

MORE ASSISTANCE TO VICTIMS OF HUMAN TRAFFICKING

'Where are they? How do we find them?' This is a very practical – and very real – problem the German EQUAL Partnership MORE (Reintegrationsförderung von Menschenhandelsopfern - Stärkung nationaler Akteure) had to solve before they could start developing the activities they had planned under the EQUAL Community Initiative.

So who are they trying to find – and why is it necessary to put effort into this? The answer is that their target group, victims of human trafficking (i.e. persons who are recruited, transported, transferred, harbored or received for the purpose of exploitation¹), needs assistance not only to get out of the precarious situation they are in, but also during the time of possible judicial proceedings against their perpetrator(s). There is also the question of who they are: when trying to find and help victims, it is important to keep in mind that human trafficking is a complex and fast changing problem. Contrary to what many often think, trafficking of human beings does not only include trafficking of persons for prostitution, but also for other forms of exploitation, including forced labour, begging, illegal activities, organ transplants, illegal adoption or forced marriage. Indeed, human trafficking for sexual exploitation is a relatively well-researched area of trafficking, especially in comparison with other forms of exploitation. For the MORE Partnership it has been important to consider all areas of exploitation, and not only to assist women that have been forced into prostitution.

Little is known about the numbers of victims other than that human trafficking has increased in recent years. Some data are available on the main countries of origin, transit and destination of victims. Germany, where the MORE Partnership is situated, is a country of both transit and destination. According to official reports on trafficking, and statistics from the Federal Criminal Police, the vast majority of victims, approximately 85%, come from Eastern countries, including European countries. Lithuania, Ukraine, Romania, Russia, Belarus, Poland, Czech Republic, Bulgaria and Latvia are all frequently indicated as countries from which victims are trafficked.

The EU has launched a number of initiatives in the area of human trafficking, including legislation and funding programmes. The funding programmes² have focussed on prevention, the development of services and support for victims, the production of educational materials and research. The Commission has also put forward legislative initiatives to harmonise national criminal laws and procedures in the Member States, covering jurisdiction, prosecution and the standing of victims in judicial proceedings. Two important legislative acts were adopted subsequent to the Commission Communication 'Combating trafficking in human beings and the sexual exploitation of children; two proposals for framework decisions' from 2000³. Both acts concern the approximation of Member States' criminal laws (common definitions and penalties, liability of and sanctions for legal persons) and criminal procedures (jurisdiction, prosecution and protection of victims).

¹ The UN definition of human trafficking: <http://www.unescap.org/esid/GAD/Issues/Trafficking/index.asp>

² Examples of funding programmes are Stop, Agis, Daphne, Phare, Tacis, Cards, Aeneas and Interreg.

³ Commission Communication COM (2000)854 final of 21 December 2000.

THE SAME – BUT YET SO DIFFERENT

The MORE EQUAL Partnership is coordinated by the International Organisation for Migration (IOM) and brings together seven counselling centres for victims of human trafficking⁴ as well as strategic partners, such as KOK (Bundesweiter Koordinierungskreis gegen Frauenhandel und Gewalt an Frauen im Migrationsprozess e.V.), which is the coordination body of the 38 counselling centres across Germany. Two Ministries at federal level (the 'Federal Ministry of Labour and Social Affairs' and the 'Federal Ministry of Family Affairs, Senior Citizens, Women and Youth') and regional authorities from Baden-Württemberg, Saxony-Anhalt and North Rhine-Westphalia are also involved as strategic partners.

It may not seem very innovative that seven counselling centres cooperate – but it is! The organisations that act as or host the counselling centres are quite diverse, ranging from religious organisations, such as Caritas, to combined counselling and advocacy organisations, such as Ban Ying in Berlin. The difference between these organisations is reflected in their mission statements, type of services provided and number of staff members. Even though they have one goal in common – to help victims of human trafficking – their approaches to achieve these goals are very different.

Nivedita Prasad from Ban Ying explains her organisation's motivation for joining the Partnership: 'I have to confess that when I heard that the project was going to be coordinated by IOM I got concerned, and decided that the only way to ensure that the project would be a success was to join. During the course of the project, I have, however, to my own surprise, seen that we can cooperate in providing quality assistance to victims, even though our policies are very different. I was in fact quite sceptical to the whole idea of EQUAL – assisting human trafficking victims through labour market and social integration – but now at the end of the project, it is clear that it has worked. During the time of the EQUAL project, trafficked women – because they are all women – have been able to come to us for another reason than just getting counselling concerning the traumatising experiences they have lived: they have been able to participate in training and language courses. This has helped us to build trust, and at least one woman who would otherwise not have stepped forward to testify has done so – because she trusted us.'

SO HOW DOES ONE FIND THEM?

