal and civil proceedings?
  - Return and social inclusion in countries of destination?
- What are the issues and obstacles that trafficked persons face at each stage?

A semi-structured interview format was selected because it allows for the collection of comparable data by following a set sequence of themes, while at the same time allowing for flexibility to adapt to the specific situation of the respondent<sup>5</sup>. All interviews were undertaken by in-country researchers or anti-trafficking actors with the exception of one with a trafficked person in Portugal that was conducted by a member of the Commission for Citizenship and Gender Equality, because the address of the shelter where the trafficked persons stayed could not be revealed to the researcher. The person who conducted the interview was given clear instructions and questions and had the permission of the respondent to record the interview.

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<sup>5</sup> Kvale S., 1996: Interviews: an introduction to qualitative research interviewing.

While, as already mentioned, the focus of the study was trafficked persons' direct experiences, perceptions and opinions, it was also important to collect information from anti-trafficking actors themselves. This was done to clarify information in a particular case or to collect more general information about procedures and practices with regard to the targeted topics of the research. As such, and as previously noted, selected interviews were conducted with anti-trafficking actors by a team of in-country researchers. Respondents came from a variety of organisations working in the anti-trafficking field, including NGOs, religious congregations, government organisations and/or law enforcement officials.

The research aimed to be participatory in nature by bringing trafficked persons around the common issue of their experiences with anti-trafficking interventions. The objective was to situate trafficked persons' personal and individual experiences at the centre of the design and implementation of the transnational referral mechanisms, and engage them in a discussion about their experiences, perceptions and possible solutions to the issues they encountered. For that reason the research sample includes a higher percentage of interviews with trafficked persons than with anti-trafficking actors. In the case of Hungary a greater number of anti-trafficking actors were interviewed, because of limited testimonies from trafficked persons. The semi-structured interviews with trafficked persons focused specifically on their post-trafficking experiences rather than their trafficking experience itself. Respondents were not asked to relate their trafficking experience and, where this was discussed, it was at the initiative of the respondent her-/himself.<sup>6</sup>

Some trafficked persons were interviewed immediately following identification and referral or at the initial stages of assistance and/or decision-making, some prior to their return home and a few upon their return home, while still others were interviewed at different stages of integration.<sup>7</sup>

The ages of respondents ranged from 16 to 55 at the time of the interviews. The average age of the trafficked persons in the Czech Republic was

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<sup>6</sup> Compare ICMPD/Surtees, R., 2007: Listening to Victims. Experiences of identification, return and assistance in South-Eastern Europe (p. 29).

<sup>7</sup> Ibid.

41, in Italy 28 and in Portugal 31. Only one female trafficked person in Italy was a 16 year-old minor. A large part of the trafficked persons had (elementary) school education and a few respondents were illiterate. Overall 6 trafficked persons had a university degree.

Overall 33 interviews with trafficked persons were conducted, of which 7 were in the Czech Republic; 2 in Hungary; 19 in Italy; and 5 in Portugal. Overall 24 interviews with anti-trafficking actors were conducted, of which 3 were in the Czech Republic; 7 in Hungary; 9 in Italy; and 5 in Portugal. In the Czech Republic and in Portugal one interview each was conducted with former trafficked persons now working as service providers. The majority of trafficked persons interviewed were adult and female. However, in Italy 2 interviews were conducted with adult men and one with a 16 year-old girl.

In the Czech Republic 3 of the trafficked persons interviewed were from the Ukraine, 2 from the Czech Republic and one from Uzbekistan and Mongolia respectively. Both trafficked persons interviewed in Hungary were Hungarian nationals. In Italy 11 trafficked persons were from Nigeria, 2 from Morocco, and one from Bulgaria, China, Moldova, Pakistan and Romania respectively. In Portugal 4 trafficked persons were from Brazil and one from the Ukraine and Kazakhstan respectively.

Overall 24 respondents were trafficked for sexual exploitation, of which 4 were in the Czech Republic and one Czech national in the Netherlands who was interviewed upon return in the Czech Republic, 14 in Italy and 3 in Portugal. The 2 Hungarian nationals were trafficked for sexual exploitation in the Netherlands and interviewed upon their return in Hungary. Overall 9 trafficked persons were trafficked for labour exploitation, of which 2 were in the Czech Republic, 4 in Italy and 3 in Portugal.

## 1.4. Limitations<sup>8</sup>

In the course of the study, a number of issues and limitations were faced which necessarily affected the research findings. These included the following:

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<sup>8</sup> This section is mainly based on the publication ICMPD/Surtees, R., 2007: Listening to Victims. Experiences of identification, return and assistance in South-Eastern Europe.

*Selection bias:* Many of the respondents were currently being assisted within a programme. This involves a selection bias that must be noted when reading and analysing the data. Persons dependent upon assistance may not feel sufficiently comfortable to discuss problems, feeling that the information they share will have negative repercussions for their on-going support, or that they could be perceived as being ungrateful. In addition, respondents might have been hesitant to say anything which they felt might harm the image of the programme or staff of the assisting organisation.

*Potentially unrepresentative sample:* Assisted persons arguably represent a certain restricted group of beneficiaries. The fact that they have accepted assistance generally suggests that they have few other options and may constitute a particularly vulnerable category of trafficked persons.<sup>9</sup> As such, the findings may not be representative of trafficked persons generally and particularly not of those who are able to negotiate their trafficking situation or to accrue some (financial and strategic) benefits and/or who do not require assistance and intervention.

*Selection of researchers:* In most of the cases trafficked persons were interviewed by persons who work for the service providing organisation that assists or assisted them. This fact may have had an impact on their answers. However, due to the researchers' high level of professionalism and objectivity they were supportive and encouraging of this critical and evaluation process, which at least partially mitigated this limitation.

*Limited access to victims:* Not all service providing organisations in the Czech Republic, Hungary, Italy and Portugal participated in the research. In addition, not all trafficked persons contacted were willing to be interviewed, and not all beneficiaries of programmes were able and/or prepared to express their views and opinions. In the case of Hungary, there was particularly limited access to trafficked persons. Despite all the efforts made to identify a suitable number of trafficked persons to interview, the research team had to face the fact that in Hungary very few foreign trafficked persons are identified. Indeed, Hungarian anti-trafficking actors noted: "Data show that Hungary is rather a source country, not even a real

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<sup>9</sup> Brunovskis, A. & Surtees, R. (2007); Brunovskis, A. & Tyldum, G. (2005); Surtees, R. (2005).

transit country. Hardly ever does the Court have to hear such a case” or “99 per cent of our cases involve Hungarian victims. We are getting very few non-Hungarian victims” or “I do not remember any foreign citizens among victims of trafficking, only Hungarians”. Therefore only two Hungarian nationals could be interviewed.

*Time delay of interviews:* Not all the experiences of trafficked persons with identification; first assistance and protection; longer-term assistance and social inclusion; criminal and civil proceedings; and return and social inclusion reflect recent experiences: some of the findings outlined in this study reflect earlier ones. However, past experiences may continue to provide valid information about trafficked person’s understanding of and willingness to participate in programmes. Furthermore, they may still have a direct impact on decision making.

## 1.5. Ethical considerations<sup>10</sup>

The research for this study was undertaken with careful attention to the ethical issues involved in interviewing trafficked persons as outlined in the WHO’s “Ethical and safety recommendations for interviewing trafficked women”<sup>11</sup>. During a research workshop in October 2008 ethical considerations were explored in detail with the research team. Furthermore, a protocol was developed as a guide for the research project and for the interviews with trafficked persons. Researchers were requested to ask questions in a supportive and non-judgmental way and to anticipate issues and questions which might be traumatic for the respondent. One of the main concerns was to create a comfortable and generally positive environment for the trafficked persons. Each researcher was obliged to sign a confidentiality agreement. Issues such as informed consent, confidentiality, the right to privacy and anonymity and security risks to respondents were central during the whole research project.

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<sup>10</sup> This section is partly based on the publication ICMPD/Surtees, R., 2007: Listening to Victims. Experiences of identification, return and assistance in South-Eastern Europe.

<sup>11</sup> World Health Organisation, 2003: Ethical and safety recommendations for interviewing trafficked women, available at: [www.who.int/gender/documents/en/final% 20recommendations %2023%20oct.pdf](http://www.who.int/gender/documents/en/final%20recommendations%2023%20oct.pdf).

Trafficked persons were contacted through different anti-trafficking actors who had been informed about the TRM-EU project and provided with written information about the research project and details about trafficked persons' role as potential respondents. In addition, prior to the interview, each respondent was orally informed about the research project, its objectives, how the interview would be carried out and how the information would be used. Furthermore, they were asked whether they would agree to the interviewer recording the interview and also for permission to take notes during the interview. Respondents were informed that they do not need to answer any questions that they were not comfortable with and that they could stop the interview at any stage without explanation. At the end of each interview respondents were asked whether they would be interested in seeing the results of the study.

Interviews were conducted at a time convenient to the respondent between 17 November 2008 and 19 January 2009 in asylum flats, respondents' flats, at shelters or in police facilities. The location was selected in discussion with the trafficked person, who was offered the option on having another person of trust present. Therefore, in addition to the respondent and the interviewer, in some cases a cultural mediator, a social worker or, if the trafficked person was staying in the shelter of a religious congregation, a nun or a sister was present during the interview. In case translators were used to interviewing foreign trafficked persons, they were carefully selected and thoroughly briefed on issues such as confidentiality, anonymity and victim sensitivity and obliged to sign a confidentiality agreement.

The focus of the interviews was on the trafficked persons' experiences with identification, first assistance and protection, longer-term assistance and social inclusion as well as their experiences with criminal and civil proceedings and return and social inclusion, and not on the trafficking experience as such. In the course of several interviews respondents, at their own initiative, talked about their trafficking experiences. In these cases the interviewers sought to guide them as much as possible back to their experiences with the current transnational referral framework. Interviewers were also attentive to the respondents' comfort levels and in the course of interviews reassured them that they could decline to discuss anything with which they were not comfortable.

All respondents were either currently being assisted within a programme or had already completed such a programme. Although referrals for assistance were not needed, each researcher was equipped with details of assistance available in the respective country. Respondents were also provided with the contact details of the researcher in case they had any concerns or questions about the research at a later stage.

Ethics and safety have been of primary concern in the preparation of this study. Respondents were not obliged to give any identifying information and, when they did so, this was entered only into field notes. Only the research team, including interviewers, research coordinator and the project manager has had access to the individual field notes and all field notes have been carefully maintained in adherence with internal data protection standards of ICMPD. Furthermore, in the study itself, all personal, identifying information about individual trafficked persons has been changed or omitted so that the trafficked persons' stories cannot be easily recognised in the study and are not presented in ways that pose risks or breaches of privacy for the trafficked persons and/or their families.

## 1.6. Relevant terminology<sup>12</sup>

**Anti-trafficking actors:** Persons working for governmental and non-governmental organisations including service providers such as NGOs and religious congregations, who are involved in all stages of anti-trafficking interventions from identification to return and social inclusion.

**Assistance:** Measures, programmes and services aimed at the recovery of trafficked persons that might include, but are not limited to, appropriate housing; medical, psychological and material assistance; educational, training and employment opportunities; legal counselling and assistance. First, short- and longer-term assistance may be offered by non-governmental, governmental or international organisations in countries of destination, transit and origin and they may involve one or multiple services.

**Client:** When used by anti-trafficking actors in the framework of this study, the term "client" refers to trafficked persons using the services, including

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<sup>12</sup> See ICMPD/Orfano, I., 2010: Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU.

first assistance and protection as well as longer-term assistance and social inclusion that is provided to them by service providers such as NGOs, religious congregations, international and governmental organisations.

**Country of origin:** The country a trafficked person comes from (also referred to as “source country”).

**Country of transit:** The country a trafficked person travels through to reach her/his final destination.

**Country of destination:** The country that is the ultimate destination of a trafficked person (also referred to as “receiving country”).

**Cultural mediator:** A foreigner him/herself, the mediator is a professional who functions as an intermediary between the needs of migrants and the response of public services and NGOs to facilitate the placement of foreign citizens into the hosting social context. S/he works respecting neutrality, professional secrecy and equidistant mediation between institution and user (also referred to as “cultural-linguistic mediator”).

**Identified victim of trafficking:** a person who has been identified as a victim of trafficking according to a formal or informal identification mechanism (also referred to as “Identified trafficked person”).

**National referral mechanism or system (NRM or NRS):** “It is a co-operative framework 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. The basic aims of an NRM are to ensure that the human rights of trafficked persons are respected and provide an effective way to refer victims of trafficking to services. In addition, NRMs can work to help to improve national policy and procedures on a broad range of victim-related issues such as residence and return regulations, victim compensation, and witness protection. NRMs can establish national plans of action and can set benchmarks to assess whether goals are being met. The structure of an NRM will vary in each country; however, NRMs should be designed to formalise co-operation among government agencies and non-governmental groups dealing with trafficked persons.”<sup>13</sup>

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<sup>13</sup> Kröger, T. & Malkoc, J. & Uhl, B.H., 2004: National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook (p. 15).

**Non-residential programme:** This is an assistance programme offered to trafficked persons who do not face safety risks and enjoy an autonomous accommodation usually shared with significant others (i.e. partners, family members, friends). The rationale of the non-residential programme is that it is fundamental to value the assisted person's network in order to support her/his process of social inclusion in the community s/he is living in.

**Person at risk of trafficking:** Any person (minor or adult) who has not been trafficked but, given her/his profile or the appearance of certain indicators, faces a greater possibility of being trafficked in the future<sup>14</sup>.

**Potential victim:** An individual identified before being exploited who shows strong signs of being in the trafficking process. This differs from a presumed victim, the definition for which appears below (also referred to as "potential trafficked person").

**Presumed victim:** A person who is presumed to be a victim of trafficking but who has not been formally identified by the relevant authorities or has declined to be formally or legally identified (also referred to as "presumed trafficked person"). Presumed victims are entitled to the same treatment as the identified victims from the beginning of the identification process. In some countries, this category of persons is referred to as "potential victim".

**Protection:** This is an essential component of any assistance scheme, both for the trafficked person's physical safety and for the safeguard of her/his prospects of social inclusion in the country of origin, destination, or a third country.

**Recovery:** The process by which trafficked persons are stabilised and their well-being restored psychologically, socially and physically.

**Residence permit:** Any permit or authorisation issued by the authorities of a country, in the form provided for under that State's legislation, allowing a third country national or stateless person to reside on its territory.

**Respondent:** The term "respondent" is used throughout this study referring to individuals interviewed in the course of the research for this publi-

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<sup>14</sup> Adapted from Save the Children Italia, 2009: Agire. Austria, Greece, Italy and Romania. Acting for stronger private-public partnerships in the field of identification and support of child victims and at risk of trafficking in Europe. Agire methodology (p. 6-7).

cation. Depending on the chapter “respondent” refers either to trafficked persons or anti-trafficking actors.

**Return:** To return to one’s country and/or community of origin. In the context of anti-trafficking work, return involves not only the physical transportation of the victim but also mechanisms to ensure that the return is voluntary, assisted, safe and dignified.

**Risk assessment:** A formal procedure to identify and assess the risks associated with the trafficked person’s situation and future plan of assistance in the country of origin and/or transit and destination.

**Service providers:** Organisations and individuals that provide one or more of the support and assistance measures supplied to trafficked persons. These may include social workers, psychologists, shelter staff, medical personnel or legal professionals from NGOs, international and governmental organisations.

**Shelter/residential facilities:** Premises where trafficked persons are hosted. Shelters may be open or closed; offer short- or long-term stay; provide round-the-clock, part-time or no in-house assistance. Shelter should be run by qualified and specifically trained staff. In the case of children, the accommodation has to be appropriate to their specific needs.

**Social inclusion:** This refers to the process that ensures that those at risk of poverty and social exclusion have the opportunities and resources necessary to participate in economic and social life, securing a standard of living that is considered acceptable in the society in which they live<sup>15</sup>. It also ensures that they have greater participation in decision-making that affects their lives and access to their fundamental rights. Through such a process vulnerable groups are granted access to education, training, employment, accommodation, collective services, and health assistance. A social inclusion programme can take place either in the country of origin or in that of destination.

**Trafficked child:** Any person under eighteen who is recruited, transported, transferred, harboured or received for the purpose of exploitation, either

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<sup>15</sup> European Commission, 2003: Joint Report by the Commission and the Council on social inclusion, available at: [http://ec.europa.eu/employment\\_social/soc-prot/soc-incl/joint\\_rep\\_en.htm](http://ec.europa.eu/employment_social/soc-prot/soc-incl/joint_rep_en.htm).

within or outside a country, even if no element of coercion, deception, abuse of authority or any other form of abuse is used<sup>16</sup>.

**Trafficker:** Person complicit in the trafficking of another human being (or human beings) for any form of exploitation.

**Transnational referral mechanism (TRM):** This refers to mechanisms and systems designed for the comprehensive assistance and transnational support of victims of trafficking. Transnational referral mechanisms link the full process of referral from initial identification, through return and assistance between countries of transit, destination and origin and involve co-operation between different government institutions and non-governmental actors. This may involve one or all of the steps in the process.

**Victim of trafficking/trafficked person:** A person who is subject to the crime of trafficking in human beings in accordance with Art. 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (also known as the “Palermo Protocol”, 2000).

**Witness protection:** The range of security measures employed to assure the safety of a witness involved in legal proceedings. Witness protection may be offered, before, during and/or after the legal proceedings and may include any single or combination of measures that are geared towards assuring the safety and security of the witness and her/his family.

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<sup>16</sup> Separated Children in Europe Programme (SCEP), *op. cit.*

## **2. General Anti-trafficking Framework in the Czech Republic, Hungary, Italy and Portugal**

In the course of the project “Development of a Transnational Referral Mechanism for victims of trafficking between countries of origin and destination, TRM-EU” in the framework of which this study has been drafted, fact-finding missions to beneficiary countries took place, including the Czech Republic on 22 January 2009; Hungary on 2 March 2009; and Portugal on 5-6 March 2009. Furthermore, questionnaires to assess the current anti-trafficking situation – the legal and institutional framework – as well as to identify good practices in the field of the referral of trafficked persons within and across borders, were disseminated to the countries participating in the TRM-EU project. The following chapter is based on information collected during the fact-finding missions and via the questionnaires and seeks to provide a basic but by no means exhaustive overview of the current transnational referral frameworks in the four participating countries.

### **2.1. The Czech Republic**

The Czech Republic is a source and transit country for trafficking in human beings. Furthermore, it is a destination country for women and men trafficked for the purpose of labour exploitation mainly from the Ukraine, Vietnam, Moldova, Romania, Bulgaria and Belarus. The current “National Strategy to Combat Trafficking in Human Beings” covers the period from 2008 to 2011. The main institutions involved in the identification of trafficked persons are the THB Department of the Organised Crime Unit, the Criminal Police and the Investigation Service Office, the Alien Police, NGOs, as well as the International Organization for Migration (IOM).

The national referral mechanism in the Czech Republic is a protection and support system that includes identification; repatriation and social inclu-

sion including residence regimes; and victim/witness protection. The main tasks of the national referral mechanism are identification and the appropriate treatment of trafficked persons; and the establishment of officially binding mechanisms designed to harmonise the assistance of trafficked persons with the investigation and prosecution efforts. The Ministry of Interior co-operates, among others, with other Ministries, Police, NGOs, IOM, Refugee Facilities, etc.

The “Programme of Support and Protection for Victims of Trafficking in Human Trafficking” (hereinafter “Programme”) has been operating in the Czech Republic since 2003. The Crime Prevention Department of the Ministry of Interior co-ordinates all activities of the Programme. Within the Programme the Ministry of Interior co-operates with two NGOs – La Strada Czech Republic and Caritas Czech Republic. La Strada Czech Republic provides social services and legal counselling for all presumed trafficked persons regardless of their legal status or decision to co-operate or not with the police. The support offered by this organisation includes, besides sheltered accommodation and material support, also medical and psychosocial support, including therapy; legal counselling (including accompanying the client to all legal acts during criminal procedures); interpretation, if required; education and vocational training as well as mediation, if requested; and support for social inclusion and job placement. The length and kind of support provided to trafficked persons depends on each individual case.

The main goal of the Programme is the social inclusion of the client, each of whom has an “individual plan of social inclusion” which is developed by her-/himself in co-operation with the social worker. In general La Strada’s work includes residential and non-residential services and sheltered accommodation is provided in apartment based shelters.

In the Czech Republic different kinds of residence permits for trafficked persons can be issued by the Ministry of Interior or by the Alien Police according to Act No. 326/1999 on the stay of foreign nationals in the Czech Republic, such as:

- Exit permit for up to 60 days;
- Visa for the purpose of toleration of residence for up to 90 days;

- Long-term stay for the purpose of protection in the Czech Republic (§ 42e) – for considerable reasons for up to six months;
- Permanent residence.

During the reflection period trafficked persons usually receive an exit permit for up to 60 days according to Act No. 326/1999. During this period or once it is over, the persons concerned can apply for longer term residence according to § 42e. Permanent residence can be granted once a case is closed according to § 66. Furthermore, trafficked persons can claim asylum and remain in the Czech Republic according to the Act on Asylum No. 325/1999. The Asylum and Migration Department of the Ministry of Interior is responsible for this procedure of international protection.

“Assisted Voluntary Returns” of trafficked persons to their country of origin are also regulated by the Programme. Only trafficked persons currently assisted within the Programme may benefit from an assisted voluntary return, which is carried out by IOM. In practice NGOs, such as La Strada Czech Republic and Caritas Czech Republic, or the Ministry of Interior, request the assisted voluntary return on behalf of the trafficked person.

If the trafficked person expresses her/his will to return, the service provider (NGO) requests assistance from IOM and at the same time contacts the Ministry of Interior, to formally announce the end of the participation of a trafficked person in the Programme. IOM consults with the service provider with regard to the trafficked person’s needs and specific requirements. Furthermore, IOM contacts the IOM mission in the trafficked person’s country of origin. Prior to return risk assessment is done in co-operation with local IOM missions or anti-trafficking NGOs in the country of origin. In the meantime, the service provider makes all travel arrangements and, once the return day is confirmed and the ticket is booked, IOM contacts the Ministry of Interior with the request to cover the flight and other related costs, such as further IOM assistance, local travel, etc. When IOM receives a formal approval from the Ministry of Interior, the ticket is issued and, in co-operation with the service provider, IOM operational staff assist the trafficked person during airport procedures and accompanies her/him to the gate. The trafficked person is informed in advance about possible assistance in the country of origin.

If the trafficked person is unwilling or unable to return she/he may apply for permanent residence status. However, it is not automatically granted. If the return to a specific location is not recommended, an alternative solution is found (e.g. another town/region in the country of origin). If the risk involves a danger from the criminal circles/traffickers, who remain at large in the country of origin, the trafficked person may apply for residence status in the Czech Republic, or return to a different location in the country of origin.

## 2.2. Hungary

Hungary is a source country for persons mainly trafficked to Spain, Italy, Belgium, Switzerland, the UK and the Netherlands. Furthermore, it is a transit country for trafficking with regard to Ukraine and Romania. Although Hungary adopted the Palermo Protocol, the definition of trafficking in human beings in Hungarian law is not fully in line with the Protocol. The current national anti-trafficking strategy has been in force since March 2008 and will continue until 2012.

Trafficking cases brought to court in Hungary normally refer to Hungarian citizens; only a few cases involve foreign citizens. The crime of trafficking has been punishable since 1999, the latest amendment, which resulted in the currently effective law, was passed in 2001. Between 2001 and 2007 155 cases became known to the Police. In 2009 the court convicted 18 offenders for 35 crimes. Most trafficking cases involve sexual exploitation; however a growing number of trafficking cases for labour exploitation can be observed, while the number of illegal adoptions, removals of organs or other crimes of trafficking, remains low. Although there is a general victim protection system, no special witness protection programmes for trafficked persons exist.

According to the "Victim Support Service" (described below) identification and referral are seen as the main gaps in Hungary. According to law, all relevant authorities are required to provide trafficked persons with an official translator, information on different procedures, the right of a reflection period and the possibility of being accommodated in a shelter.

The "Baptist Aid" was the first NGO that provided assistance to and protection of trafficked persons. The "Baptist Aid" started its work in 2004 with a

Street Work Division trying to identify drug addicts and trafficked persons. They have three shelters, of which the main one is for temporary residence for up to six months, another is for mothers with children, and one is located in a high risk area for trafficking in human beings in Hungary. The social workers of the "Baptist Aid" work in the shelters as well as in the streets and provide legal, medical and psychological assistance to trafficked persons. The "Baptist Aid" finances itself mostly autonomously; State funding is not regularly provided. In December 2009 the Ministry of Social Affairs and Labour signed an agreement with another NGO, the "Hungarian Interchurch Aid", which now also provides assistance to Hungarian trafficked persons.

The "Victim Support Service" is a state organisation under the Ministry of Justice and Law Enforcement and has existed since January 2006. The organisation provides the following services:

- Information and advice (victim support officials inform trafficked persons about the special measures for trafficked persons, such as the right of a reflection period (30 days) as well as the possibility of a permit for temporary stay);
- Victim support services (including food, housing, travel, medical expenses, funeral services, etc.; free legal aid during the court proceeding, but not during the investigation period, etc.);
- Compensation.

It is the responsibility of the police to inform the trafficked person about the possibility of being referred to the "Victim Support Service". However, this service is only available if a criminal procedure is ongoing.

The reflection period for foreign trafficked persons in Hungary is 30 days unless she/he co-operates with the authorities. Since 2007 a residence permit for trafficked persons can be issued according to the new law on third country nationals. These permits are issued for six months and can be extended for another six months if the person concerned co-operates with the police and other authorities. After one year the person can apply for a different type of permit. During the first year the person has a work permit and is also covered by the general social security services. Residence permits for children can be issued if the guardian applies for a permit. The permit is issued for two years and can be renewed an unlimited number of times.

## 2.3. Italy<sup>17</sup>

In Italy, even though no institutionalised national referral mechanism (NRM) yet exists, many local referral mechanisms are in place and they function well. In some instances, they are based on Memoranda of Understanding (MoUs), in other cases no written agreements exist and they are based on practical collaboration.

Nevertheless, since 2000 a composite structure for the assistance of trafficked persons is in place at the national level, functioning through three main tools:

- Programmes for temporary assistance and longer-term social protection;
- Free hotline (Numero Verde Anti-tratta);
- Programme for assisted voluntary return.

This structure is co-ordinated and supervised at the national level by the Department for Equal Opportunities – Prime Minister’s Office. This is the central public authority in charge of promoting and co-ordinating policies and actions on anti-trafficking, with specific regard to a human rights based and victim centred approach.

The Italian system provides for two kinds of assistance and protection programmes for trafficked persons, on the basis of two national laws:

- A short-term programme (“Article 13 Programme”) is provided by Art. 13 of the anti-trafficking law (law 228/2003) establishing a Special Fund for the implementation of temporary assistance programmes for Italian, communitarian and foreign victims of “reduction to or maintaining in slavery or servitude conditions” and “trafficking” (offences envisaged by Articles 600 and 601 of the Penal Code);
- A long-term programme (“Article 18 Programme”) is provided by Art. 18 of the Immigration Law (Legislative Decree 286/98) “Residence permits for social protection grounds”. It provides social protection measures to victims of exploitation (foreigners and EU nationals) with

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<sup>17</sup> See also Orfano, I., 2007: “Italian report”, in Centro de Investigation en Criminologia et al., “The Co-Operation of Law Enforcement Agencies and NGOs in the Prevention of and Support for Victims of Trafficking in Persons for the Purpose of Sexual Exploitation”.

the aim of allowing them to escape from the violence and the condition of exploiters.

The Article 13 short-term programmes offer a series of “first aid” and initial support measures, such as adequate temporary accommodation, health care, counselling and legal assistance. According to the law, trafficked persons can benefit from a three month programme that, when applicable, may be extended for up to six months. Once the programme is over, the victims can continue to be helped by entering the Article 18 programme. The Article 13 programmes are co-financed annually by the State (Department for Equal Opportunities – 80%) and Local Authorities (20%), supervised by a deputed Inter-Ministerial Commission and managed by local authorities and/or accredited non profit organisations.

The Article 18 long-term programmes provide high standard social protection measures, such as individual recovery and social integration plans, long-term residential care facilities, health care, counselling, legal assistance, education, vocational training, apprenticeships and job placement (when possible). The foreseen duration of this programme is one year, but it can be extended if necessary. The Article 18 programmes are co-financed annually by the State (Department for Equal Opportunities – 70%) and Local Authorities (30%), supervised by a deputed Inter-Ministerial Commission and managed by local authorities and/or accredited non profit organisations.

The beneficiaries of this programme can be granted a “temporary stay permit for humanitarian reasons”, the “Article 18 permit”, according to the Law. The granting of this residence permit is totally independent from reporting the traffickers/exploiters to the law enforcement authorities by the trafficked person. The only necessary condition in obtaining the permit is to participate in the “Article 18” assistance programme and to complete it.

The residence permit can be issued on the basis of two procedures:

- The “judicial path”: when the police have been notified or when a criminal proceeding has been started. It implies that the trafficked person will co-operate with the police and the public prosecutor. She/he will be instrumental in bringing charges against the perpetrator;

- The “social path”: when the NGOs or public social service assisting the trafficked persons consider that they are in current danger. The trafficked person is not obliged to report the traffickers to the police, but is expected to give extensive information (“statement”) to the law enforcement agencies through the public social services or the private sector accredited NGOs.

The permit is issued for six months and may be renewed for an additional year; it does not oblige the person to return back home once the programme is over. The granting of short-residence permits to trafficked persons is thus based on the principle of protection of the human rights of the individual.

Furthermore, the “temporary stay permit for humanitarian reasons” can be converted into a residence permit for education or for work, allowing the foreigner to remain in Italy in accordance with the regulations governing the presence of non-EU foreigners.

In Italy the “Numero Verde” (Numero Verde Anti-tratta) hotline provides detailed information on legislation as well as services granted to trafficked persons in Italy and, upon request, refers them to the relevant service providers. Information is provided in the various languages spoken by the main target groups, including English, Albanian, Russian, French, Spanish, Romanian and Bulgarian.

Since 2001, the *“Progetto nazionale per assicurare il ritorno volontario assistito e la reintegrazione nel Paese di origine delle vittime della tratta”* (National project to ensure the assisted voluntary return and reintegration in the country of origin of victims of trafficking) is provided to trafficked persons who wish to return to their country of origin. The assisted voluntary return programme is funded by the Ministry of the Interior and managed by the International Organization for Migration (IOM) in Italy. The current procedure provides for a risk assessment and case evaluation that takes place prior to the assisted voluntary return and a follow up after six months to verify the ongoing assistance programme in the country of origin.

In Italy, there is no reflection period foreseen by law. However, an informal reflection period has been created by the daily practice of NGOs/local au-

thorities and law enforcement agencies to allow the assisted persons to assess their personal situation and make their own decisions after they have been duly informed about the available options.

In Italy no special economic compensation programme for victims of trafficking is in place. However, victims can join a civil action for damages as a civil party to the case against the trafficker in the criminal court.

## 2.4. Portugal

In Portugal the current “National Action Plan against Trafficking in Human Beings” has been in force since 2007 and will be operative until the end of 2010. Since 2007 the Criminal Code also includes, besides sexual exploitation, labour exploitation and extraction of organs as a crime in the field of trafficking in human beings. The main source countries for trafficked persons in Portugal are Brazil, Romania, Nigeria, Guinea and Croatia.

In Portugal trafficking in human beings is a public crime, i.e. every person can report the crime and the police are obliged to investigate when a case has been reported. In general the process of identification involves mainly police and NGOs and is done through the “unified registration form” (police) and the “signalisation guide” (NGOs).

Trafficked persons in Portugal receive, first and foremost, safety and protection in a sheltered house as well as medical and psychological support. Furthermore, legal counselling and translation/interpretation services are provided for the person concerned. Trafficked persons also have access to official programmes including education and training.

In Portugal residence permits for trafficked persons are issued if the person concerned co-operates with the authorities. Once the case is closed and the person decides to stay in Portugal, another residence permit is issued based on the general Portuguese provisions for residence permits, which entitles the person to the same rights as a Portuguese citizen including access to the social security system, etc. In case the trafficked person does not want to co-operate with the authorities a residence permit on special grounds can be issued, i.e. if the person concerned is at risk, or if the family of the person is at risk and protection cannot be ensured.

In Portugal the return of trafficked persons is regulated by the Immigration Law – Law 23/07 of 4<sup>th</sup> July 2007. Furthermore, Portugal has bilateral agreements with some countries, such as the bilateral agreement for the return of Brazilian nationals with Brazil. In the return procedure the Criminal Police, Aliens and Borders Service, the Commission for Citizenship and Gender Equality (CIG) as well as NGOs and international organisations are involved. However, the shelter in which the trafficked person is accommodated is responsible for the development of the repatriation plan. If the person concerned is unwilling or unable to return she/he can stay in Portugal based on an assessment of her/his immigration status as well as a risk assessment.

The national referral mechanism in Portugal is done in three steps:

- the signalisation phase (strong suspicion that the person has been trafficked);
- the identification phase (person is officially identified as a trafficked person);
- the integration phase (in the home country or the destination country).

Assistance and protection measures to trafficked person are provided throughout all three phases.

Once a presumed victim is in the signalisation phase, the police have to take the following measures:

- Notify the person that she/he has the right of a reflection period;
- Inform the person about her/his rights regarding the reflection period including the length of the reflection period (30-60 days);
- Signalise the case and ask the person if she/he wants assistance;
- Contact the shelter;
- Provide the person with written material on her/his rights and obligations;
- Provide an interpreter if necessary;
- Inform the public prosecutor, no matter if the presumed trafficked person wants to file a complaint her-/himself or not.

### 3. Recruitment Experiences of Trafficked Persons

Although the focus of the research for this study was not on the recruitment process itself, but on the post-trafficking experience of trafficked persons, some respondents at their own initiative talked about their trafficking experiences. However, as already mentioned earlier, in those cases the interviewers sought to guide the trafficked persons back as much as possible to their experiences with the current transnational referral frameworks.

In a majority of cases trafficked persons were recruited by acquaintances and/or friends, i.e. by persons they had know beforehand, including very close family members or persons that were related to them.

I was taken to [this country] to work in prostitution; the sibling of my mother sold me.

In one case it was an acquaintance of a neighbor who took advantage of the personal situation of the woman. He recruited her with false promises and then forced her into prostitution.

Once a boy living nearby came over and told me [...] I have an acquaintance [...]. Later his friend came over and told me that they would take me away and he showed me on the Internet what he was speaking about and said that I would not be hurt. They told me nice and good things and I was at a point when I felt like I have to escape from where I was. They said if I wanted to come home they would bring me home and they shall not take away the money from me or they shall take away at the very most half of my earnings. But nothing happened the way they said. When we arrived he immediately sent me to work, I did not get anything from the money and I did not like this whole thing from the very beginning. I was beaten and I thought I have to find help. I asked them to take me home, but they didn't want to.

[...] I saw rough things; some girls were persuaded to work by forcing them to take drugs.

In another case a woman was recruited by a female friend who took advantage of the woman's difficult financial situation. The woman thought she would work as a dancer, but in reality she was forced into prostitution.

I wasn't making any money there. Life is very difficult. So, I had a friend here and she told me I could get a lot of money if I came and dance at a bar. She told me it was a nice place. [...] I knew I was coming to dance. I know how to dance. I knew I was coming to work in one of those bars. I didn't know I had to sit, to drink...I didn't come here to do that! I came here thinking it would be different. I wanted to come...But it wasn't just dancing, nor sitting with clients. I had to leave with clients, go to the rooms and stay with them there.

In several cases women were recruited with the false promise to work as a dancer or barwoman, but then in reality were forced to have sexual relationships with clients. They had to face repeated violence or were forced to take drugs. Furthermore, incomes were withheld, the passports taken away and the women were in the desperate situation to pay back "debts" which according to the traffickers derived from travel to the destination country as well as room rent, food, etc. Furthermore, the illegality of the women provoked additional fears, which made it even more difficult for them to leave the trafficking situation.

The place wasn't that nice. It wasn't exactly a bar. I didn't know that name "hostess bar". I knew that I was going to work at a bar, but as a dancer or as a barwoman. I didn't know I had to sit with clients, drink with them, go out with them...I always had stomach problems and it got worse because of that. In the first month I went through many difficulties, because I refused to do that. I only danced, but they paid me only a month later, and the agreement was daily or weekly payment. And the owner told me "well, you will starve if you only dance". He was doing that on purpose. In the second month I had to start doing that. I had no choice. I'm ashamed. But there was nothing I could do. He was

violent. He got my passport and I had debts. I had to pay for the ticket, for my room, and a girl there said to me “you have to get your passport back, or you will have to work for him for free”. Then I was illegal, and I was afraid. I was very naïve.

Similar to the situation described above one trafficker made the following woman believe she had to pay back her debts for travel and therefore she was forced into prostitution.

In the first day I had no idea that her intention was that I would prostitute myself. She took me to a building – where the prostitution took place – that looked like a pension but I thought it was her apartment. She told me to rest and that we would talk in the morning. I went to sleep and the next day we talked. She told me I had to pay 2800 Euros for the travel plus interest. I was very suspicious. Then she said: “there is a way we use to pay the debt faster. I know you never did that, but that’s my proposition to you”. [...] And she said “until you pay your debt you have to stay in here, then you are free”.

As illustrated in the examples above, trafficked persons were mainly recruited by acquaintances and/or friends with false promises regarding the place of work and/or job. In many cases respondents reported that the dependency on the trafficker was even more aggravated, because their documents were taken away, they were intimidated by physical and psychological violence and/or because debts were imposed on them.

# 4. Identification

## 4.1. Introduction<sup>18</sup>

The *identification stage* is the first phase of a local, national or transnational mechanism through which a trafficked person is identified as such. This stage can be divided in two main parts: the *preliminary identification* and the *formal identification*:

### **Preliminary Identification:**

- *Initial screening and referral*: Referring (or self-referral of) a presumed trafficked person to the first point of notification, i.e. the body responsible for the initial screening and referral that will vary depending on the country's legislation and policies;
- *Access to basic needs and information*: Providing basic information to and enquiring about the urgent needs of a presumed trafficked person; responding to expressed concerns and/or emergency needs;
- *Early risk assessment*: Reviewing possible risks and securing the immediate safety for the presumed trafficked person;
- *Language and interpretation*: Ensuring communication in a language that the person understands;
- *Recovery and reflection period*: Providing individuals the time and resources to assure that they can make sound decisions about next steps.

### **Formal Identification:**

Determining the victim status by qualified and authorised persons (e.g. law enforcement officers, specialised professionals, personnel of NGOs or international organisations, etc.) by asking questions and reviewing circumstances to formally identify the individual as a victim of trafficking; inform-

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<sup>18</sup> See ICMPD/Orfano, I., 2010: Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU.

ing the person about the outcome and available options to ensure informed decision making and consent on their next steps. Formal identification also includes cases where the victim status has not yet been determined by way of criminal proceedings.

Given the complexity of the trafficking crime, the *benefit of the doubt* should be given to a person (both child and adult) claiming to have been subjected to exploitation possibly related to trafficking. A person presumed to have been trafficked shall be considered as a victim as soon as the competent authorities have the slightest indication that s/he has been subject to the crime of trafficking.

## 4.2. Experiences of trafficked persons

One of the main focal areas of research for this study was the identification of trafficked persons. The aim was to discuss the views and experiences of trafficked persons at this crucial stage of anti-trafficking intervention. Researchers focused their questions on how identification took place, the feelings that it raised, as well as the obstacles met and possible opportunities for improvement.

Trafficked persons were identified through a wide range of actors, including “official identification channels” such as law enforcement, judges, social workers and NGOs, as well as “unofficial identification channels” such as private citizens or the trafficked persons themselves.

In several cases trafficked persons were identified through law enforcement officials as a result of proactive law enforcement interventions and/or investigations, as described in the example below.

One night we were doing a round with the car. They [the exploiters] were showing me the place where I had to work and behind us – luckily because they facilitated my escape – there were policemen in plain clothes and they stopped us. They caught them and also me. Afterwards they told me that I could receive assistance and could come here [to the shelter].

Repeatedly trafficked persons that were stopped by the police faced violations of their rights in the course of their identification process. In the ex-

ample below a trafficked person describes how she was taken to the police station after the police had searched the brothel in which she was forced to work. She reported that she was treated in a disrespectful manner by the person who carried out the first interview. Moreover, she was sentenced to three months in jail and after one month, after the police had finished their first investigations, she was identified as a trafficked person.