Essential for the work of the EQUAL Partnership MORE is the Directive on residence permits issued to third-country nationals who are victims of trafficking in human beings and who cooperate with the competent authorities⁵. Many victims of trafficking have in common that they reside in Germany illegally, are not in the possession of valid travel documents, are unaware of their civil rights, are unable to speak the local language and are commonly required to pay off unspecified debts (e.g. so-called travel costs and/or living expenses in Germany).

The EU Directive on human trafficking establishes that victims should be given up to three months to make a decision whether they are going to testify or not, but Germany has opted for a much shorter time period, something which is greatly regretted by the NGOs who are trying to assist victims of human trafficking during their time in the country. In Germany, human trafficking victims have only a maximum of four weeks to decide if they want to cooperate with the police

⁴ In total there are approximately 40 counselling centres across Germany, covering all regions except Mecklenburg-Western Pomerania. The following seven centres joined the EQUAL Partnership: AWO LV LSA e.V. (Magdeburg); BAN YING Koordinationsstelle (Berlin); Caritas/Nachtfalter (Essen); Diakonisches Werk/ISKRA (Hagen); Diakonisches Werk/Mitternachtsmission (Heilbronn); and, IN VIA (Berlin), KARO (Plauen).

⁵ Council Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, and who cooperate with the competent authorities, adopted on 29 April 2004 by the Justice and Home Affairs Council.

and act as witnesses in court proceedings. Four weeks may sound like quite a bit of time, but if you are severely traumatised and living in a new country where you might not even know the language, four weeks is in fact not a very long time at all.

The MORE Partnership has developed various activities to assist human trafficking victims. Court proceedings are often quite lengthy – four to five years is not unusual – and very few activities are available for the victims during this period. One essential component of the activities developed by the Partnership is language training, as the victims often do not have any or only very scarce German knowledge. In a trial, and during their waiting time in the country, knowing the language greatly facilitates – and improves – their stay. German language knowledge also makes it easier and less costly for the authorities that are dealing with the case, since they do not need to make use of interpreters.

Attending mainstream German courses, however, often did not work for human trafficking victims. 'In most, if not all mainstream courses, the first questions asked are 'Why are you in Germany and what are you doing here?' Marian Benbow from IOM explains. 'Imagine that you are a human trafficking victim' she continues. 'What would you say?'

'There are two ways to go about this problem', Marian Benbow says. 'Either organise courses for human trafficking victims only, or prepare the women for the likelihood that they will be asked this kind of questions and advise them on what to answer.' Both types of approaches have been applied by the MORE Partnership organisations. Why? 'There is no 'one solution fits all'', Marian Benbow says. 'Some women prefer to attend classes with others in the same situation, whereas others would rather attend mainstream activities. Factors that influence this decision include the psychological stability and the sense of security of the trafficked person.' The Partnership has not only organised language courses, but also computer courses, courses in German culture, cultural activities (such as theatre groups) and labour market orientation. All these activities are useful independently of whether the women return to their home country or end up staying in Germany.

Marian Benbow continues: 'One challenge we had not anticipated was how to provide certificates to the women who had participated in our activities. Our logo and name of the Partnership can be translated as 'Reintegration of human trafficking victims – strengthening of national actors'. A certificate of an education course issued by us would instantly show future employers or education providers what the woman had been through. We had to find a way to work around this by using a double logo and labelling the courses 'integration assistance.'

One major challenge is, as indicated above, actually finding the persons who have been trafficked to Germany. The MORE Partnership has used various approaches to reach human trafficking victims, including street work amongst prostitutes and informing potential victims about the support available, awareness raising amongst customers of prostitutes, sensitivity training for police officials, general publicity (e.g. through the project website) and information in public toilets.

Ban Ying in Berlin is working directly with both human trafficking victims and with the police. 'We had never been able to provide anything other than counselling for the victims before EQUAL, but now we have been able to offer courses, which meant that the women came back to us more regularly and more often than usual. Not only did this make it easier for us to build a trust relationship with the women, but they also got to use the time spent in Germany for something useful and made new friends. In one group, a woman started bringing along food to the courses, which made the women stay on after the courses every week to talk and eat. This was very positive and empowering for all of them' Nivedita Prasad from Ban Ying explains. The language and computer courses arranged were very flexible; newcomers could join the courses at any stage, and the women were also able to leave the classroom at any stage. The content was also adapted according to the interests, needs and wishes of the participants, including practical elements such as food shopping. 'One of the women already had excellent German knowledge, so it was not very relevant for her to participate in our language course. However, three of the women who were participating had children, so we were able to pay her to baby-sit their children and give her a certificate for the work she had done. She has now found another job on the basis of our references' Nivedita Prasad adds.

The training for police officials has also been very successful. Ban Ying organised nine two-day courses, involving a variety of actors who talked about different aspects of human trafficking. Nivedita Prasad and a representative from the police facilitated the training sessions, in which on average fifteen police officers participated. The other actors involved varied slightly between the training courses, but often included a doctor, a psychologist, a lawyer and a prosecutor to highlight the interdisciplinary aspects of human trafficking. A volunteer sex worker was often also present to talk about her experiences. The word about the success of the project has been spread, and the German Institute for Human Rights will continue the training in the same format⁶ after EQUAL has ended in December 2007.