I was very lucky because I spent only one day in the brothel. Then the police came in the brothel to check our documents. I did not understand, I thought they came to force me into prostitution, to scare me. They took me to the police station, I did not speak to them, they were angry because of it. Before I had a terrible journey [...], I had not slept for more than 48 hours, I was tired. [...] There was no one to talk to me in a "normal way". I wish there was someone to understand me! It should be a woman, definitely, not a man. I did not believe any man. [...] The problem was that nobody believed me when I started to tell the truth [...]. I was confused; first I even didn't know [where I was]. The police disparaged me, one of them called me a bitch; asked me about my price per night. Then they took me to the jail [...] then I went to the court. The judge seemed not to listen to me. I tried to explain everything... He gave me three months in jail. [...] When they drove me to the jail, they laughed: "You will be like in a hotel, you will have food, [the] prison [here] is very good." [...] After one month in prison [the police] came to me and said: we know [...] you were trafficked.

In several cases trafficked persons were stopped by the police for random document checks in the street. In the example below a trafficked person describes how she has been stopped twice and because she had given a false name the first time, she had to stay in jail for a couple of days. Only at court the judge identified her as a trafficked person and referred her to a shelter.

I was stopped by the police. I was working in the street, and they wanted to control my documents. I didn't have any documents [...]. I was afraid. They took my fingerprints and checked it on the

computer. I've been stopped one time before that. In that situation I gave them a false name. They took for the first time my fingerprints. They let me go home but gave me a [expulsion order]. I didn't understand what meant; I thought that it was only a document. So, the second time, they checked on the computer, and they realised everything. So they pulled me in a room, they collected my phone, my bag and also my earrings and locked the door. I didn't understand why they did this... I didn't understand any words [...], and they didn't explain it to me in my language. I also tried to ask them why they locked the door. I wasn't a criminal! I stood there for two days. There was a bed with blankets and nothing else. I had to ask them to go to the toilet and wait for someone to come, unlock the door and come with me till the toilet door. [...] Finally they let me call my friend. [...] I asked him to help me to find a lawyer. And he did. The lawyer arrived the day after, he could speak English and he explained everything to me. Because I was an illegal immigrant and I've received the [expulsion order], I had had to leave [the country], but I didn't. So they took me to a Court and then they would deport me [back home]. But the judge, she was a woman, wanted to ask me some question. She asked me why I was working in the street. I answered that no woman liked to do that, but I needed to eat! I spoke her about the "Madame" that promised me a job [...] as a hairdresser and then forced me to work in the street. She told me that if I didn't want to return [back home], I would stay in a shelter house, have documents, join an integration programme. So, the policemen brought me to [the police headquarters] again and talked to me about the programme.

In the example below a trafficked person describes a similar identification and referral situation as above. The police treated the trafficked person first like a criminal and only at court the person was identified as a trafficked person and was referred to an NGO.

[...] the morning at 5.00 o'clock the flying squad of the police [...] came and took us away and also other people and they brought us to the police headquarters [...] and then we were three days

in jail [...]. When I arrived at Court [...] I explained them everything that had happened in the last four years and they didn't give me the expulsion, [...] they gave me the time to report my old boss to the police, the time to get the money and they explained me what I had to do to get the documents. Then, within a short time, I have met the [association], so I came here and now it is four months that I'm with them.

For a number of trafficked persons identification was a stressful experience that gave rise to a wide range of emotions and reactions, both positive and negative. On the one hand they felt relieved, because they had been identified, on the other hand they were afraid or even suspicious of the person who identified them.

My body was shaking. I was uncomfortable in telling what happened to the policeman.

[I felt] terrified because I thought they wanted to put me in prison.

At the beginning I felt confused but then I felt much safer when I could see that they were really doing something useful for me.

I feel good, but also anxious because I don't know how this whole process will end.

Feelings linked to this initial stage of the post-trafficking life is characterised more by negative feelings, which slowly give way to positive ones in the assistance stage. In this regard, trafficked persons reported to be mainly scared due to their illegal status in the country of destination. However, once identified by the police they also felt relief, because they managed to escape the trafficking situation.

I've tried many times to leave. But it didn't work. He was always around. I couldn't leave. The police came there one night and I didn't have my documents with me. Then he (the owner of the bar) went to get them and they saw I was illegal for some time. [...] I think I was mainly scared. The girls were all scared, because of the illegality, you know? [...] Yes, scared...relief also, but I think that was only the former.

Besides fear of the police on the one hand and, on the other, fear of the exploiter, shame was also a feeling frequently reported by trafficked persons. In this regard they were mainly ashamed before their families and ashamed of being arrested by the police.

The police came one night and they took me as well as the girls that were in an illegal situation. By that time I already had my passport, but he only gave it to me when the visa expired. [...] I went to the police, to clarify my situation, but I did not tell them the whole story. I was afraid at that time because I was afraid of my boss and I was afraid and ashamed for my family. The people who brought me know where I live. And I was afraid of the police, of being arrested of returning [home] as a criminal. [...] I was scared. I thought it would be a shame for my family to know that I was arrested.

In some cases trafficked persons were identified by social workers in the course of a medical examination or trafficked persons were approached by social workers in the streets or in the brothel.

I wanted to go to the medical doctor for an examination. I went to [another city] and went to a counselling centre [...]. I finished the examination and then talked to P (social worker). She immediately after two of my sentences offered me to call the [shelter]. And she followed me here.

In one case a policeman brought the trafficked person first to a shelter for homeless and only later a social worker contacted the trafficked person and referred her to an NGO.

A policeman led me to [...] a night shelter for homeless, in a place where they generally accept people; later, social workers contacted [the association] about my assistance because my particular situation could be better assessed by this kind of organisation and, furthermore, they couldn't provide me with a place to stay in their community.

Many times trafficked persons were scared to ask for help even though it was offered to them, because they were most of the time under control by

the trafficker and feared the consequences if they tried to escape. One trafficked person reported that only due to a further dramatic incident was she able and courageous enough to finally accept support.

[...] I met a woman, who was [an] interpreter and gave fliers advertising English lessons to the girls. [...] They were from an aid service [...] and I asked for their help, but it was not so simple because I was always under control. I did not dare to do anything and I knew that if I make a mistake I shall be beaten. [...] I did not dare to ask for help, but it turned out that I was pregnant. The boy took me to the doctor and after the medical examination he (the exploiter) said "Thanks to God that they shall have the baby aborted, so I can crush you to pieces" – he said it this way, literally. I got really frightened and after we went home, he beat the girl living in the same room I did. At this point I decided I had to escape from there. Next day the two aides came over again and I asked them to help me. They called their acquaintance working for another foundation and they promised that they would help me to have the baby aborted and to come back [...].

Trafficked persons frequently reported self-referral and how and why they managed to escape the trafficking situation without any further help.

I ran away from the person I worked for and the police referred me [...].

In some cases trafficked persons were able to connect to a network of people that were in a similar situation and as a consequence managed to exit the trafficking situation.

I was lucky, because I found some friends among the immigrant people... We help each other, we created ties between us, we tell each other how to act, we call each other...

In some situations the trafficked person referred her-/himself to the police not for being trafficked, but because she/he was also in another exploitative situation.

I was being exploited because I was illegal. But afterwards I was able to escape from that situation and I started to work at a res-

restaurant, owned by a [...] man. He made me a labour contract and I started my process of legalisation. It took me a long time, but I got the contract. [...] It was especially thanks to this man that helped me and gave me a job. [...] simultaneously I was in a situation of domestic violence and I had to resort to the police. [They] helped me and conducted me to a social worker.

One of the trafficked persons reported how she managed to escape forced prostitution by attempting to deceive her exploiter and/or taking advantage of a situation.

My first thought was: I have to get out of here, I have to stay alive. So I pretended to accept that situation and she said I was going to earn lots of money. Then I said "I have my period, how can I get a tampon?" But I didn't have my menstruation, I lied. She said: "I will give you a tampon but you cannot go with the clients to the bedroom in that way because they don't like it. When the girls have their period they stay 3 days without going to the bedrooms with the clients. But you still have to have some drinks with them." And those were the three days I spent there. When the fourth day came, I knew I had to prostitute myself, so I ran.

Some of the trafficked persons either knew a number of an NGO or a safe place to go in case of troubles from fellow citizens back home. In some cases they were aware of a helpline they could call thanks to an advertisement in the street or in a shop. Due to this knowledge some trafficked persons managed to escape the trafficking situation.

Thanks to [this] association I knew the existence of the 24-hour helpline. I saw a poster of the helpline when I was [in the house of the association] in [one city] and when I was in difficulty, in [another city], I called this number and they came and took me away. [...] I already knew [this association] when I was [still at home]. [...] all the people I asked [...] told me that if I had a problem, if I was in difficulty, I could look for the association and they could help me.

One of the trafficked persons managed to escape by herself and found shelter in a church where a parishioner helped her to be referred to a shelter through a social worker.

I have escaped from the flat where they have shut me in. While I was in the street I decided to enter a church to protect myself and to ask for something to eat. There I met a lady that introduced me to a social worker. While I was there with the lady the social worker arrived. She soon took me to a shelter. After several days I told her what happened to me and very soon she took me to the [shelter] where I stay now.

Another woman, who also managed to escape by herself, was so lucky to meet another girl who had been in a similar exploitative situation and who had received help by an NGO. She helped the trafficked person to get in contact with a social worker who assisted her further and referred her to a shelter.

I decided on my own to escape. I had had enough of working in the street. [...] I met this girl. She told me that she had to work in the street too, but the [association] helped her to find a job and have documents. She gave me the phone number of S, a social worker of [the association], and I called her the same day. [...] She gave me an appointment to her office and explained exactly how to get there. So the next day I met her. I told her my entire story, she asked some questions and I replied. She told me that they could help me, and immediately she called the shelter and told them that I would arrive that day. I was very happy; finally something was going in the right way! I stayed in that house for three days, then I moved to another house [...] where I lived for three months. After this period I came here, to this shelter, where I've really started my programme, and where I'll live until September, when my programme will be finished.

Some of the trafficked persons who managed to escape by themselves, found initially shelter at a friend's place and only at a later stage referred themselves to an NGO.

First I went to a [...] friend's home. Then, as I knew [...] a retired policeman, he helped me and accompanied me here because he already knew the association and he also helped me to write the complaint.

One day while my “Madame” was outside home I escaped [...] I took refuge in some of my [...] friends’ house. [...] Since I had no job and my friends couldn’t support me [...], I looked for other solutions. I found the [number of] the 24-hour free helpline for victims of trafficking and exploitation and I called it. They gave me an appointment to talk about my situation.

In some cases it was private or fellow citizens that helped a trafficked person to escape the trafficking situation and referred her/him to a shelter. Sometimes this happened due to a random conversation the person started with the trafficked person or because the trafficked person was beaten up by the exploiter and was admitted to a hospital. As mentioned earlier, sometimes several attempts to help a trafficked person were needed before she/he decided to accept it.

I met a girl at church. She was [from the same country] like me. One day she noticed me at the train station, and we started to talk. I told her that I was working in the street and that a man forced me to do that and wanted me to pay him. She told me that I had to stop this situation and she offered me her help. She took me to [the shelter] the next day.

My exploiter beat me and I was admitted to hospital, but that was not the first time I went to hospital because of him. During the period I was exploited, [a] man suggested to me to escape many times [...]. Then when I was at the hospital he called [the shelter] and explained to them my emergency case. So when I was discharged I went to [the shelter] and met [...], the psychologist, and I told her my story. After this conversation, she and the other social workers took me to the shelter.

Trafficked persons frequently do not accept assistance and support when it is offered to them, because they are afraid of their exploiters. This happens especially in case assistance and support is linked to the involvement in a criminal proceeding against the perpetrator(s). Trafficked persons fear the consequences they or their families might face in case of escape.

When I was working in the street I met [a] boy. I told him about my situation, and he decided to help me. I knew [the associa-

tion], because I had spoken with a social worker of the street unit some time before, but I didn't have her phone number. So this boy searched for that information on the internet, and then he took me here, in this office, to talk to her again. The social worker told me that there was a possibility to escape and be helped, and she organised a date with S [...]. When I spoke with S, I told her my whole story, and then she explained to me the possibilities that I had: I could make a statement and start an assistance programme, or they could help me only for some weeks to escape, but then they couldn't help me anymore. I was very undecided. I have a child [at home], and I was scared that someone could harm her. But, finally, I thought that it was right to file charges against my exploiters, and I did it.

A lack of awareness and knowledge of the actors who are responsible for the identification of trafficked persons may lead to missed identification opportunities which can prolong trafficking experiences. As described in some of the examples above, trafficked persons who were not properly identified in time were sometimes arrested and even abused. In order to make better use of official identification channels the relevant actors need to be well trained. Furthermore, a number of former trafficked persons interviewed for this study already indicated their desire and willingness to contribute to anti-trafficking and assistance efforts and could also contribute to the identification of trafficked persons.

In general, respondents emphasised a clear need for more information on the dangers of human trafficking and available programmes for assistance and protection. A majority of trafficked persons were correctly and fully informed about identification and the subsequent stages following identification. Receiving clear, accurate and useful information plays an important role in the decision to accept support.<sup>19</sup> In this regard, several trafficked persons expressed the importance of being well informed:

The aspect of the assistance that most pleases me is information, information concerning all that I can do, that allows me to be like

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<sup>19</sup> Compare ICMPD/Surtees, R., 2007: Listening to Victims. Experiences of identification, return and assistance in South-Eastern Europe (p. 72).

my own GPS (“navigation system”). Now I finally know what I can do here...they opened me the doors of this country.

[It is important] to provide information, to open horizons; especially to provide information and to tell us where to go, whom to talk to.

### 4.3. Experiences of anti-trafficking actors

With regard to identification, anti-trafficking actors were asked about major challenges faced in identifying victims, the different ways in which identification takes place, as well as how the process could be improved for the benefit of the trafficked persons.

In several interviews it appeared that sometimes priorities between service providers and law enforcement differ, which can affect the referral as well as assistance and protection of the trafficked persons concerned.

[...] identification is the process which everyone understands in their own way. [...] Because we have not just one definition of trafficking in human beings. [...] we are primary social services providers. We primary care about the victims and their mental and physical health. We believe what the victims say. We don't investigate if the victim tells the truth or not. The police have other priorities, they protect the state. The police want to catch the criminals.

Some respondents, however, emphasised that identification was improving due to better co-operation between the relevant actors involved.

The number of victims is increasing. [...] It is definitely due to the better identification, and the better co-operation between the different organisations.

As already outlined above and described by trafficked persons themselves, the different types of referral include referral of trafficked persons by private citizens, self-referral of trafficked persons by calling help lines as well as identification and subsequent referral by street workers.

Usually victims of trafficking ask for help from someone who refers them to us. The other possible way is that the victim herself calls

us. Our phone number is public and can be found in hospitals, schools, police stations. And also the NGOs doing outreach work disseminate our phone number among victims of trafficking.

Another type of identification and referral includes law enforcement officers, who identify trafficked persons primarily in the framework of proactive law enforcement interventions and/or investigations. Since trafficked persons often illegally stay in the country of destination and/or are exposed to other forms of exploitation and violence, law enforcement are frequently involved in the identification process.

Usually they are sent by the police, they are in a situation of illegality and they were victims of several types of violence, such as domestic violence or prostitution.

As regards identification by law enforcement and doctors, it was stressed that in some countries due to a lack of training and awareness of trafficking in human beings, trafficked persons are often not properly identified.

[...] the police do not always notice signs which could enable them to recognise the victim. Police officers and doctors should be better trained in this respect.

Service providers equally stressed that identification was in many cases difficult, because on the one hand trafficked persons did not feel comfortable to tell her/his story due to the abuses they experienced and on the other hand they were scared of what might happen to them if they revealed the truth. For this reason proper identification often happens on a step-by-step basis.

[...] we put together the pieces of the puzzle, this is to say, the aspects of her life that she discusses with us, with the psychologist, with the social worker, and sometimes we are able to find out that that woman was also a victim of trafficking. [...] they are not comfortable at first to tell all the details of their story, they are scared. They don't denounce but they tell how they came [here], what job they were forced to do, in what conditions.

According to anti-trafficking actors, one of the reasons for the difficulty in identifying trafficked persons is, because the traffickers seemed to be more and more careful and adjusted to new situations.

It's not easy to identify a situation of trafficking – unless the victim asks for help – even because the traffickers are more and more careful in not leaving signs of violence and they try to maintain things undercover and perpetuate their profits.

Anti-trafficking actors in general agreed that a more structured way of identification, referral, support and assistance would bring more benefits for trafficked persons. At the same time some respondents underlined the importance that all trafficked persons should receive proper assistance and protection as foreseen in any particular country, no matter whether a person was identified by a formal system such as a national referral mechanism or by other ways of identification such as the usual practice of a service provider. In general, a referral mechanism should ideally be always flexible enough to be applied on a case-by-case basis.

We don't agree only with the fact that for the victim to be identified as that, she or he has to go through the process now defined and if it does not follow that process it's not a victim of trafficking, because we, and other organisations, always worked with women that we have identified as victims of trafficking. And now only one process of identification is valid? [...] A model is not better because it was born under the scope of the National Action Plan or because it has more funding. As I said, we have been working in this area for twenty years. Those workers don't have the same experience or more than ours. I think that's the negative aspect of the model: it devaluates all the previous work done by the NGOs. [...] The existence of a National Action Plan is a very good thing. It helps the victims to get more benefits, but we are talking about the victims that are identified according to the model process of identification. And the others? The ones identified by our organisation and that stay in our shelters?

[It] doesn't imply, in practice, a strict chronology [...] situations must be signalled as early as possible. And they also must be identified as victims of trafficking as soon as possible, otherwise they can't stay in the shelter. [...] The identification has two sources. One from the police that is confirmed by the courts and

the other that is more related with life experiences, with a certain way in which someone perceives her own life path, because the legal framework is not adapted to all situations. [...] There is a team that may consider, after making some evaluations other than in legal or judicial terms, that that person is a victim of trafficking.

Compared to trafficking for sexual exploitation, trafficking for labour exploitation is as a phenomenon even more difficult to detect. Respondents claimed that this was partly due to the fact that in many countries trafficking for labour exploitation was only recently criminalised in legislation. In addition, persons trafficked for labour exploitation tended to accept exploitation more easily, because they desperately needed to earn money to support their families back home. Furthermore, the population was not so much aware of this crime and its impact on the victims.

In what concerns the trafficking for labour exploitation, it is not only a recent crime in our legislation, but it also involves lesser exposure due to two reasons. On the one hand, the potential victim tends to hide herself or himself more because she or he needs to work and therefore she or he accepts more easily to be exploited (due to social and cultural features that do not need to be explained). On the other hand, the social disapproval tends to be lesser, either because people don't have knowledge of those situations or because they feel pity for the victim and almost forgive the exploiter that "was giving a hand to that person".

Certainly the greater difficulty is to identify victims of labour exploitation as victims of trafficking, as in these cases the identification processes are more complicated than those for victims of sexual exploitation; labour exploitation is unfortunately still confused with working illegally.

In order to avoid re-victimisation and to gain the trust of a trafficked person, it is most important to provide them with clear information on what she/he can expect once she/he has been identified and referred. In this regard, anti-trafficking actors stressed that former trafficked persons could contribute to the identification and assistance of trafficked persons and should not be forgotten as possible sources for spreading information.

The only possibility [...] is to have the opportunity to talk with [a trafficked person]...how can I explain it? To bring together the girls who are still on the street with other girls who have already done this work, who have been supported from the association, this one or another one; [...] they can explain better what the girls can do, they can advise them.

If she trusts the workers, if she has done her path in the house, that woman can be a great help to other women that will come to the house. She can gain their trust more quickly than any worker because she has gone through a similar situation and she can say to these women: you can trust these people, it worked for me. She can become an important mediator.

Furthermore, it is essential not to create a situation in which the trafficked person might see her-/himself going from one prison to another, and also to make her/him understand that the trafficked person's well-being and safety is the first priority and not the prosecution of the offenders. Anti-trafficking actors also stressed that identification in some case was a lengthy process and, as already mentioned above, frequently happened on a step-by-step basis.

An undue signalisation is half way to a re-victimisation process. Because if it's not clearly explained to these persons what they might expect and for how long they can expect it, how long the whole process can take, we'll all be confronted with a problem. [...] it would be important for that woman to know, before she is in a shelter, what are her rights, what can she expect from a legal process, how long may that process take...The psychologist also could evaluate if that woman will feel comfortable or not going to a shelter. [...] She might see herself as coming out of a prison to be in another one. She leaves a situation of isolation to go to another isolation condition.