The MORE Partnership's experiences in developing and providing activities for victims of human trafficking have been recorded in a handbook, in order to disseminate the lessons learnt to other organisations and counselling centres which are working with human trafficking victims. Moreover, a database containing information about centres in countries of origin, the type of work they focus on and the names of contacts who can facilitate the return of victims has been set up. The strategic partner KOK has indicated their interest in maintaining the database after the EQUAL programme. 'We find the database an excellent initiative' Kathrin Adams, Managing Director of KOK says. 'It provides concrete and useful information about what activities to organise and which persons to contact in case of return. We hope to be able to keep and continue working with the database.'

HEADWAY TOGETHER

One essential part of the EQUAL Community Initiative has been partnership working – in terms of different organisations working together at a practical level to develop and provide activities to various target groups, such as the MORE Partnership, but also at national and transnational levels. Since 2005 MORE has been cooperating with EQUAL Partnerships from five other EU countries, namely Estonia (Integration of Women involved in Prostitution including Victims of Human Trafficking into the Labour market), Italy (Observatory and a National Resource Centre on Trafficking in Human Beings), Lithuania (Integration and reintegration of Victims of Human Trafficking into working society), Poland (IRIS-Social and Vocational Reintegration of Women-Victims in Trafficking) and Portugal (Cooperation-Action-Investigation-World Vision).

In the HEADWAY transnational partnership the participating organisations have, amongst others, undertaken research on human trafficking in their respective countries and created an on-line transnational database of organisations and institutions working in the anti-trafficking field in the EU and third countries. The research on human trafficking has resulted in several reports on, for example, legislation, good practices and monitoring systems as well as an overall comparative report entitled "[Headway - Improving Social Intervention Systems for Victims of Trafficking](#)". The report provides a synopsis of studies of trafficking undertaken in the partner countries Estonia, Germany, Italy, Lithuania, Poland and Portugal, and the key features of human trafficking in each country. The report deals with various forms of trafficking of people, i.e. for exploitation in the sex industry, in the labour market, through begging, bride mail order, illegal activities (e.g. theft and other petty crimes or drug dealing), selling of organs for transplantations and illegal international adoptions.

The [HEADWAY database](#) is the result of a transnational activity which was aimed at identifying and mapping organisations that are active in the field of human trafficking within and outside the EU. The transnational database facilitates contacts, co-operation and networking between the partner organisations and other interested bodies. The objective was to address the lack of a common resource that provided updated key information and connected professionals who needed to get in touch with their counterparts in other countries. A specifically designed database therefore helps them to better serve the needs of the people they assist.

The EQUAL Partnership MORE, HEADWAY and the Friedrich Ebert Foundation also jointly hosted a conference on the subject "Social Inclusion of Labour Migrants – an Effective Anti-

⁶ Except for the involvement of a volunteer sex worker.

Trafficking Strategy?” on 19 and 20 April 2007 in Berlin. The conference provided information about the current situation and trends concerning human trafficking in Europe. It also proposed a new approach to trafficking in human beings by looking at social and economic aspects, such as discrimination and social exclusion, instead of viewing trafficking as a problem of illegal migration, migrant prostitution and transnational crime.

The conference brought together around 120 participants from ten countries: Belarus, Bulgaria, Estonia, Germany, Italy, Lithuania, Poland, Portugal, Russia and Ukraine. The participants were practitioners, NGOs, public sector policymakers, experts from the EU and third countries, representatives of governmental and international bodies, law enforcement offices, trade unions, academic institutions and the media. The contributions during the two day conference were centred around three key issues:

- Labour protection as a preventive measure against human trafficking;
- Potentials and limits of labour immigration; and,
- Human rights obligations to inform about options of migration.

The conference drew on the practical experiences of the counselling centres, which pointed out that the effectiveness of their work was to a great extent dependent on the legal context and funding for supporting measures. This included, for example, access to the labour market, respect for and compliance with labour standards and implementation of qualification programmes specifically designed for human trafficking victims. Obstacles in the current situation include the legal status of the assisted persons, the insufficient financing, and the insufficient effectiveness of the State control measures against trafficking.

The conference provided an excellent meeting point for the various actors, and increased the knowledge base concerning the social and economic origins of human trafficking and labour exploitation across Europe. As an output, the [conference report](#) by Deliana Popova outlines recommendations for political action to overcome deficiencies in existing anti-trafficking policies. It sets out the responsibilities of various actors, including the State, business and employers, trade unions, international organisations, the civil society and labour migrants. The document provides a clear outline of the main problems and possible solutions to current challenges in terms of human trafficking and emphasises the most important ingredient in all policies and programmes in the area of human trafficking: the consideration of human rights of migrant workers.

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