I have to say that the social workers are able to establish contact with the victims more quickly than the police. It is important that a woman knows, if she wants, she has a variety of interlocutors she can choose from. [...] It's necessary that the victims under-

stand that we're a modern police and they don't have to be scared to dialog with us. But we're police officers, so, if they are talking about some crime, we have to report that to the legal authority. [...] Our activity isn't directed only to handcuff the pimp, but also to taking care of the victim. It's very important that the victims understand that they don't have to distrust the police, but collaborate, also with little steps.

[...] the comparison and the exchange with the police are really important for us: we identify the victim and our opinion is naturally binding for the police, but they have to agree with our identification, otherwise we cannot go ahead. From this point of view, the relationship of trust and mutual respect established with the police is fundamental. Also when the victim addresses the police directly, in many cases the police calls us and we almost always succeed in establishing a contact with the person, victim or potential victim. I have to underline, however, that rarely that interview, done in situations of emergency, becomes a real opportunity of identification of the victims as victims, [...] often these kind of interviews are a seed that in time brings its fruits, rather than an immediate help.

## 4.4. Summary

Trafficked persons were identified through a wide range of actors, including "official identification channels" such as law enforcement, judges, social workers and NGOs, as well as "unofficial identification channels" such as private citizens or the victims themselves. In some cases identification opportunities were missed, which either prolonged trafficking situations or resulted in inappropriate treatment of trafficked persons as criminals (e.g. due to their illegal status in the country of destination, etc.) rather than as victims of crime. In order to make better use of official identification channels and to avoid as much as possible missed identification opportunities, the relevant actors need to be well trained. Furthermore, former trafficked persons could contribute to anti-trafficking and assistance efforts and help to ensure the proper identification of trafficked persons in good time.

One of the most efficient means of spreading information on identification, referral and assistance are the migrants themselves, including former trafficked persons. In a number of cases trafficked persons escaped their exploitative situation either through the assistance of migrants from the same country of origin or through former trafficked persons who themselves had previously been in a similar situation.

Former trafficked persons have a much clearer idea of the decisions to take and obstacles to overcome in order to escape and recover from trafficking, because they went through a trafficking and post-trafficking experience. As such, they can become informal (or in some cases formal) facilitators or even advisors in the identification and post-trafficking process.

Trafficked persons reported both positive and negative emotions connected to their identification. These included fear connected to their illegal status in the country of destination or fear of consequences they might face by the exploiter, but also shame that they have been trafficked and/or of being arrested by the police. With time those negative feelings reported by trafficked persons usually transformed into positive ones such as gratitude and relief, because they managed to escape trafficking. Therefore, it is important to first and foremost win the trust of trafficked persons and create for them an environment of safety, comfort and reassurance. In some cases this includes the presence of a woman at identification and even throughout the assistance programme. However, one has to keep in mind that feelings of trust are individual and context specific and are at least partly linked to the person's social and cultural background. In addition, authorities and/or service providers have to ensure immediately at identification the provision of clear, accurate and useful information, which obviously plays an important role in the decision of trafficked persons to accept support.<sup>20</sup>

Anti-trafficking actors reported that in many cases proper identification happened on a step-by-step basis, because trafficked persons did not feel comfortable in telling her/his story due to the abuses they experienced while, on the other hand, they were scared of what might happen to them

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<sup>20</sup> Compare ICMPD/Surtees, R., 2007: Listening to Victims. Experiences of identification, return and assistance in South-Eastern Europe (p. 71-72).

if they revealed the truth. According to them, the difficulty in identifying trafficked persons was also due to traffickers themselves becoming increasingly careful and adjusting quickly to new situations. In general anti-trafficking actors called for a structure and/or procedures to be put in place to be able to properly identify trafficked persons in good time. In this regard, they underlined the importance of national and international co-operation and co-ordination of anti-trafficking stakeholders, including embassies of countries of origin, transit and destination. They also stressed that all relevant actors, including police officers, judges, doctors, etc. have to be properly trained. In general, respondents agreed that communication and co-ordination between all actors involved needs to be strengthened on the national and transnational level. Furthermore, the understanding of the relevant terminology and the definition of “victim of trafficking/trafficked person” needs to be agreed upon and accurately applied between governmental, non-governmental and international stakeholders.

## 5. First Assistance and Protection – Longer-Term Assistance and Social Inclusion

### 5.1. Introduction<sup>21</sup>

The first assistance and protection stage is crucial for a trafficked person. She/he shall be provided with accurate information about the available social and legal options for her/his future and shall be granted basic needs assistance. A risk assessment on her/his safety shall be performed to check if any imminent situation could endanger her/his life. The final aim of first assistance is to support and protect the assisted trafficked person while helping her/him to consider available options and take fully informed decisions for her/his future life.

Longer-term assistance shall be provided to national and foreign trafficked persons who have agreed to accept assistance and/or join a support programme in the country of destination and/or in a third country. During the longer-term assistance and social inclusion phase, the assisted person shall be supported by or referred to professional and trained service providers who are, at a minimum, responsible to:

- Ensure safety;
- Assist the individual in regaining a sense of control and self-determination;
- Foster the individual's psychological stability;
- Avoid secondary victimisation;
- Foster empowerment;
- Assess the risk of social stigmatisation;
- Facilitate social inclusion;
- Employ a multi-agency and holistic approach.

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<sup>21</sup> See ICMPD/Orfano, I., 2010: Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU.

The final aim of longer-term assistance and social inclusion is to ensure that the assisted persons, by fully participating in the decision-making process, have access to their fundamental rights and to the opportunities and resources necessary to participate in economic and social life, securing a standard of living that is considered acceptable in the society in which they live<sup>22</sup>.

## 5.2. Experiences of trafficked persons

The majority of trafficked persons reported that they were uninformed and unaware of the means of exiting exploitation and receiving assistance. This was due to the fact that they had never before been in a similar situation and had not needed any support services earlier; they had also never considered themselves as persons at risk of being trafficked.

I did not know anything about them. When I was at the orphanage I was informed that there were some aid organisations but I did not care about them as I didn't need their services. When I worked abroad I was really left alone, I was hurt and beaten and I received no money.

I didn't know any. I heard that some institutions help battered women, but this kind of help, I wasn't aware of. [...] we hear that it is a risk; that something can happen, but to me? Happen to me? My friend told me to come, not a stranger, that she earned lots of money, that it was easy...I thought it was ok.

### ***First contact with assistance/service provider***

Some trafficked persons reported lengthy identification periods and as a result the referral to a service provider was delayed. In one case the woman had stayed in prison for over a month before she was properly identified as trafficked person and assisted accordingly. The situation described below shows that police officers in some countries lack the necessary training to identify trafficked persons at the initial stage and require the basic aware-

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<sup>22</sup> See European Commission, 2003: Joint Report by the Commission and the Council on social inclusion, available at: [http://ec.europa.eu/employment\\_social/soc-prot/soc-incl/joint\\_rep\\_en.htm](http://ec.europa.eu/employment_social/soc-prot/soc-incl/joint_rep_en.htm).

ness of trafficking to be able to avoid additional traumatisation of trafficked persons.

[...] After one month in prison they (policemen) came to me and said: we know [...] you were trafficked. [...] Once came a man and said: you have a visitor here. I could not believe it! I never forget this moment. [...] The social worker [...] visited me. [...] She brought me cigarettes. She was listening to me. [...] Then came a policeman and I had to tell him my story again. [...] He was the only good policeman I had met. He regretted I hadn't spoken before. First day he was there, but he already finished his duty and went home and the other policemen didn't have the same level of comprehension. He said he will take me to [the shelter]. [...] I was scared to go to the streets. I had the feeling that the people (pimps) will find me, will go after me.

However, the majority of trafficked persons reported to have felt safe once they were assisted and protected by the service provider, because they were taken care of well.

Yes, I felt absolutely safe. Next day when they came to pick me up [...] the woman, who called the police and the shelter [waited for me]. [...] There is a policeman at the shelter who acts as a contact between the shelter and the police. This time I felt absolutely safe. It was the policeman who took me to the shelter. [...] They absolutely took care of me all the time, any problems I had, and I was very happy that I got there.

I was happy; I was feeling like I was born again.

Yes, I felt safe when they offered me hospitality in the shelter, I felt protected, because before I was on the street and I was frightened, then I had no more fear.

[...] they were very nice, they were excellent. [The police] said that I was going to stay in a safe house, that not even themselves knew where the house was located. They called the social worker and the same day I came here.

[...] when I arrived here [...], they helped me a lot, I didn't think they could help me so much...they helped me with the documents, with the complaint against my old boss, my situation has much improved. [...] they explained me everything and I think that the programme of the association is very positive; that they do something right and very noble and my situation has much improved.

In spite of being saved from an exploitative situation and feeling protected, many of the trafficked persons reported also different kinds of negative feelings and emotions they experienced upon identification and initial referral.

[...] I cried because I never went through something like that; I never went through any traumatic situation. It wasn't more traumatic because I didn't have to sleep with anyone, but the whole environment was traumatic.

In one case the fact that the shelter house did not receive the trafficked person immediately, but only after a few days, resulted in a fear of being found by the exploiter. During those initial days the woman had to wait at somebody else's place where she obviously did not feel safe.

She gave me hospitality at her home [...] for three days, because [the association] told me to come back after three days. After three days I came back [...], and they found a place for me in this shelter, where I live now. [...] I was afraid. I was afraid that that man could find me. Afterwards, when they took me to the shelter I felt safer. Maybe if I could have gone to that house before, it would have been better for me.

Another woman at first did not trust the organisation that she had been admitted to, because she had already gained bad experience with another association.

I signed an agreement with the co-operative concerning the progressive steps of the assistance programmed for me, my rights and my tasks to come out from the exploitation situation. [...] At the beginning I was wary because I had a bad experience with [an-

other] association, but when I understood they really could make something useful for me I felt more safe and untroubled.

In some cases trafficked persons felt worried and confused or even afraid once they were identified and referred to a service provider, because they did not know what would expect them and they were also afraid to leave the house.

At first I was confused. I didn't know the other women of the house and also what could happen afterwards. After a few days I felt safer and more quiet, but sometimes very irascible and nervous. Anyway I had a good assistance I think.

I wasn't worried to stay in the shelter, because it wouldn't be worse than before. When I was there I would never go out and if it was really necessary I would put on a scarf and a hat. I was afraid also when people asked me for the time, even if I was with a social worker.

At the beginning I was afraid they were not telling me the truth, but later [...] the operators confirmed they could help me, even if the situation was difficult. [...] I accept the assistance because I would like to have a normal life as all other people. I would like to have the documents, a job. I don't want to be afraid to be arrested anymore or to receive threats from my "Madame", who for many years forced me to prostitute myself and to send her money.

The presence of a cultural mediator proved to be very helpful and was conducive to the well-being of trafficked persons. In addition, it proved helpful if trafficked persons, right at the beginning, received all necessary information regarding shelter rules and assistance and the protection programme, as well as information on the possibilities with regard to criminal proceedings and residence permits. Furthermore, appropriate and comprehensive information sharing contributed to the feeling of a safe environment for trafficked persons.

At first [...] I was very worried. I didn't know that place (the city), because I never went for a walk out of the house where I worked and I

didn't know those people (the social workers), but after some days I felt safe. [...] fortunately there was a [...] mediator. [...] L. and F. (two social workers) took me in a safety house and after...I think... two days of rest, I met E. (the lawyer) and I explained to her my situation. L. (the cultural mediator) was with me. She already had told me that my situation was a case of exploitation and E. (the lawyer) explained me better what could I do about the special permit of stay for victims and also that I could denounce the perpetrators.

During the first interview they explained me what the social protection programme was and I needed to talk with a lawyer who could explain me the opportunities and risks to feel surer. [...] The assistance I received was good. I immediately needed to be housed and they did it. [...] During the initial interviews with the [...] cultural mediators and the lawyer I was identified as a victim then they started the legal procedure to identify me as a victim of trafficking and I met the police to make a statement. [...] I felt confused, but then I felt much safer when I could experience they were really doing something useful for me.

### ***Assessment/evaluation of services***

In general the trafficked persons' assessments of the services provided in shelters or during assistance and protection programmes were positive. They reported that they had received immediate medical and psychological care and that their basic needs were met including provision of a psychologist and/or interpreter.

I received very good care, I received even medical care. [...] We received clothes, toiletries and money. [...] they called for a psychologist and they talked a lot with us. They called an interpreter too, who helped me a lot and was supporting me all the time.

No, there is nothing I lack, they gave me everything. I am glad to have a roof over my head, a bed to sleep in, clean clothes to wear and food to eat. [...] we can always count on them.

It was a relief that there are people who can help and I was not so scared anymore.

People were all very nice, especially at the house. [...] at first I was scared and I didn't want to talk about anything. [...] I was given food, clothes; they talked to me.

I felt good; I felt that they were friendly people that would help me fighting.

They helped me for my life...because when I arrived here, I felt really bad, instead now I feel good. Before I always felt bad, instead now I'm better with my life. In a little time I will have the documents and I'll be able to work, I hope as soon as possible...

One of the definitely positive results of a successful assistance and protection programme is when a former trafficked person decides to become a cultural mediator and/or starts working for a service provider in helping other trafficked persons.

I live in the house, with some wonderful doctors, and I'm going to start a training course about inclusion and employment. Afterwards I will be able to be a GPS ("navigation system") for other persons like me: to give them all the information they need, to give them advices, to tell them my own experience, and to go with them to all the places they need to go, to knock on the doors of the institutions.

Besides the generally positive evaluation of services, some trafficked persons also reported the difficulties they had at the beginning in getting used to the new environment and gaining enough trust in the service provider to feel safe and protected in the shelter.

At the beginning I didn't feel safe, because I thought about all the things I left at home and I was afraid they couldn't do anything useful for me. In that moment I think I needed someone reassuring me about my situation and I can say they made it. [...] the social workers explained to me everything about the assistance programme and they gave me help and comforted me, and I really needed to be comforted. They took me to a shelter and also helped me to feel better. I was for long time at the hospital because my exploiter beat me and I was recently discharged.

At the beginning everything is difficult, learning a new language, getting used to new persons, new places...Now it's easier. [...] They treat me right. I never had problems with anybody here. [...] I've always known this is a safe place, nobody can find me here, I'm not worried now and I'm able to think about my future.

[...] with the workers, there are some more calm and others more nervous...sometimes I don't understand them, because I've never lived before with [people from this country], sometimes I make them angry, because they treat me like a daughter, but then I apologise... Because anyway they have helped me so much, even with my health problems, they accompanied me to the hospital... I don't know how I would have done without the association [...].

Some women also reported that, even though they felt safe in the shelter, they nevertheless feared the consequences for their loved ones because of their escape.

Yes, I was safe, my "Madame" couldn't find me there. But it wasn't easy that period. I was crying every day, thinking about the past and how much I've suffered. I was also worried for my family [...]. I was thinking that the "Madame's" relatives could persecute them because I escaped.

In one case a trafficked person reported that she felt ashamed in front of and judged by the service provider.

Yes, [it was] very difficult [to tell what happened], because I felt ashamed. I was afraid because they judged me. I was in a religious institution.

However, in another case a woman reported the exact opposite.

The best thing was that they didn't judge me because I was a prostitute. There was no racism. I felt very welcome.

One woman reported that at first she had not been assisted appropriately, because she was staying in a night shelter obviously without any further assistance and protection.

When I stayed at [the] night shelter that was not a flat; that was not a home for me. I have been generally going out during all day without a destination, without being conscious where to go and this was a negative situation for me. It wasn't a good moment also because of my pregnancy.

Trafficked persons frequently mentioned the necessity to be more active and the wish to work, because they did not want to feel useless or bored and did not want to get used to being inactive.

[...] first thing I wanted, was a job. I wanted to work. I didn't want to stay there, to receive help and do nothing. I wanted to be active. It is easy to get used to do nothing and then you don't want to work at all!

People are great. They treat me very well, but I miss my family. They are very nice to me. They bring me movies, they give different food... but I am a very active person, I like to go out and in here I feel imprisoned. It has advantages of course, but I am in here all day long. [...] I feel comfortable. But the house, better or bigger as it may be, doesn't take away the feeling of solitude. I don't need anything, I have all I need, but sometimes I miss some privacy to speak with whoever I want, you know? When I go out there is always someone with me. I've already told them my opinion and I know it's their job... I can understand; I just don't like it.

[...] Sometimes I get bored... One bad thing is that I can't go out whenever I want. Here, there are some rules about going out, and sometimes, in my opinion, they are too strict. I'm still young!

As already noted earlier, trafficked persons in general mentioned as a positive factor the presence of a cultural mediator who not only speaks the mother tongue of the trafficked person as well as the local language of the country of destination, but also knows the habits and customs of both cultures well, and how to mediate in the event of conflicts between the trafficked person and the service provider.

[I felt] very good, I had the possibility to talk to a person speaking my language, L. (the cultural mediator), and I stayed in a house

with other women who understood me. In that period I was very stressed by my experience. I vented my anger on them. The psychologist was very helpful for me. [...] They gave me a house, pocket money to buy personal things. I was also suffering from pain because I worked too hard in the two months I stayed in that house. So we went to the health service and they took care of it, and the lawyer helped me in obtaining the permit of stay. [...] I wasn't forced to do anything. I could choose if to lodge a complaint or not. In the house I stayed, there were rules about cleaning and living together and also a time to come back home at night.

Although the presence of a psychologist was commonly welcomed and perceived as a support during the recovery and rehabilitation period, some trafficked persons disliked the presence of a psychologist, because they did not believe a psychologist could really be helpful.

They provided me with the psychologist. I talked to her and then said: I don't want her! (*laugh*). Because the psychologist talks to persons, but cannot help. The only one who can help is a friend! A friend, who understands the situation, who commiserates with you. It is the best medicine for stress. The psychologist [...] didn't know anything about the problem. I prefer to talk with [...] the social workers [from the association]. I believe if you do this social work you have to have more than education, you have to have real human interest in people.

I didn't like only the psychologist's support. It was a bad period, because I had not a job and money. I had to ask for money for everything. It was very frustrating.

Shelters usually function around time schedules for meals, activities and bed times. The rationale behind this is to keep order in the shelter.<sup>23</sup> A majority of trafficked persons needs time to adjust to the life in a shelter and to the house rules, and for a number of respondents schedules are some-

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<sup>23</sup> Compare ICMPD/Surtees, R., 2007: Listening to Victims. Experiences of identification, return and assistance in South-Eastern Europe (p. 174).

times felt to be restrictive and unnecessary<sup>24</sup>. Even though in some cases trafficked persons did not agree with some of the shelter rules and felt restricted, they however accepted them and understood the necessity of having rules in the shelter.

I cannot complain about the conditions – the house is tidy and warm. In the beginning I felt like in prison. Everything was controlled, inspected. I am not a child. I am 55 years old.

Every Wednesday and Friday social workers came. We had to talk...it annoyed me, I hated it! I said: I don't want to talk; it is my business what happened to me! I felt like at school.

I don't like the shelter house rules. Someone says "can do this" – "can't do that", but usually we talk and everything is ok. [I feel] a little bit restricted.

I think the programme and the shelter houses are well-structured. It's right that there are some rules, I'm sure about this. I'm just saying that I had clear ideas on what I would have done.

[...] in the shelter (first emergency centre) there are rules to be observed: men are not allowed, you can go out only from three to seven p.m., you have to do the cleaning, you cannot use the phone, at the beginning for nothing, after two months only on Thursday and on Sunday from three to seven p.m., after eight months every day from nine a.m. to ten p.m....Earlier I was told that I had to stay there only for three or four months, then I could change place...instead I remained there for one year, because I hadn't yet the documents. The other girls instead arrived and immediately had the documents and could leave... [...] Now after one year, I could change home and now I'm in the [shelter], since last Saturday. Here there is more freedom than in the other shelter, you can go out, you can use the mobile phone...We are four girls and I'm fine with all, except with one, which always leaves everything dirty...

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<sup>24</sup> Compare ICMPD/Surtees, R., 2007: Listening to Victims. Experiences of identification, return and assistance in South-Eastern Europe (p. 174).

With regard to shelter rules, trafficked persons frequently regretted that they were not allowed to have and use mobile phones in the shelter. Although they understood that this was done for security reasons, they however regretted to not be able to talk with their families any time they wanted to.

The first three days passed very quickly, probably I've slept all the time. But after, when I moved to the other house I started to feel bad and lonely. For the first week, I think I've cried every day. The educators took my phone, because for security reasons it wasn't allowed to have it. I could call my family [...] with a phone card only once a month. And this wasn't right for me because I was used to hear my mum and my brother almost every day. I felt very sad [...], and in the beginning I didn't want to talk with anybody. But then, I understood that living without a phone was possible, and I began to feel peaceful.

Only [...] the mobile phone, there are no other problems here; I would like to keep my mobile phone.

I would like to keep the mobile phone, maybe this is something I don't like very much because when I go to school I usually see all others with a phone and I would like to call my friends too...this creates some trouble for me, but gradually I overcome these feelings...

What I like is that they helped me to get this document, because it is very difficult to get it, then the assistance and the lodging. I don't like I have to stay one year and six months in reception, as it is too much for me, or that I cannot use the mobile phone, however I know that these are the rules and that I have to respect them.

Following identification and referral some of the main issues faced by trafficked persons include the feeling of tiredness after everything they have gone through and because they do not feel accepted in the country of destination.

I feel very tired. I want to write a book about my story, about what I have seen in asylum centre. I think [this country] shouldn't accept any asylum seekers. You are very poor; you have no

money for it. And you don't want them. You don't want foreigners. I think there are many nationalists [here]. People are not interested in other people's life. They think only about themselves, work, children, and home.

Among the main factors that contributed to finding their way back to a "normal" life, trafficked persons mentioned language courses, vocational training and the assistance provided with regard to finding a job or getting proper documents.

[...] When I moved to this shelter house, I started to do many things: [a language] course and a laboratory where we do different activities of vocational guidance. And I'm very happy to do these things.

[...] the social worker [...] explained me everything. She said that I could stay in a shelter house and make a programme to learn [the language] and find a job. She also told me that I could have my documents. That was good.

In this regard, trafficked persons frequently reported feeling unsettled or nervous, if they had no possibility to work and to send money home to their loved ones, which is the main reason why they decided to leave the country.

I was restless because I needed to work but I couldn't accept an irregular job staying in the social programme. I couldn't send money to my son and I was so worried for him. [...] Now I'm happy because in a few days I'll leave for F. where I'll stay in another house for the time I need to find a regular job. I have my first appointment for an interview.

Furthermore, trafficked persons frequently spoke of having difficulties learning the local language in the country of destination. Not being able to speak, read and write the local language is a huge obstacle when it comes to integration and social inclusion in the country of destination.

[...] I have a big problem with [...] the language. It's very difficult for me to understand and speak this language. I'm studying, but it's not enough. Here in the shelter there are only [...] girls [from

my country] and this doesn't help me, because we're always speaking English or our language and never [the local language]. I try to ask them to speak in [the local language], but it is useless. Also in the work laboratory, where I go in the morning, most of the people is [from my country]! But the social worker tells me that next week will come some [other] girls. I hope it's true! [The local] language is my biggest problem now!

### ***Interpersonal relations within assistance programmes***

The interpersonal relationships of trafficked persons living in a shelter varied considerably. Some trafficked persons spoke of having good relationships, especially with the social workers/staff working in the shelter and their respectful way of communication as illustrated below.

With the workers everything is ok, then there was another [...] girl with whom I felt very well, with whom I could speak, instead with the other girls was very difficult, in particular with one [...]. [...] The relationship with the social workers, indeed, has been very beautiful, with all of them [...] when they spoke with me...I don't know how to explain it...With the other girls I had some problems, but only at the beginning here, then [...] slowly everything has become better...[...]

[...] They have a peaceful way to communicate with us. There is no violence or arrogance here. When, for example we listen to the music at a too high volume, nobody comes to scream and switch off the stereo but simply ask "Please, could you turn down the volume?" This is very important for me. It's the right way to live together.

As regards interpersonal relationships among trafficked persons, many respondents reported to have good, but not close relationships with other trafficked persons living in the same shelter.

I can't say we are friends, but often I spend some pleasant moments with some of them. Especially with the [...] ones [from the same country]. We usually cook [...] food together, so we manage to avoid [the local food] sometimes!

There are other girls here, all [from the same country]. They are nice. But I don't think they are friends of mine. I'm not searching for friends. Because when you speak with a friend about personal things and if you fall out with her, she'll certainly tell your things to somebody. I don't need a friend. [...] I like to laugh and have fun, but I don't like to talk to anybody about my problems.

Here, sometimes it's good, sometimes it's bad. At home I had some problems with the other girls, because I like to joke...and perhaps the others [...] do not understand. Then I get angry if they don't clean, especially with one girl who is not able to do anything...but generally it's a good experience.

The importance of being independent and not to spend too much time in the community, in order to be able to build up your own life was underlined as illustrated in the example below.

I don't have problems with them. I have good relationships with everybody even if sometimes we have communication problems. The programme is proceeding well even if I think it's not so good to spend so much time in the community, because it's also important to live our own life. [...] The relationships with the other girls are good; we collaborate a lot between us because in this moment the other girls in the house are all [from the same country].

One trafficked person stressed especially the opportunity to learn the local language better if living with persons from other countries.

[The relationship with the others is] very good, also because it was the first time that I lived with [people from other countries] ...and I find it so good because you may get to know the culture of other countries, I can learn the [...] language because we always speak in [the local language] between us.

Some trafficked persons did not want to live with compatriots, because they did not trust them.

I've never trusted anyone...I don't know why, but I was not happy in my country...I like my [...] friendships [here], but I would never ask for help to my compatriots, also if I need it. I generally prefer to keep away from [my] people...

Others, however, preferred to live with persons with the same nationality, because they shared the same culture, language and habits which contributed to feeling more at peace.

[...] This is a safe place. I saw that here were living other girls [from the same country] like me, and this made me more peaceful. Because for me was very important to be able to speak my language with someone else who has the same culture, to cook our food, and listen to our music. They are like me. I felt suddenly good. [...] They are like me, they are friends. I'm happy that they are [from the same country], because it seems like I'm at home. In the evening we can cook what we want [...]. I don't have any problem with them.

Several trafficked persons reported having difficult or complicated relationships with their housemates. In some cases because trafficked persons prefer to stay alone to have more time for themselves, in other cases they complained about age differences or the inactivity of other housemates.

It's complicated. I think they are very inactive. They don't have the will to fight, to change their conditions, their situation. They are immobile. They think about themselves as princesses. I was raised in a different way.

[It was difficult] to live with other persons! They were all younger than me and it wasn't easy to be always more mature. If I had lived with girls older than me it would have been better. [...] I think for me was better not to stay in a shelter, but in a apartment on my own where I could have educator's help but not be forced to live with other younger girls, so different than me. But I know this type of assistance is not performed by the social service. And it's right, because some girls can take advantage of that situation in which they could have less control.

Sometimes it's not easy to live with other people. Sometimes I need to stay on my own...Or sometimes someone can disturb you or do something that's not right. Usually, I don't stay silent, but I complain about it...But I have to say that I like to stay here. I

know there are some rules, but I understand their sense, and it's not difficult for me to respect them. I had rules also in my family [...], and I've always respected them.

### 5.3. Experiences of anti-trafficking actors

As outlined by several anti-trafficking actors below, appropriate assistance to and protection of trafficked persons is one of the main phases in the whole process following identification of a trafficked person – a vital factor for immediate and longer-term stabilisation and recovery. It is crucial therefore to provide the persons concerned with appropriate and adequate first assistance and protection, and also offer proper longer-term assistance, including suitable social inclusion measures, and assisting trafficked persons in their individual (re-)integration process.

[...] a good programme able to meet victims' needs and support them is the best way to promote social inclusion, rather than any other aspect.

We [...] see what they need, food, clothes...sometimes they only have the clothes they are wearing. We take them shopping to get some clothes. We try to acknowledge what kind of medical care they need. And we schedule some medical consultations, if they agree to it. Then we try that they speak with the psychologist. And we try to establish with her a trust relationship so that she can feel comfortable speaking with us. [...] we and the psychologist try to work with those women aiming to increase their self-esteem, courage, confidence and so that they can feel secure. Then we start working on the legal aspects, being the violence she experienced or the regularisation of her situation [in our country]. And then the social worker is important. We, the sisters, talk with them especially at night. Seven nights and seven days, always there.

Many girls need to assure income to the family they left in their country and if we give them the possibility to work legally and send money to their family we have answered to one of their most important needs.

In this regard, respondents underlined the need for well-trained staff to be able to respond to the individual needs of trafficked persons.

We need to have staff trained and highly specialised in the phenomenon of trafficking. Only a specialised operator can understand the request for assistance of a victim and be able to fit his/her requests to the services available at the moment.

One of the respondents compared protection to promotion. It is not only important to protect the trafficked person from the exploiter, from the possibility of being re-trafficked and assist her/him in her/his rehabilitation, but also to promote the abilities and skills of trafficked persons to help her/his social inclusion and (re-)integration.

According to us first and foremost protection means also “promotion”, as we try to look at people not only as bearers of needs but also as bearers of resources, skills, and we try since the beginning to promote competences [...]: there is the school, literacy courses and, as soon as the residence permit is obtained, the opening to the world of job market with traineeships. This is protection too!

One of the crucial elements during the assistance and protection phase is the ability of the service provider to win the trust of the trafficked person and to be sensible enough to adapt to any and every trafficked person and situation individually. Winning the trust of a trafficked person is not easy, as in many cases they were betrayed or even exploited by relatives or friends: persons they had trusted.

The problems can start immediately in the signaling process if the indicators are not well defined and perceived. [...] Because at some point we may be confronted with a situation where the victim is signaled as a victim of trafficking, and therefore sent to the shelter and that woman might not see herself as a victim and, in consequence, she may try to challenge all the rules of the shelter. Therefore, it is crucial that those giving assistance have a sensibility that goes beyond the legal definition of victim of trafficking.

The first measure is trying to earn her trust, clearly explaining to her the shelter rules, what can she expect from the workers/pro-

professionals and, above all, to tranquilise her because they are very scared, confused... They are scared not so much of the persons, but scared about the next day, how are things going to be...[...] Her voice has to be heard. We always have to give her options so that she can make her own choices. To gain the women's trust is not easy because they were deceived mostly by people they knew, they trusted.

According to anti-trafficking actors and as mentioned by trafficked persons, the provision of cultural mediation is vital, because it is not only important to understand the trafficked person from a language point of view. Primarily, it is important to be aware of the cultural background of the client to be able to mediate, if necessary, between the trafficked person and the service provider and to understand better her/his individual needs and issues.

[...] cultural mediation is fundamental [...] The rule should be to avail always and constantly of cultural mediators that are not simple interpreters. [...] if the mediator knows everything about [the country of origin] but she/he doesn't know anything about [the country of destination], it's difficult for her/him to mediate [...] this is really a key topic, the communication, because it is used for explaining the rights of the victims, then to introduce them to trust institutions, to understand what is happening, to collect information, to be able to take urgent actions on other close situations, in a word the communication is useful for everything, and this is a big difficulty.

As for linguistic mediation, we succeed in managing it on our own, but for the intercultural one, there is still a lot of lack, it would be useful to find people able to work with victims of trafficking. The cultural mediation is much more important than only the linguistic one.

During assistance and protection, service providers reported that trafficked persons sometimes face difficulties if they have too much time to themselves.

[...] they experiment something they didn't imagine, as they didn't know what type of relationships could be in a community

with other women, and above all they experiment the management of the free time, which could also bother them at the beginning, being too much time to be spent with themselves.

According to service providers, it is important to take into consideration the fact that most trafficked person have never experienced living in a shelter together with strangers. One respondent stressed the fact that not all trafficked persons were actually able to live in a community. However, non-residential programmes did not always prove to be successful, because it was important to balance and respond to diverse cultural needs and to regularly provide psychological support for the trafficked persons.

[...] not all the women are able or are ready to put themselves to the test, to return to live in a community, it's not easy...So, for some girls, who had a positive social context, we tried to start up a non-residential programme. Unfortunately, these programmes didn't have good results, because we weren't able to weigh on the culture and on psychological aspects, and thus, this social service decided not to activate them anymore. Currently all programmes count the daycare in a shelter house, until the end, and then there is the possibility to move in a semi-autonomy apartment.

Some trafficked persons prefer to have their "freedom" rather than being protected in a shelter, and they may also perceive their trafficking situation as a temporary stage and expect it to be over sooner or later.

Listening to [some] women, I realised that they consider the exploitation as a temporary fact. They accept to be exploited, often with a lot of suffering. They are thinking to be freer not entering a protection programme and not living in a shelter.

According to service providers, refusals of assistance can have many reasons. In some cases it is due to the trafficked person's fear of being closed in, because they have experienced a situation of deprivation of liberty while being trafficked. Sometimes trafficked persons are emotionally bonded with their exploiter and/or are not even aware of being a victim.

[Victims refuse assistance, because] mostly they fear to be closed in, they can't stand it. They can endure it for one or two weeks till

they calm down, but after that they can no longer handle it and they leave, escape, no matter what programme we offer them (education, work), they even leave their clothes behind. They still have emotional bonds with the man, or with the child in the institute. Many victims are not even aware of being a victim. They think that's the way of life, that's the way it always has been. We can show them the right way, show them a family model.

In some cases trafficked persons are thinking of the money they could earn outside any support structure. Sometimes the reasons for refusing assistance include the trafficked person's fear of the environment in which they were exploited and therefore they prefer not to be connected with any support structure or criminal police force. In addition, they feel ashamed for what happened to them and for that reason prefer to be anonymous.

[Some victims refuse assistance], because they prefer to maintain themselves independently because of the money they think they can earn outside any support structure; because they are afraid of the environment where they were and they prefer not to be connected with any support structure or criminal police force; because they are ashamed or have any other feeling and prefer to be anonymous.

Sometimes trafficked persons don't want to rely on new people, because they do not trust them and they do not believe that somebody or any institution could help them.

They refuse assistance... for many reasons; they can refuse for fear, because it's always better, according to them, be submitted to the dictation of the traffickers rather than interrupt the relationship with them and rely on other people, because they are not aware of being victims, they refuse this idea, and they don't think that institutional organs could give assistance, because they don't trust them, because the same institutions in their countries are not able to do that, they are corrupt, there are really a lot of reasons, these are just some of them.

[Some victims refuse assistance] probably for a sort of distrust that they have, because of their social and cultural formation [...]

they don't believe easily that someone could be dedicated to them. This is why it is important to spread a culture of collaboration and solidarity. So, I believe it's essentially a cultural reason.

In some cases trafficked persons refuse assistance, because they expected something else and are disappointed, because they thought the protection programme could help them more immediately and more completely.

[Some victims refuse assistance] probably because they thought the assistance was something else, a way to get something more immediate and more complete, instead the time in the communities, bureaucratic and legal time are sometimes longer than the expectations, but luckily this has rarely happened. [Some] women we often think they join the community with the only aim to get documents and therefore our everyday life in the community meet their strong resistance [...]. However, the period in the community allows them to face experiences never lived or even imagined, mainly because the great part of them has always and only lived on the road. They experience new kinds of friendship and feelings never felt; also with operators and kind of people never met before, and this makes them think that there can be something different!

Some trafficked persons see the time spent in learning the local language or in reconstructing pieces of their identity as useless, because they want to immediately have a job and think it is more urgent for them to work and to save money than to step-by-step work on their rehabilitation and (re-)integration in society.

A lot of victims refuse or interrupt the programme due to disappointment. Despite the attempt to explain in advance what a protection programme is, victims mainly want to have a job immediately, and the time spent in learning [...] the language or in reconstructing pieces of their identity disconnected after the experience lived – not only the one of exploitation on the road or somewhere else, but also the one related to the trip [...] – is mainly perceived as useless; it appears more urgent to work and to save money.

However, service providers stressed that the first priority was the rehabilitation of trafficked persons in order to get their lives back on track rather than to facilitate their job placement right away.

[...] it's really important to give them the time to put in order the pieces of their life. According to me when people arrive in a [shelter], letting them start working the day after is self-defeating, and a rather ambiguous situation: if they start working immediately they for sure will work illegally, as without documents. Therefore, we always avoid this situation because it would be a paradoxical message for the victims: they're escaping a situation of exploitation but the community puts them in an illegal working situation.

In some cases trafficked persons are simply not ready to face a protection programme yet. Furthermore, the fear of their exploiters and the presumed possibility that they could harm them or their families causes them to refuse assistance and protection.

[Some victims refuse assistance, because] they can be afraid their exploiter can harm them or their families, they could need money or just because they're not ready to face a protection programme yet.

In the framework of some assistance programmes, interaction between trafficked persons and family members is monitored. In some cases, it is at the request of trafficked persons themselves and in other cases it is due to the shelter rules aiming at ensuring security and safety.<sup>25</sup> The reasoning behind restricted contact with family members was explained by one service provider below.

This depends on the given case; if the victim was made to work as a prostitute and the family was totally unaware of this fact the victim does not necessarily want us to inform the family. It is rather in the case of forced labour that we can rely on the help of the family.

Service providers describe the relationships between women living in the same shelter sometimes as difficult due to their different cultural back-

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<sup>25</sup> Compare ICMPD/Surtees, R., 2007: Listening to Victims. Experiences of identification, return and assistance in South-Eastern Europe (p. 176).

grounds. However, service providers also stressed that the common suffering and experience with violence (trafficking or other forms of violence) was a unifying aspect.

[The relationship between the women in the house] is difficult. [...] we have at the moment women from six different nationalities. And it is difficult, especially in what concerns food: one doesn't eat spaghetti; the other doesn't like rice, etc. [...] Also, since we have twin bedrooms at the house, it's easier to start a conflict. There are also conflicts because the way each one educates their children. We make many group meetings so that we have fewer conflicts. [...] the conflicts are due especially to the cultural differences between those women. [...] They are also different in the way they dress, the way they speak...But they all accept the house's rules, they like the fact that no one knows the house's address. They want to be secure, [...] and there is a certain common suffering that they share. They all suffered violence.

What was also mentioned by some service providers is that for various reasons assistance and protection programmes could take longer than expected. This is due on the one hand to the trafficked persons individual needs and expectations with regard to the assistance provided. On the other hand the bureaucratic and legal steps needed to obtain a residence permit and work permit often take quite long. In this regard, respondents stressed that an assistance period that takes too long can have a negative impact on the trafficked person's independence.

[Some] women usually come for the documents, then they discover something else, they keep this new acquirement as treasure to get more, instead [others] come to the community with the desire to receive help also from other points of view, this leads to a prolonged time.

[...] The more victims spend time in reception, the more they will redefine their role as "a child". This is the degeneration of the asymmetrical relationship according to which if the operator is the "adult", the consumer is the "child". If the reception doesn't last long, it could evolve in positive forms, but if it lasts for a long

time, it has a degenerative risk, for which a person that has crossed two continents to arrive here, then starts to show hesitations or fear to take a bus to reach another town. This is a worrisome signal that needs to be avoided. Unfortunately the prolonged permanence is tied often to the long time needed for the obtainment of the residence permit.

Actually women more integrated and more independent are those who have been living in the community for less time. Those who have been longer, always say they will not manage; they need help.

## 5.4. Summary

With regard to first assistance and protection, trafficked persons reported a range of different feelings. At the initial stage negative emotions dominated, including the fear to be found by the exploiter, and initial lack of trust for the service providing agency and/or its staff. Trafficked persons also reported being worried, confused or even afraid, because they did not know what would be expected of them in the course of the assistance and protection programme. Following identification and referral, some of the main issues faced by trafficked persons included the feeling of tiredness after everything they have gone through and because they did not feel accepted in the country of destination. At the same time respondents felt safe, comforted, relieved and/or grateful for exiting the trafficking situation. In this regard, trafficked persons reported that initial negative emotions transformed into positive feelings once trust and confidence had been established. In general, both the presence of a cultural mediator and timely, appropriate and comprehensive sharing of information contributed to creating a feeling of safety for trafficked persons.

Although trafficked persons frequently need time to adjust to the life in a shelter and to the house rules including timetables and schedules, communication and contact outside of the programme as well as freedom of movement<sup>26</sup>, respondents spoke of having accepted them as being neces-

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<sup>26</sup> Compare ICMPPD, 2007: Listening to Victims. Experiences of identification, return and assistance in South-Eastern Europe (p. 173).

sary for the well-being of the shelter residents. In general the trafficked persons' assessment of the services provided in shelters or during assistance and protection programmes was positive. They reported having received immediate medical and psychological care and their basic needs were met, including the provision of a psychologist and/or interpreter.

Trafficked persons mentioned language courses, vocational training and the assistance provided with finding a job or getting proper documents, as main factors that contributed most positively to their longer-term social inclusion. In cases where respondents reported difficulties in learning the local language in the country of destination, this was clearly seen as an obstacle to integration and social inclusion in the country of destination. A feeling of nervousness due to inactivity and, connected to this, the necessity to be more active and the wish to work was frequently reported. Respondents mentioned the importance of feeling useful and the possibility of being active as key factors for recovery and longer-term social inclusion. Others missed their families and friends, or persons with whom to share their thoughts and day-to-day lives. In the framework of some assistance programmes, interaction between trafficked persons and family members is monitored. In some cases, this was at the request of trafficked persons themselves and in other cases it was due to the shelter rules aiming at ensuring security and safety<sup>27</sup>.

Overall, community life in shelters is a mixed experience with positive and negative moments. Cultural differences and language barriers, sometimes with shelter staff, sometimes with other programme beneficiaries, can have a negative impact on the assistance of trafficked persons in the country of destination. At times they expressed the need to talk to somebody in their own mother tongue, in their own social and cultural framework.<sup>28</sup> In general, however, respondents underlined their good relationships with shelter staff. Concerning friendships between trafficked persons living in the same shelter, responses ranged from difficult or complicated relationships

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<sup>27</sup> Compare ICMPD/Surtees, R., 2007: Listening to Victims. Experiences of identification, return and assistance in South-Eastern Europe (p. 176).

<sup>28</sup> Compare ICMPD/Surtees, R., 2007: Listening to Victims. Experiences of identification, return and assistance in South-Eastern Europe (p. 155).

with other housemates to good though not always close relationships. While some respondents stressed the advantage of living with persons of the same nationality, who shared the same culture, language and habits, others preferred living in a mixed environment. Reasons for this included distrust towards their compatriots or the advantage of learning the language in the country of destination faster when living with persons from other nationalities.

According to anti-trafficking actors, a number of trafficked persons have difficulties to accept or even refuse to participate in assistance and protection programmes for various reasons. In some cases they cannot get used to living with strangers in a shelter and sharing their daily life with them. In addition, they can experience a feeling of deprivation of liberty and freedom or are thinking of the money they could earn outside any support structure. Sometimes trafficked persons do not want to rely on new people, because often they have been betrayed by persons they trusted.

In this regard, anti-trafficking actors first and foremost stressed the importance of building trust and underlined the additional value of cultural mediation for adequate communication between service providers and trafficked persons. Respondents also emphasised that it was not only vital to offer appropriate and adequate first assistance and protection but also a proper longer-term assistance and suitable social inclusion, according to the individual needs of the trafficked persons concerned. In this regard, social inclusion and (re-)integration of trafficked persons is facilitated if individual abilities and skills are promoted in the course of an assistance and protection programme. However, according to service providers, it is important always to strike the right balance between providing assistance and protection and promoting autonomy and self-confidence. In general, respondents underlined the need for well-trained staff to be able to respond to the individual needs of trafficked persons.

## 6. Return and Social Inclusion

### 6.1. Introduction<sup>29</sup>

Returning home is often a difficult process for trafficked persons, who may have to face many social, family, health, legal, and financial problems and run the risk of going back to the same social and economic conditions they tried to escape by leaving home. To avoid re-victimisation, return and social inclusion programmes should be available to all trafficked persons who wish to go back to their country of origin or need to be resettled in a third place or country. The programmes should aim for the longer-term recovery, empowerment and social inclusion of the trafficked persons and they should prevent the risks of re-victimisation and re-trafficking.

The return and social inclusion programmes should be based at minimum on the following principles<sup>30</sup>:

- *Voluntariness*: It is the trafficked person who decides on her/his free will to return home or be resettled in a third place/country and make use of the offered services;
- *Protection*: The safety and the privacy of the trafficked person are paramount and, therefore, all necessary measures should be taken to ensure them (e.g. no disclosure of personal information to third parties, pre-departure risk assessment, safe travel plan, risk management plan, case monitoring);
- *Tailor-made solution*: The needs, opinions and concerns of the trafficked person should be fully considered when assessing her/his wish to return home or be resettled and while preparing the return and social inclusion procedures;

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<sup>29</sup> See ICMPD/Orfano, I., 2010: Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU.

<sup>30</sup> See European Commission, 2004: Report of the Experts Group on Trafficking in Human Beings, available at: [http://ec.europa.eu/justice\\_home/doc\\_centre/crime/trafficking/doc/report\\_expert\\_group\\_1204\\_en.pdf](http://ec.europa.eu/justice_home/doc_centre/crime/trafficking/doc/report_expert_group_1204_en.pdf).

- *Accuracy*: The trafficked person should be promptly and duly informed about any aspect of her/his return and social assistance programme request and procedure;
- *Co-operation*: Close collaboration between accredited support agencies (i.e. NGOs, international and governmental organisations) of countries of origin, transit and destination is crucial for a successful return and social inclusion programme.

## 6.2. Experiences of trafficked persons

All stages of anti-trafficking intervention are closely interlinked. The main goal is the longer-term recovery, empowerment and social inclusion of the trafficked persons and the elimination of risks of re-victimisation and re-trafficking. As is the case for all stages of anti-trafficking intervention, social inclusion may not follow a pre-determined path, i.e. programmes should be flexible enough to respond to individual needs and to allow for modifications in case of setbacks or failure. As already mentioned several times, the provision of timely and comprehensive, but at the same time understandable information is vital.

Before talking to the lawyer I didn't know anything about assistance [here]; then she explained to me the special residence permit for victims and the possibility of participating in a social integration programme. She said I could find a job, but I needed to learn [the language] and to look for a regular job with their help.

First of all, [I received] legal assistance, because I had no documents; then healthcare, because I was physically [in a bad condition]. Moreover, I have often met [...] a psychologist who has followed me for a long time, because I had insomnia. Thanks to [the service providers], I learned to speak [the language] and to use a computer and now I have work.

When it comes to the issue of return and/or (re-)integration, i.e. whether a trafficked person chooses to remain in the country of destination, go to a third country, or to return back home, the solution the trafficked person chooses is based on her/his individual circumstances. No matter what decision the person takes, her/his safety and well-being are most important. In this regard, the first issue that has to be solved is providing a safe place to live.

They told me that they would provide me for my travelling home. They asked me whether there was a place [back home] where I liked to go and I could be safe. But I did not know a place like that; I was never in contact with my sisters. The aides suggested this place and I decided to come here. [...] To get back [home], to a safe place where I shall not be harmed. All the rest would follow...safety was the most important for me.

There was a wide range of return intentions, from full return, to temporary return to visit family and friends and settlement in the country of destination. In general, trafficked persons that decided to return home to their country of origin reported to have made good experiences during their return procedure.

At the airport aides waited for me from [the association]. They asked me where I would like to go. They took me to have lunch, because I had no breakfast and lunch. First I said that I wanted to go to my ex-fried. I asked them whether I could still expect help from them if it went wrong, and they said yes. [...] I could count on him, because he usually calls me on the phone and tries to write to me, but I don't tell this address to anybody, not even to him, if I did I would put also the others at risk. We usually speak on the phone and he wants me to go back to him but I am sure that place would not be safe for me, I know I would have to escape from there again but had nowhere to go. Here [at the association] I feel safe.

We were given the plane ticket, a taxi driver took us to the airport and we were awaited at the airport. We were given 200 Euros each. They did not accompany us to the plane. When the plane landed [...] there was a guy [waiting for us who] took us to the shelter.

One of the reasons why trafficked persons do not want to return home under any circumstances is their fear of being re-trafficked.

No. It will be the end of mine. The woman who sold me first time was there. They were waiting for me. They drove me from [the first destination country] to [the second one], because [in the first

destination country] there were very strict officials. Pimps hoped I will be deported [back home] and they will sell me again to another country.

Financial difficulties are among the main push factors to leave the country of origin. Therefore, some trafficked persons chose to remain in the country of destination, because they wanted to work and financially support their loved ones back home. In addition they perceive a return home as failure of their “project” to go abroad and to earn money.

I came [here] to work and send money to my son [back home]; if I go back to my country I will find the same problems I was escaping from. [...] I wasn't interested in a return [home]. I came [here] to work and help my son in his studies; if I go back my project has failed.

In one case a trafficked person reported her fears to return and the lack of understanding for these feelings from the police.

I just don't like when, sometimes, [...] the police thinks we are overreacting when we say we are afraid to return.

Some trafficked persons, however, indicated that once they have settled in the country of destination they would like to go home to visit their families and friends, but would prefer to stay and live permanently in the country of destination.

At the beginning, when I believed not to be able to have the residence permit, I thought to go back home. Now I do not think to go back [home] anymore, because I got the permit and I am working with a formative traineeship. One day I'll be back with a document that will allow me to travel without problems and to go to my country to visit my family.

I'd like to live [here], but I'd like also to go [back home] to visit my mum and my brother. It's a lot of time since I've seen them for the last time.

Yes, definitely [I am thinking to return back home], because I am also married in my country, I have all my relatives, my family

there. There is nobody who wants to leave his family, without family life is very hard...When I was without documents, it was impossible to return, because if you return to your country and you do not have a residence permit you cannot come back here [...]. Now that I have the possibility to get the residence permit, it will be possible for me to return, to go and find everyone after so long...I definitely want to go back for a visit, for a short time...

Others indicated their desire to go back home at a later stage for various reasons, including the wish to spend their retirement in their country of origin or the ambition to first finish the education/studies to be able to prove to themselves and to their loved ones that they have achieved their goals in the country of destination.

I think we should always go back to the place we were born. But I want to return only in 10/15 years. By then I will be over 55 years old, which is the legal age for retirement [back home].

I will return when I will have found a job, got a graduation. I would like to show everybody that I have achieved my aim to live [here], because this was always my dream. Anyway not now, also if somebody gives me the chance I would not return home at the moment.

### ***Plans for the future of trafficked persons***

According to trafficked persons, finding a job including studying and vocational training, being autonomous and being economically independent and/or financially supporting their families were among the main plans and goals following the assistance and protection programme.

I would like to work, to earn for my living and I would like to rent a flat where I can live. It is a must to stand up.

I hope I can find a nice job when I return, so that I can help my family. [...] First I want to be next to my family, tell them that it didn't work out. It won't be easy because my mother never wanted me to come in the first place. I hope I can find a better job there. [...] a job, I think that's the most important thing for now.

I think I will stay here for about eight months, to give some time to all this story, then I will return [back home]. I want to get some job, to make a training course so that when I return [home] I can finish my BA and make a career.

I would like to find a job. [...] I would like to earn and save some money, so the next year, when I'll get out of this house, I will be able to rent a house and live on my own. [...] I need also the possibility to not depend on anybody's help, to be independent, and this is why I think that my first need now is a job. It's the first step.

I want to find a job and be completely autonomous [...]

To find a good job and to make my son to come as soon as possible [...] I must find a house to rent and find a regular job to renew my permit of stay, I must be autonomous. I want to be autonomous.

I want to have a job. [...]...I would like to rent a flat for living with my brother. [...] I dream to become a female cook...that's why I'm studying, to work and to help myself and my family too.

I would like to attend a course to be a cook, to learn better the [local] kitchen...then I would like to do painting on ceramics, because already [back home] I did this kind of course and I liked it very much.

I hope I will work. I would like to work in a factory. After leaving the programme I'll have some money saved, so I'll rent a little house for me, where I'll live by myself.

I [...] want to find a job and earn some money to send it to my family, but I know I don't have to be in hurry. [...] My programme will finish in September, and I think that I'll have a job and some money saved to rent a house. I'll be independent.

[I want] to have a job, and earn some money to become independent. [...] I will have a job and I will rent a house where I could live. I'd like to live on my own, but if I will not have enough money, I will share an apartment with other girls.

Some trafficked persons even expressed their wish to have their own business and as a consequence to be independent even in their working environment.

[...] I want to work here and help my family; [...] I could open a business, a firm on my own... I could do this, but I'm a bit afraid of my ex-boss... But small steps, I want to work, start again to do something and then we will see where I can get...

I want to rent a room and start my own small business. I like aromatic creams. I want to make all the legal contributions to the social security system, so that I can later be retired and enjoy that retirement [back home].

As already mentioned earlier by one of the service providers, protection first and foremost also means promotion of a trafficked person's abilities and skills. A successful example of the successful use of skills is described below.

When I was in the shelter, I found a job very soon. It was easy for me because I've a diploma as dressmaker and [here] are a lot of factories that require professional people. So I could save a certain amount, so when I finished the programme I was able to rent a nice apartment on my own, where I live now.

Since trafficked persons need to have a residence and work permit in order to be able to stay and work legally in the country of destination, many trafficked persons underlined that it was important for them to get a residence permit.

Now I'm waiting for the permit to stay. Probably next week it must be ready. Then I'll go to the embassy [...] to request a passport. The documents are very important, and I'll feel more at peace when I'll get them.

First of all, [I would like to have] my documents. This lets me think that I will be more at peace and nobody would treat me like a criminal or an illegal person anymore.

Some trafficked persons mentioned their desire to find a partner and to get married and spend the rest of their lives with a husband and children.

[...] I want to have a quiet life, family, walk in the evening.

I'd like to find a good husband and have a child. I want a simple life. If I would have some money, I'll go [home] to greet my mum, and my dad, and my brother, and my sister, and bring them some presents.

[...] I'd like to find a good boy, marry him and have a family.

Now I have a house and a work that I like. I have a boyfriend; he is the boy who helped me to escape. I wish I'll marry him and buy a house where we can live together. I wish to have a baby from him and that my daughter will come here [...] to live with us.

Others however did not want to marry or have a partner, because of what they had experienced while being trafficked.

I would like to live in a smaller town but rather alone, because I have already suffered so much from men.

I want my baby to go to nursery school, kindergarten, learn a lot. First I would rent a flat then I would buy a small house somewhere in the countryside. I'm not thinking of having a partner at the moment.

Some trafficked persons also expressed their wish to go back home, back to their old lives.

I want to go back to my life. Go back to my old life.

[...] I just want to go home. [...] I miss my family. Maybe someday, later, I can return. This time I won't be so naïve.

In one case a trafficked person wished to return home and find a job in the country of origin rather than stay in the country of destination, because she did not think she would be safe in the country of destination and feared stigmatisation.

[...] I think I would need a good job and to be certain that no one would come looking for me; I would be afraid because I'd talked to the police. [...] I think that I would never be safe staying here.

And then, even if I got a job dancing at some bar, the clients think that [we are all] prostitutes. They don't have respect. [At home] I have some contacts with police and organisations. [...] They help immigrant women.

Regarding future plans, some trafficked persons even mentioned their desire to help other trafficked persons by becoming a cultural mediator or advisor and/or sharing their knowledge and experiences with them in order to assist others in the course of their rehabilitation process.

I would like to become a cultural mediator, but at the moment I could be satisfied in being a cleaning lady because I need to improve [my language skills] before and do training.

It's positive that I'm doing something for me and for my family, because we must go forward. But I would like also to help other people, other victims, other refugees, other organisations...it's not enough to do something for themselves, we should also help other people. [...] First I want to work here for a while as a volunteer, and then I will see if I find something somewhere else.

Former trafficked persons who act as cultural mediators, facilitators and disseminators of information can reach out to trafficked persons and increase the level and quality of anti-trafficking interventions considerably.

### 6.3. Experiences of anti-trafficking actors

Striking a balance between providing assistance leading to social inclusion and ensuring long-term autonomy is a difficult task, as described in the example below.

We have some "long term clients" that have been with us more than two, three years. They live "on the margin" for many reasons. It is difficult to integrate them into society. From some point of view it seems that they live "pathologically". I don't remember any client who lived this life style and was able to change it. It is very hard mainly for foreigners.

In this regard, a number of service providers expressed the need to ensure that assistance programmes do not create dependence to the point where it

negatively influences social inclusion of trafficked persons. One service provider described the relationship between them and the clients as follows.

Social work is based on relationship between social worker and client. But it is necessary to keep to certain limits. Sometimes the clients want to go with us to the discotheque, to have a drink outside...this is too much.

With regard to social inclusion anti-trafficking actors stressed that the priority was the trafficked persons' need for employment and economic independence, which are usually among the main push factors for them to leave a country. One of the key aspects with regard to social inclusion is regularisation, which is important for legalising the stay of a trafficked person in the destination country including access to social and health care and the ability to work.

It's clear that if the victim is regular there is inclusion, if she/he is irregular there is exclusion, it's natural. I should say that obviously the legalisation of a foreign victim [...] favours social inclusion. The more stable the legalisation is and the less temporary or conditional to collaboration, the more inclusion there is.

As for residence permits [...] some women don't believe in residence permits until they see them! This document seems like an opening to a new word. Actually we are succeeding in making some small working inclusions [...] unfortunately women are not really legally included. There is for instance a woman that likes her employer a lot and he would like to hire her but we are still waiting for the opinion of the Public Prosecutor's office in order to apply for the residence permit.

Furthermore, anti-trafficking actors underlined the importance of providing work and vocational training including language courses, which both strengthen trafficked persons' self-confidence and have a positive impact on their autonomy and economic independence. In addition, community life, family and friends help to create a social network outside assistance programmes and are vital for the longer-term social inclusion of trafficked persons since they are likely to be an important part of their future life. So-

cial networks can also create the necessary stability and roots to prevent re-victimisation and re-trafficking. One of the issues and obstacles that clients could face during their social inclusion process is stigmatisation and discrimination by society, which, when it occurred in the framework of the research for this study, was mainly linked to the rejection of trafficked persons as foreigners, as described by a trafficked person below.

No complaints about the system. But with relationships! With behaviour! I don't speak [the language]. I always ask my son to come with me. [...] I feel like the doctors, the nurses don't want to help me! In my country we respect foreigners! In this country it is the opposite. But I know that you need foreigner workers. I don't know any [nationals] who would do the same work that we do.

However, anti-trafficking actors seem to be well aware of the challenges linked to stigmatisation and discrimination.

It is also necessary that the victim isn't penalised or stigmatised. And before the new legislation [comes into force] this might happen, because [the crime of trafficking in human beings] was associated with the facilitation of illegal immigration and illegal immigrants are notified to leave the country. The new legislation calls our attention to these situations [and as a result] this kind of practice won't take place anymore.

As it is the case at all stages of anti-trafficking intervention, return and social inclusion does not follow a pre-determined path, which implies that programmes have to be flexible and adaptable enough to respond to any situation and to the individual needs of a client. No matter whether a trafficked person decides to remain in the country of destination, go to a third country, or to return back home, it is a difficult process, because many of them seem to be rootless and it is difficult to find the right way to recover and (re-)integrate into society.

The truth is that victims of this act of crime are very rootless. Once they get out of the perpetrators' control, not even a return home will offer them stability and security. Thus there is hardly any change in their situation.

To ensure the trafficked persons' ability to make a living and to avoid re-trafficking, any future plans connected to (re-)integration and social inclusion either in the country of origin, in the country of destination or a third country has to be based on a thorough evaluation of the individual needs of the person concerned.

[...] obviously the stigmatisation risk has to be avoided in any case, both in the destination country as well as in the home country in case of return, it's obvious. The principal dangers are just these: to avoid social stigmatisation, both from the families as well as from the authorities; the opportunity to have something to live with, and so the opportunity of social re-integration, because otherwise you expose the victim to a new probable trafficking experience, the victim can be victimised again; the possibility of having medical assistance, because the victims can also have extremely uneasy sanitary situations and so this is part of the risk assessment; then the existence of a debt bondage that increases the risk to be trafficked again. Then certainly the return plan is based on the evaluation of the individual needs.

One service provider reported that in some periods trafficked persons preferred to return to their country of origin while in other periods trafficked persons preferred to remain in the country of destination. According to one of the service providers interviewed for this study trafficked persons recently preferred to return home more frequently rather than to stay in the country of destination, which might be connected to the fact that identification has become a more difficult process in recent years.

[...] the truth is that lately they want to return to their countries of origin as soon as possible. We already noticed such a trend a few years ago. Then, there was a period where the majority wanted to stay [here]. And now they want to leave again. I don't know why. Well, the legal process of identification of a victim of trafficking is not easier. It is more difficult now.

The return of foreign trafficked persons was in many cases assisted and often carried out by the International Organization for Migration (IOM). In most cases they had the relevant contacts of service providers in the traf-

ficked person's country of origin. With regard to co-operation with IOM it was reported that, in general, return organised by IOM worked well.

[...] it works well. IOM deals with it. Ministry of Interior covers the expenses. [...]

[...] since we don't have any money to pay for their flight, we contact IOM. [...] If we know some organisation in their home country we establish a contact so that the victim can be better assisted when she arrives. If we don't have any connection in her home country, any contact, well, then is IOM that gives all the assistance to the victim.

In case the victim returns home, we co-operate with IOM and some organisations (mainly NGOs) in the country of origin.

Interestingly, one service provider reported that they had never been confronted with an assisted return. In most cases the only thing trafficked persons wanted was to return quietly.

[...] We were never confronted with [the] necessity [of an assisted return] because the ones who decided to return did not want to raise any "question" in the origin countries. They just wanted to return to their families in a quiet way.

The possibility for trafficked persons to remain in the country of destination is often connected to co-operation with the authorities. Respondents also reported having the impression that in many cases authorities are more likely to provide trafficked persons with the possibility to join a (re-)integration programme, residence and work permit, if she/he is either identified by the police or if she/he fits the police investigation.

The victim has a reflection period of 60 days after the identification. During that period the victim can have all services from us. After it the victim can decide to return to the country of origin – it is not problematic; it is easy to manage. If the victim decides to stay here and to co-operate with the police, she or he has a chance to join the programme. We have the impression that the victim has more chances to join the programme, to benefit from

the system, in case she or he fits in the police investigation or if she or he is identified by the police.

Anti-trafficking actors reported that if a trafficked person decides to stay she/he can face difficulties, because opportunities for foreigners are often not as good as for the local people. Even if clients are successful they often still miss the social network they used to have at home.

Sometimes the victim wants to stay here [...] and starts a new life. But after some months, years she finds out it is too difficult; almost impossible. Because of the bureaucracy, not friendly social system, lack of job possibilities, etc. We have some successful clients. They were part of [a] programme. We provided for them job counselling, new job training, etc. [The clients are missing] the family, friends, and social network! They are lonely here. [...] victims [from our country] are in similar situation; without family and friends. Only one advantage: [the] welfare system is much friendlier to [our own] citizens compared to foreigners.

## 6.4. Summary

As is the case for all stages of anti-trafficking intervention, social inclusion may not follow a pre-determined path, i.e. programmes should be flexible enough to respond to individual needs and to allow for modifications in case of setbacks or failure. No matter whether a trafficked person decides to remain in the country of destination, go to a third country, or to return back home, her/his safety and well-being are most important. In addition, individual needs and requirements for return and social inclusion need to be assessed on a case-by-case basis.

Reasons why trafficked persons do not want to return home include fear of being re-trafficked, but also their wish to work in the country of destination and/or a third country to be able to financially support their loved ones back home. Respondents reported that the return of foreign trafficked persons is usually assisted and often carried out by the International Organization for Migration (IOM). In general, trafficked persons had good experiences in the course of their return procedure.

According to trafficked persons, finding a job, being autonomous and being economically independent and/or financially supporting their families were among the main plans and goals following the assistance and protection programme. For those wishing to remain in the country of destination it was first and foremost important to regularise their stay and to obtain a residence permit. However, several issues and obstacles can be faced with regard to regularisation. Both trafficked persons and service providers expressed dissatisfaction with measures in place designed to regularise the stay of trafficked persons. Therefore, they argued for a more simple process to be able to effectively promote social inclusion into society.

Similarly to trafficked persons, with regard to social inclusion anti-trafficking actors stressed as a priority the trafficked persons' need for employment and economic independence, which are usually among the main push factors for them to leave a country. If a trafficked person decides to remain in the country of destination she/he can face difficulties, because job opportunities for foreigners might be less available and/or because trafficked persons miss the social network they have had back home. In this regard, anti-trafficking actors mentioned – as key aspects for social inclusion besides regularisation to legalise the stay of a trafficked person in the destination country – also provision of work and vocational training, including language courses, to strengthen trafficked persons' self-confidence, autonomy and economic independence. Furthermore, they underlined the importance of community life, family and friends to help to create a social network outside assistance programmes. According to anti-trafficking actors, one of the issues and obstacles that clients could face during their social inclusion process is stigmatisation and discrimination by society, which, when it occurred in the framework of the research for this study, was mainly linked to rejection of trafficked persons as foreigners. Here, anti-discrimination measures and awareness raising and education among societies would contribute positively to the social inclusion of trafficked persons.

As already mentioned above, any future plan connected to the return and social inclusion of trafficked persons needs to be based on a thorough evaluation of the individual needs of the person concerned, to ensure the person's ability to make a living. In general, trafficked persons need durable protection from re-victimisation and re-trafficking and need to be included

into wider society. However, it is important to always strike the right balance between assisting trafficked persons in their return and social inclusion and at the same time to promote their independence and autonomy. A number of trafficked persons also expressed their wish to share their post-trafficking experiences with other trafficked persons by becoming a cultural mediator and/or work for a service provider. By involving them, trafficked persons can be reached better and the level and quality of anti-trafficking interventions can be increased.

## 7. Criminal and Civil Proceedings

### 7.1. Introduction<sup>31</sup>

All States should grant access to justice and fair treatment to trafficked persons, who should be fully informed and supported once involved in civil or criminal proceedings. Access to full and clear information is crucial to enable victims to participate actively in any proceedings, to reduce their psychological stress, and to enforce their rights<sup>32</sup>.

Legal representation and assistance should be part of any victim protection programme. Formalised protocols between the law enforcement agencies and the service providers assisting the trafficked persons are an effective means to fully protect the rights of the assisted persons at any stage of the legal proceedings.

In some cases the victim may need to be protected from possible retaliation and harm from perpetrators and related parties. The protection of a victim as witness to a crime (i.e. trafficking and related crimes) requires tailor-made solutions to be implemented by the law enforcement agencies, prosecutors, judges and support agencies that must work in very close co-operation. A risk assessment is carried out to evaluate if the physical safety of victims (and of her/his significant others) is endangered and – when necessary – special resources are allocated to ensure her/his protection (and that of her/his significant others).

In the case of children, all decisions regarding participation, assistance to and co-operation with criminal and judicial proceedings shall be taken by the child's guardian in consultation with the child, and, where his or her family do not have custody of the child but retain parental rights, his or her

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<sup>31</sup> See ICMPD/Orfano, I., 2010: Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU.

<sup>32</sup> Council of Europe, 2005: Convention on Action against Trafficking in Human Beings (Art. 26).

family also, provided that their involvement does not prove to be detrimental to the child.

A victim of trafficking in human beings has the right to receive compensation for the physical and psychological harm suffered and wages lost through criminal proceedings, civil action, and administrative systems.

No detention, prosecution or penalties should be imposed on trafficked persons for their illegal stay in the country or for their participation in unlawful activities as a result of their trafficking experience.<sup>33</sup> In conformity with the national criminal legislation, it would then be necessary to consider the applicability of non-punishment causes for the crimes committed as a result of the coercion suffered during the trafficking experience.

## 7.2. Experiences of trafficked persons

When it comes to criminal procedures and co-operation with authorities, a majority of trafficked persons reported having had negative feelings and experiences with the whole situation and the authorities. This included frequently a state of shock, either because they had to face the offender at court or, in the case of women, they were uncomfortable being interviewed by a man and would have preferred to talk to a woman.

[...] I was called to come to the court. I thought there will be only me and the judge. But there was also the offender! I was shocked, my legs and arms were shaking...I was very scared, I didn't know why. I had to repeat my story again! Fortunately A. from [the association] was with me...[...] She quieted me down. [...] I made a statement because I had to! [...]

My body was shaking; it was uncomfortable to tell what happened to me to the policeman. I prefer to talk about it with a woman! [...] I am very scared to go to court. They want me to say everything there. Everything that I told you now.

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<sup>33</sup> Council of Europe, 2005: Convention on Action against Trafficking in Human Beings (Art. 26).

Trafficked persons also reported having been scared of the authorities and afraid to testify. In some cases they were afraid of the consequences they might face from the offender.

[...] I was interrogated and I reported the men, who forced me to work, to the police. It was very difficult, too. The policemen asked the interpreter from the shelter not to be present, because they had their own interpreter but I insisted on my interpreter staying. The policemen told me that I could talk freely but I was afraid because [the offender] has many acquaintances (lawyers, interpreters) and you never know...this is why I insisted on my interpreter staying. I trusted this interpreter very much.

I went to the police only to ask for the residence permit. I was very embarrassed because they asked many questions. They told me there was a possibility to enter a protection programme, I only had to denounce my pimps, but I was too afraid.

[...] I think that if a person decides to stay or to co-operate with the police things are easier, on the one hand, because you have more rights, you are not afraid of being illegal, but on the other hand, you will be afraid of the ones who you denounce to the police.

In some cases trafficked persons were scared, because they were afraid that the police would put them into jail. The trafficked person below reported that her fear was provoked by the policeman himself, because he had made a completely inappropriate joke.

Yes, I did [give a statement]. The social worker of the shelter house in V. came with me. I remember that the first time I went to [the police headquarters] I was very scared. I've never been to police before that day, and I was afraid that if I wouldn't have answered correctly, the policeman would have put me in jail. The policeman noticed my scared face, and started to joke, he say to his colleague: "When we are finished, we'll put her in handcuffs!" I became frightened for a while, but the social worker said to me that it was a joke. It wasn't so funny for me!

Lack of trust in the police in general was also mentioned by one of the respondents.

I was very scared. I remember that the first time I had to go there, S came with me, and they took my fingerprints. It was the fourth time, because I was stopped by police several times when I worked in the street. I wasn't sure at all that they didn't want to deport me [back home] again! I recognised some policemen that had made controls in the street. One of them told me some months before, that if I would make a statement, they would help me, but I didn't want to trust him. I thought that after my statement they would leave me alone. I've always thought that it was easier for me to trust an organisation like [the association], which help the girls also in the street.

However, the example below illustrates that some trafficked persons who were scared of the authorities at the beginning, reported having been treated well in the end.

I've usually met the social worker in front of the [police headquarters] and we come in together. [...] The first times I was very scared. I've never had problems with the police before that, and I've never been questioned before. I was afraid they could say I was a liar. But they treated me right.

The receipt of a residence permit is frequently linked to official identification by and/or co-operation with the authorities. This implies that a trafficked person who is not willing or does not have the psychological capacity to co-operate may not have the same rights and possibilities as trafficked persons that co-operate and prove to be "useful" as witnesses.

The most difficult moment was at the beginning, when the Court didn't recognise me as a victim...and I didn't have the rights to get the documents...

In this regard, one trafficked person reported that even though she had testified, she did not receive the relevant documents.

Once they put me in jail, because I had an expulsion, but only for one day, because [the association] made an appeal, then I was in

the Court [...], but I had problems with them, even if I reported to them, they didn't give me the documents...

One issue that was raised during the interviews for this study was the possibility of being a secret witness. The trafficked person below wanted to choose this option, because she was afraid of her family, which was involved in her trafficking case.

I want to be a secret witness. I am afraid of my family. [...] When I met the police for the first time, I recognised them from the brothel! They talked to us in the brothel. But the pimps persuaded us that the policemen were their friends and they only tested us. That is why I didn't believe them that time. Now the police made me sure that I can help sentence the pimps, the mafia.

Moving on with their lives and avoiding too intense confrontations with the past was another reason why trafficked persons did not want to testify or did not want to report more than necessary.

The police always insisted to talk more with me, to tell more things. I told enough. Now it is time to move on. [...] Well, I've been told that I can trust the [...] police, that I don't have any reason to be scared. Now they tell me to be more careful back [home], so that I won't fall in another situation like this one. To be sure about job offers abroad.

[...] I told more or less my story but I didn't want to testify. It was past and I wanted to start all over again next to my family, try other opportunities.

Some trafficked persons did not want to testify, because their situation had already changed for the better and they did not want to look back and be confronted with the past.

In what concerns the violence perpetrated by my partner yes...The police saw him break windows at our house. There is a criminal lawsuit going on. In relation to the other case no, there is no legal process. [...] my situation is already solved for the better. [...] I have a labour contract now.

## 7.3. Experiences of anti-trafficking actors

### ***Co-operation with Authorities***

According to service providers in many countries the legal status of a foreign trafficked person depends on her/his willingness to co-operate with the authorities. Even if an NGO identifies a person clearly as trafficked person, the status of this person as trafficked person and her/his possibility of benefitting from assistance and protection programmes as well as (re-)integration programmes frequently depends on whether the authorities also recognise the same person as a trafficked person or not. As already mentioned, this implies, in many countries, a willingness to co-operate with the authorities in order to facilitate the collection of evidence to denounce and prosecute the offender. However, not every trafficked person has the psychological capacity and is able to co-operate, due to what she/he has experienced. As a result, a trafficked person who is not co-operating may not have the same rights as a trafficked person who co-operates and proves to be “useful” as witnesses.

The biggest difficulty we have with the foreign clients is with their residence permit. All residence permits for victims of trafficking [...] depend on evidence in criminal proceedings. [...] Of course they have the chance to get it [also otherwise]. But it is only a theoretic chance. And more; if she or he testifies and her or his testimony is not interesting for the police, she or he also normally has a very small (or any) chance to get a residence permit, to join the programme.

Since the majority is in an irregular situation [...], they are sent back home. It is not easy to legalise them. [...] Of course I would like them to have the courage to denounce to the police the situations of exploitation they were submitted. But not all have the same resistance, the same capacity to fight. And it is a long process, very long. They would be in a better situation if they denounced. But of course we do not impose that. Each woman knows the courage she has, the reprisals she might suffer. [...] According to the law, the situation of trafficking has to be clear.

[...] only when she reports the situation to the police authorities she becomes an official victim of trafficking. So, we, the NGOs, are put aside. She stays with us, but if [it is concluded] that she is not a victim of trafficking she can receive an order to return to her home country and our work is done. It is very difficult. [...] NGOs, can signal a situation that we suspect that is a trafficking situation, but it is not up to us to say for sure she is or she isn't a victim of trafficking.

From the service provider's point of view it was mentioned several times that training on trafficking in human beings for judiciary and police as well as sensitisation of the actors concerned with regard to proper communication with trafficked persons was a crucial element. This enables the authorities to treat trafficked persons appropriately, which as a result can facilitate the criminal proceedings.

[...] We need more education in the field of trafficking for judiciary. We provided the training. It was successful. But it has been stopped a year ago.

[...] the victim's testimony is crucial, otherwise it is very difficult to prove the crime. [...] It is also important to train the police agents and, also, to take the cultural background of the victim into consideration.

Anti-trafficking actors underlined that if you make sure that the trafficked person involved in a criminal proceeding feels and understands that her/his future is safe, she/he will be more willing to co-operate with the authorities. The receipt of a residence and work permit enables a trafficked person to be independent.

Victims who have suffered some sort of physical or mental harm are more willing to co-operate. Of course their relationship with the perpetrators matters a lot, too. The more threatened they feel, the less they will co-operate. And those who are already resigned to their fate will not co-operate either. [...] If their future is safe and they can see a way out, they will be more willing to co-

operate. That is to say, those who do not feel dependent on the perpetrators any more are rather willing to co-operate.

[Victims of trafficking are more available to collaborate when the future is safer, because] with the residence permit they feel more confident, to hold this document means to access "the world", to have the possibility to join little working experiences, rather than to always be in the community. The residence permit is an opening key for the "outside".

According to anti-trafficking actors there are several reasons why trafficked persons could refuse to co-operate with the authorities. For instance, if during criminal proceedings a confrontation with the perpetrator is foreseen and no protection outside the police or court building is provided for the trafficked person, she/he is more likely to disappear and repeal the report.

[...] the [...] penal legislation makes the life of a victim somewhat troubled, for example when they have to testify for the second time, they turn up to be confronted with the perpetrator, etc. And when they walk out the door of the police building, they are left on their own. So they rather repeal the report, disappear from the sight of the authorities, and in the end it is the victim that has to be searched for.

One of the main reasons why a trafficked person might not be willing to co-operate with the authorities is fear of the consequences she/he could face. In this regard, anti-trafficking actors underlined the importance of involvement of NGOs during criminal proceedings. Many times trafficked persons find it easier to open up in front of social workers, and they are more likely to trust them rather than the police and/or judges. Furthermore, NGOs are useful as a general support throughout the whole lawsuit.

During the penal procedure we handle all prostitutes as victims, those who reported to the police as well as those who are questioned as witnesses to a case. However, in some cases the girls are not willing to co-operate with the police even when the perpetrator is already detained. [The reason for this is] partly fear, and partly the fact that [our country] has not yet made it to the

point when NGOs would have a role in the procedure, their representative would support the girls throughout the process and at the same time, their presence would also assist in investigating the crime, as the girls find it easier to talk to them frankly. [...] NGOs have huge potential in investigating the cases [...].

In addition to fear, family bonds were also mentioned as a reason for the refusal of trafficked persons to co-operate with the authorities. In many cases relatives and/or friends, that is persons whom they trusted and with whom they were privately connected prior to being trafficked, were involved in their exploitation.

In many cases fear [keeps victims back from co-operation]. [In addition] family bonds, because in many cases the victims were sold by their partner, their kids were taken away and they fear being found.

A lack of psychological stability in general was mentioned by anti-trafficking actors as a reason why trafficked persons refuse co-operation with authorities. This is because they are frequently asked to repeat their story over and over again, which leads to a constant and very painful confrontation with the past.

[...] some don't have the same psychological resistance. [...] they have to tell the same story all over again: to the police, to the assistance team (and that's five persons), at the court... They don't have that capacity; it's out of the question. As I say, there is one or the other that has that capacity, but the majority doesn't.

Anti-trafficking actors underlined that trafficked persons are more willing to collaborate in the framework of criminal procedures, if co-operation is easy and immediate. If trafficked persons are not exposed to complicated and lengthy procedures, if authorities are able to win their trust and trafficked persons understand the advantages of co-operation they will be more open to co-operation.

[Victims receive information] predicted by law, but also all that is considered to be necessary to the victim's well-being and also, why not say it, to motivate her/his co-operation with the authori-

ties. It is important for the victims to understand that the authorities are on their side and that they also have advantages if they co-operate. [...] Usually they are resistant [to co-operate], the cases where that co-operation is easy and immediate being an exception.

One service provider mentioned the trafficked persons' language barriers in the country of destination as an additional reason for the difficulties in co-operating with authorities. Furthermore, as already addressed above, some trafficked persons feel economically dependent on the exploiter. Moreover, the person's fear of stigmatisation and possibility of losing her/his moral, physical and psychological integrity might refrain them from co-operating. In many cases trafficked persons have debts to pay in their country of origin connected to the trafficking, which puts their families at risk, i.e. they feel the need of paying back the debts and of protecting their loved ones.

[...] the problem starts immediately with the notion of victim. No one likes to be a victim. And of course there are problems [...] such as threats to herself and to her family. We are talking about persons that don't speak [our language], who are afraid of the police...They suffered that coercion. And she has no one that she can ask for help and in that scenario she sees that person who exploits her as the one that gives her food, somewhere to sleep. She thinks that if she leaves she won't have anywhere else to go. She doesn't know our reality; she is not familiarised with the help mechanisms and structures. And so she feels really dependent on those persons and does what they tell her to do. And in the country of origin that also happens because they have debts to pay the visa, to pay the job promise, etc., and those debts have to be paid. The central core of these criminal organisations is, frequently, in their countries of origin, so their families are at risk. They can even suffer violence. Additionally, there is a stigmatisation of these kinds of victims, so they don't want to perceive themselves as victims of sexual trafficking. It's her moral, physical and psychological integrity that is at risk.

## ***Co-operation among Authorities***

Well structured and functioning co-operation among all relevant authorities and actors involved is a crucial element for timely and appropriate identification, referral, assistance and protection of trafficked persons.

Often we meet around a table to discuss and to identify some common strategies. Nobody has the “monopoly” of the communication.

However, the example provided above is not always the rule. Due to a lack of standardised procedures co-operation frequently functions on an ad hoc basis and/or relies upon personal contacts and relationships as well as the goodwill between/of the relevant actors involved.

[...] co-operation is based on good informal relationships.

[...] the co-operation is subject to the goodwill of the people, as it depends on those people doing a certain kind of job, being in certain places...

This lack of institutionalised referral of trafficked persons results in gaps when changes in personnel occur.

[...] the co-operation was quite informal, based on personal relationship... Then some people left and we have gaps. I feel like the new people in police think: everything from the past was bad, we have to build up our own very new system.

Therefore anti-trafficking actors in general call for a structure to be put in place, but at the same time underline that such a structure would be efficient only if all relevant authorities and actors involved have the willingness to co-operate.

It would be better to have a protocol to follow... The protocol is a tool that indicates better the collaboration among public and private institutions, but also the protocol we try to put in practice or elaborate for a future sharing among all the operators, survive on the goodwill of the operators: if it is not filled, it risks being only an empty hull.

Experiences of anti-trafficking actors show that in many cases co-operation with embassies of countries of origin and/or countries of destination does not work properly.

We really miss co-operation with [our] embassies abroad. We know they are contacted by [our] women, who need help, who are trafficked and we don't know about them. The embassies don't contact us.

[...] often it happens that the same embassy looks with suspicion at those people we already identified as victims, and we need to show to the embassy that those people are actually victims [...].

[...] we have great difficulties with the embassy. [...] For several months also for the request of a residence permit all women should have a nationality certificate, if the woman doesn't have a passport. This certificate is released by the embassy without any problems, but if at later stage a passport is requested [...] it's a disaster, because the waiting is endless, there isn't any communication, because all the attempts to contact the [...] embassy are useless, because they don't answer to the e-mails, they don't answer the telephone...we can only wait for them to call us, but often we have to wait for months, all this prolongs the waiting time for the release of the residence permit and all the rest; it's a disaster.

Since most of the trafficking cases have transnational elements it is essential that co-operation works not only within a certain country, but between countries of origin, transit and destination.

The collaboration with other countries will help us to understand how the trafficking begins, but not everyone collaborates.

[...] the knowledge of the phenomenon is really recent and therefore also the consciousness of the networking is really recent, the need of integrated actions and of a multi-agency approach, these are terms that are used since three, four or five years at an international level [...] law enforcement agencies, social actors and so on, both at a central and at a peripheral level –

must be in constant and tested collaboration and exchange of information relationship.

Co-operation between criminal police forces and the judiciary system is also necessary, as well as between those and the international organisations – EUROPOL, INTERPOL, EUROJUST – because we are talking about a crime with great mobility.

Even if one country relevant for a certain case has well elaborated and functioning anti-trafficking structures and procedures in place, co-operation among countries of origin, transit and destination depends, as described in the example below, on the standard and quality of anti-trafficking policies, structures and procedures of every single country.

[Co-operation works] depending on the country of origin, because there are some countries, in the European geographic area, where now the contact is really more fast and direct. [...] Before [...] we often found them without documents, but there was a very strict collaboration with these countries that still goes on now. There is a project [...] that counts on information exchange, also with the involvement of [our] policemen in [the country of origin] and [...] policemen [from the country of origin working here], to accelerate all the documentation, not only for identification, but also for investigation. But there are also other countries [...] where honestly, we are still at a low standard, because the answer isn't well-timed, and sometimes also very late, and so this slows down the certainty of identification.

## 7.4. Summary

As regards co-operation with authorities, it must be ensured that trafficked persons are first and foremost treated with respect and sensitivity; there are several ways to create a safe and comfortable environment for them. This includes the possibility of testifying as a secret witness and interviewing the trafficked person in a private setting without having to face the exploiter. Furthermore, a non-interrogative tone and simplifying the process as much as possible by explaining each step in an easy and understandable way facilitates communication between authorities and trafficked persons. In ad-

dition the involvement of NGO's/service providers' staff in criminal and civil proceedings could alleviate some of the issues and concerns trafficked persons may face.<sup>34</sup>

It emerged that the main reasons why trafficked persons are inclined to refuse co-operation with authorities include the fear of retribution by the exploiters (in the country of destination and/or upon return) and the length and complexity of judicial processes. Furthermore, in some cases respondents did not want to co-operate and to testify, because they felt a general necessity to move on with their lives and to avoid too intense confrontations with the past; sometimes, because their situation had already changed for the better.

A number of trafficked persons reported negative feelings and experiences such as fear of authorities or of testifying, as well as shock, because they had to face the offender at court or, in the case of women they were uncomfortable being interviewed by a man and would have preferred to talk to a woman. Also a lack of trust in authorities was frequently reported. As already mentioned above, the trafficked persons' fear could be avoided by ensuring that they do not have to testify in front of the exploiters in court. Apart from negative feelings, some respondents stressed that despite of being scared at the beginning they however felt treated well by the authorities in the course of criminal and civil proceedings.

Service providers underlined the importance of anti-trafficking training for judiciary and police and the importance of stakeholders' ability to properly communicate with trafficked persons. Respondents also stressed that it could have a negative impact on trafficked persons' willingness to co-operate with the authorities if no protection outside the police or court building is provided. According to anti-trafficking actors, other reasons why trafficked persons could refuse co-operation with the authorities included their fear of the consequences she/he could face from the traffickers, in case relatives and/or friends were involved in their exploitation or because they lack the necessary psychological stability to face criminal

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<sup>34</sup> Compare ICMPD/Surtees, R., 2007: Listening to Victims. Experiences of identification, return and assistance in South-Eastern Europe (p. 91-92).

and/or civil proceedings. Possible language barriers, fear of stigmatisation and the possibility of losing the moral, physical and psychological integrity or in many cases economical dependence on the exploiter were also mentioned as reasons that could negatively influence a person's willingness to co-operate with the authorities. Therefore, it is important to provide for interpreters and cultural mediators in the framework of criminal and civil proceedings.

Well structured and functioning co-operation among all relevant authorities and actors involved within a certain country as well as between countries of origin, transit and destination is a crucial element at all stages of anti-trafficking intervention. Co-operation frequently functions on an ad hoc basis and/or relies upon personal contacts and relationships as well as the good will between/of the relevant actors involved. Therefore, anti-trafficking in general call for a structure to be put in place, but at the same time underline that only if all relevant authorities and actors involved have the willingness to co-operate such a structure would be efficient. Experiences of anti-trafficking actors also show that in many cases co-operation with embassies of destination and/or origin countries does not work properly.

In general, it can be concluded that co-operation between all relevant actors involved including governmental, non-governmental and international stakeholders is vital and therefore it has to be enhanced on a national as well as transnational level.

## 8. Final Thoughts and Recommendations

The aim of this study is twofold. On the one hand it seeks to provide a detailed empirical understanding of how the current transnational referral framework in the Czech Republic, Hungary, Italy and Portugal is understood, perceived and experienced by trafficked persons. On the other hand it considers identification; first assistance and protection; longer-term assistance and social inclusion; criminal and civil proceedings; and return and social inclusion from anti-trafficking actors' perspective.

The findings of this study, which are based on interviews carried out with trafficked persons and anti-trafficking actors shall serve as guidance for service providers for their daily work with trafficked persons as well as for policy makers when designing national and transnational referral mechanisms and anti-trafficking strategies and action plans.

It is the trafficked persons themselves who can on the one hand best express their needs and wants and, on the other hand, share their post-trafficking experiences with other trafficked persons. Therefore it is crucial to hear their voices and to carefully listen to their recommendations and advice.

### ***Identification procedures need to be further strengthened since they continue to be one of the weak parts in the referral process***

Trafficked persons were identified by a wide range of official channels (e.g. police, social workers, etc.) as well as unofficial channels (e.g. friends, clients, etc.). In the framework of the research for this study it emerged that the official identification rate was lower than the unofficial one. Moreover, in some cases identification opportunities were missed, which either prolonged trafficking situations or resulted in inappropriate treatment of trafficked persons as criminals (e.g. due to their illegal status in the country of destination, etc.) rather than as victims of crime. Therefore, main recommendations from trafficked persons included accepting help when it is offered as illustrated in the following examples.

The only thing I can say is that they should go to the police and they should not send away the aides, even if they are afraid. Many girls send them away, just like the way I did for the first time, but they have to trust them because they want to help. And they can trust the police too.

If anyone goes to the girls offering [language] lessons they should accept it because they try to help them. They wanted to help me, too, but I sent them packing. [...] During police raids go to the policemen, be brave, it is very hard but the girls have to do it or else they'll never escape from the traffickers.

In order to ensure adequate identification of trafficked persons and proper and timely referral, assistance and protection while at the same time avoiding re-trafficking or continued exploitation of trafficked persons, awareness of trafficking in human beings needs to be raised and relevant actors (including police officers, judges, doctors, etc.) need to be better trained. As a result, making better use of official identification channels and existing referral mechanisms could lead to better identification.

***Information on assistance and protection programmes needs to be more visible and made more easily available***

Trafficked persons were mostly uninformed and unaware of the means of exiting exploitation and of receiving assistance. Respondents reported that they had not been aware of the assistance and protection possibilities in countries of destination and/or origin. Information about means to exit exploitation and receive first assistance and protection at identification needs to be comprehensive and clear.

Taking into account the various feelings of trafficked persons at this post-trafficking stage such as fear and confusion, one should not expect them to fully and immediately understand the information provided. Therefore, it is important to tailor the information – as well as the channels through which this information is provided – to the individual reality and profile of each trafficked person, including gender and age as well as cultural and linguistic background. This means listening carefully to trafficked persons and

their suggestions and to actively include them in decision-making at all stages of any anti-trafficking intervention.

Hence anti-trafficking actors need to be equipped with the necessary skills, information and sensitivity to inform trafficked persons of their rights and options in a comprehensible and clear manner. Several trafficked persons expressed their wish to help and assist other trafficked persons and share with them their experiences with all stages of the anti-trafficking intervention. For that reason, they should not be forgotten as possible sources for spreading information.

I would tell that person what I know now and what she could do. If it would be necessary I would go with her to the services that provide assistance.

If I am with her, I can speak with her, I could help her. I think a person like me who was lucky can be helpful...

Assistance and protection programmes also need to be flexible enough to respond to the individual needs and profiles of trafficked persons. Moreover, trafficked persons should be promptly and duly informed about rules and regulations to make adaptation in a shelter easier. They have to understand from the beginning that life in a shelter implies accepting rules, accepting to live with other persons, facing the painful past and in many cases a slow rehabilitation and (re-)integration process. Therefore, main recommendations from trafficked persons included to have patience and to be honest as illustrated in the following examples.

I would tell her that participating in a programme is the best thing she could do for her life. And I would suggest her to have patience, because it isn't simple to live in a shelter with other girls and with a lot of rules to respect.

I'll tell her to always tell the truth, because if you tell a lie then the next day you don't remember it...then I'll tell her to have patience, a lot of patience, because it takes time to get the documents...but [the association] helps you and you can't just wish for money and work immediately, if you have patience sooner or later the document will come...

***Cultural mediators should be utilised to facilitate communication between trafficked persons and service providers and/or authorities***

The presence of a cultural mediator is very helpful and conducive to the well-being of trafficked persons, since appropriate communication between trafficked persons and all relevant actors involved is a crucial element at all stages of anti-trafficking intervention. Usually, where language barriers exist, interpreters are provided for communication between trafficked persons and service providers and/or authorities.

Compared to interpreters, cultural mediators are not only able to interpret, but also know and understand the customs, values and habits of the culture of trafficked persons as well as service providers and/or authorities in the destination country. Therefore, cultural mediators can also be a good means to mediate between the trafficked person and the service provider and/or authorities in case of conflicts.

***In addition to first assistance and protection, longer-term assistance and social inclusion of trafficked persons needs to be properly planned***

In order to meet the essential needs of trafficked persons it is crucial to provide for appropriate and adequate first assistance and protection, which is often shelter-based. According to some service providers, non-residential programmes do not always prove to be successful, because it seemed more difficult to balance and respond to diverse cultural needs and to regularly provide for psychological support to trafficked persons. Moreover, it appears that community life and interaction between trafficked persons, which is often linked to shelters, has in a majority of cases a positive impact on the creation of support networks. Although interaction between the shelter residents is not always without tension, it usually contributes positively to the overall recovery and rehabilitation process of trafficked persons. In general, it is important to make trafficked persons understand that even if the life in a shelter house was not easy, it would offer them a real chance and opportunity to get her/his life under control again.

I would tell her that coming to a shelter and starting a programme is the best choice for her, and for all the people who have this kind of problems. I wouldn't tell her if she accepts to

come here, everything will be easy, this isn't true, but she could have a real opportunity to change her life.

To set the basis for durable recovery, it is vital to also properly plan longer-term assistance and provide for suitable social inclusion while supporting trafficked persons in their individual (re-)integration process. Therefore, it is important to facilitate activities such as language courses and vocational training. In addition to that, assistance provided with finding a job or getting a residence permit are factors that contribute most positively to the longer-term social inclusion of trafficked persons. In this regard, respondents mentioned the feeling of being useful and the possibility of being active as key factors for durable recovery.

### ***Anti-trafficking actors should balance the provision of assistance and protection against the promotion of autonomy and self-confidence***

It is important to remember that protection at the same time also means promotion of trafficked persons' abilities and skills, as one service provider underlined: "[...] we try to look at people not only as bearers of needs but also as bearers of resources, skills, and we try since the beginning to promote competences [...]". Hence, it is vital for the longer-term social inclusion and the (re-)integration of trafficked persons to promote their abilities and skills.

It can be observed that trafficked persons who have taken part in assistance and protection programmes for a shorter period of time tend to be more integrated and more independent, while trafficked persons who participate in assistance programmes for a longer period of time tend to be less autonomous, as one service provider pointed out: "[...] The more victims spend time in reception, the more they will redefine their role as "a child"."

Therefore, balancing the provision of assistance and protection against the promotion of autonomy and self-confidence implies on the one hand the protection of trafficked persons from the exploiter, from the possibility of being re-trafficked and assisting them in their rehabilitation. On the other hand it means to promote individual talents and qualifications to facilitate their social inclusion and (re-)integration in the longer-term.

***Co-operation and communication between anti-trafficking actors nationally and internationally should be functional***

In order to be able to adequately identify as well as assist and protect trafficked persons, it is essential that co-operation and communication between anti-trafficking stakeholders functions very well not only within a country, but also between countries of origin, transit and destination.

All relevant governmental, non-governmental and international actors have to be properly connected. Only if transnational referral functions well can return procedures be carried out in an appropriate way and trafficked persons therefore be adequately assisted and protected upon and after arrival in the country of origin or third country. Since most of the trafficking cases have transnational elements, co-operation between embassies of countries of origin, transit and destination needs to be improved.

This also includes the embassies that often do not report back properly once a trafficked person seeks help, or do not provide assistance when an identified trafficked person needs to be safely returned to the country of origin. Proper co-operation only works, therefore, if standard operating procedures for transnational referral are in place and if the standard and quality of anti-trafficking policies, structures and procedures of countries of origin, transit and destination meet a certain quality level.

# References

- Bjerkan, L. (ed.), 2005: *A Life of One's Own: rehabilitation of victims of trafficking for sexual exploitation*. Oslo, Norway: Fafo Institute.
- Bjerkan, L. & Dyrliid, L., 2006a: *The courageous testimony: Trafficked women's motivations for and experiences from testifying against their traffickers*. Oslo, Norway: Fafo Institute.
- Bjerkan, L. & Dyrliid, L., 2006b: *The silence experience: reintegration of victims of trafficking for sexual exploitation*. Oslo, Norway: Fafo Institute.
- Brunovskis, A. & Surtees, R., 2008: *Agency or illness – the conceptualization of trafficking: victims' choices and behaviours in the assistance system*. *Gender, Technology and Development*. Vol. 1.
- Brunovskis, A. & Surtees, R., 2007: *Leaving the past behind: why some trafficking victims decline assistance*. Fafo Institute (Oslo) and Nexus Institute (Vienna).
- Brunovskis, A. & Tyldum, G., 2005: *Describing the unobserved: methodological challenges in empirical studies on human trafficking*. *International Migration, special issue on data research on human trafficking, a global survey*. 43(1/2): 17-34.
- Council of Europe, 2005: *Convention on Action against Trafficking in Human Beings*. Strasbourg, France: CoE.
- ECPAT, 2004: *Voices of victims*. Amsterdam, Netherlands: ECPAT.
- European Commission, 2004: *Report of the Experts Group on Trafficking in Human Beings*, available at: [http://ec.europa.eu/justice\\_home/doc\\_centre/crime/trafficking/doc/report\\_expert\\_group\\_1204\\_en.pdf](http://ec.europa.eu/justice_home/doc_centre/crime/trafficking/doc/report_expert_group_1204_en.pdf). Brussels, Belgium: EC.
- European Commission, 2003: *Joint Report by the Commission and the Council on social inclusion*, available at: [http://ec.europa.eu/employment\\_social/soc-prot/soc-incl/joint\\_rep\\_en.htm](http://ec.europa.eu/employment_social/soc-prot/soc-incl/joint_rep_en.htm). Brussels, Belgium: EC.
- ICMPD/Orfano, I., 2010: *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU*. Vienna, Austria: ICMPD.
- ICMPD/Surtees, R., 2007: *Listening to Victims. Experiences of identification, return and assistance in South-Eastern Europe*. Vienna, Austria: ICMPD.
- Kröger, T. & Malkoc, J. & Uhl, B.H., 2004: *National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook*. Warsaw, Poland: OSCE-ODIHR.
- Kvale, S., 1996: *Interviews: an introduction to qualitative research interviewing*. Thousand Oaks, California: Sage.

- Orfano, I., 2007: "Italian report", in Centro de Investigation en Criminologia et al., "The Co-Operation of Law Enforcement Agencies and NGOs in the Prevention of and Support for Victims of Trafficking in Persons for the Purpose of Sexual Exploitation". La Mancha, Spain: Universidad De Castilla.
- Save the Children Italia, 2009: Agire. Austria, Greece, Italy and Romania. Acting for stronger private-public partnerships in the field of identification and support of child victims and at risk of trafficking in Europe. Agire methodology. Rome, Italy: Save the Children.
- Separated Children in Europe Programme (SCEP), 2004: Statement of Good Practice, available at: [http://www.separated-children-europe-programme.org/separated\\_children/good\\_practice/index.html](http://www.separated-children-europe-programme.org/separated_children/good_practice/index.html). Geneva, Switzerland: International Save the Children Alliance – UNHCR.
- Surtees, R., 2008: Re/integration of trafficked persons: how can our work be more effective. Issues paper #1. Trafficking Victims Re/integration Programme in Southeast Europe (TVRP). Brussels, Belgium: King Baudouin Foundation.
- Surtees, R., 2008: Re/integration of trafficked persons: handling "difficult" cases. Issues paper #2. Trafficking Victims Re/integration Programme in Southeast Europe (TVRP). Brussels, Belgium: King Baudouin Foundation.
- Surtees, R., 2005: Second annual report on victims of trafficking in South-Eastern Europe. Geneva: IOM.
- World Health Organisation, 2003: Ethical and safety recommendations for interviewing trafficked women, available at: [www.who.int/gender/documents/en/final%20recommendations%2023%20oct.pdf](http://www.who.int/gender/documents/en/final%20recommendations%2023%20oct.pdf). Geneva, Switzerland: WHO.
- Zimmerman, C., & Watts, C., 2006: Stolen Smiles: the physical and psychological health consequences of women and adolescents trafficked to Europe. London, UK: London School of Hygiene and Tropical Medicine.

## **Study on Post-Trafficking Experiences in the Czech Republic, Hungary, Italy and Portugal**

The "Study on Post-Trafficking Experiences in the Czech Republic, Hungary, Italy and Portugal" was drafted in the framework of the project "Development of a Transnational Referral Mechanism for victims of trafficking between countries of origin and destination, TRM-EU". The project was implemented by the Department for Equal Opportunities – Presidency of the Council of Ministers, Italy and the International Centre for Migration Policy Development (ICMPD) and funded by the European Commission – Directorate-General for Justice, Freedom and Security, Prevention of and Fight Against Crime Programme.

The aim of this study is to provide a detailed empirical understanding of how the current transnational referral framework including identification; first assistance and protection; longer-term assistance and social inclusion; criminal and civil proceedings; and return and social inclusion is understood, perceived and experienced on the one hand by trafficked persons and on the other hand by anti-trafficking actors in the Czech Republic, Hungary, Italy and Portugal.

This study is not an evaluation or assessment of the anti-trafficking policies and structures in a given country. It acknowledges the work of governmental, non-governmental and international actors at all stages of anti-trafficking intervention. Instead, it emphasises that the real life assistance and protection needs of trafficked persons should always be at the centre of any anti-trafficking intervention. Therefore, the views and experiences of trafficked persons and anti-trafficking actors presented in this study should ideally influence the development of transnational referral mechanisms in countries of origin, transit and destination for trafficking in human beings.