

THE WAY BACK TO LIFE

ASSISTANCE TO VICTIMS OF HUMAN TRAFFICKING

LOOKING FOR A BETTER LIFE

What if you were living a life of poverty and maybe frequent violence – would you not want to escape, do something about it? Even be prepared to leave your home country to get a better life? Women – and men, although to a lesser extent – who are victims of human trafficking often have this in common: the search for a better life, in another country. Trafficking victims are typically recruited by intermediaries who are using coercion, deception, fraud, the abuse of power or outright abduction. For those who leave their country freely, advertisements in their countries of origin may seem to provide a way out of their precarious situation, by promising employment such as restaurant staff, maids, shop assistants and child minders in a foreign country. On paper, it may seem to open up the prospect of a happier and more prosperous future, but in reality the offer could well have been placed in the media by someone with bad intentions.

Many trafficking victims believe that in a new country they can escape pressures and their difficult situation, only to find themselves in an even worse situation than they left behind; being sold as sex slaves. Sometimes victims do expect to work as lap dancers or escorts, but not to be prostitutes. Some may even be prepared to work as prostitutes, but are lied to about the conditions. Often, however, victims are completely unaware of what is awaiting them in the new country. Once the victims reach their final destination, all personal papers and assets are taken away, and they are forced to work; often, but not always, as prostitutes. The confiscation of passports and travel documents, as well as physical and psychological abuse, requirements to pay off unspecified debts (e.g. so-called travel costs and/or living expenses in the destination country) and threats of violence against their families prevent the victims from escaping the exploitation they suffer. All victims have in common that they are exploited in some form: prostitution is by far the most common form of exploitation suffered by victims, but they are also trafficked for other purposes, such as forced labour, begging, illegal activities, organ transplants, illegal adoption or forced marriage.

Women are most often victims of trafficking. However, children and men are also being subjected to trafficking. Whereas female victims often end up in prostitution, children and men are commonly used for forced, illegal labour (men often work illegally in so-called '3 D jobs', i.e. work that is Dirty, Difficult and Dangerous).

The situation is not easy for victims who are discovered either. Many victims of trafficking have in common that they reside illegally in the destination country, are not in the possession of valid travel documents, are unaware of their civil rights and are unable to speak the local language. Victims are allowed to stay in the country for a 'reflection time', during which they can decide to come forward as witnesses¹. Those who are willing to cooperate with authorities and act as witnesses usually have the possibility to stay in the destination country on a temporary basis until the end of the proceedings. However, it is not uncommon for criminal proceedings to last for years, and with only a temporary residence permit, it is hard for victims to move on with their

¹ A reflection period is established in 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, who cooperate with the competent authorities, adopted on 29 April 2004 by the Justice and Home Affairs Council.

lives. Victims often lack possibilities to enter the labour market, not only due to language problems, but also because of the temporary residence permit. Employers are unsure for how long they will be able to stay on working and are therefore unwilling to offer a job. At the same time, returning to the country of origin is often difficult. Not only do former victims face problems in terms of overcoming social stigma and personal emotional scars. They may also experience major problems finding a job, due to having been treated as or suspected to be criminal, either for prostitution or illegal migration.

TACKLE THIS ALONE? NEVER!

130,000? 210,000? Or even 700,000?

The real problem is that no one really knows. The fact that human trafficking is an illegal activity makes it impossible to obtain data on the total numbers of victims. Even with complete data on the numbers of victims that have been discovered, it is impossible to get a full picture of its scale. Estimations have however been made, which indicate that the extent of the problem is serious – and increasing. For example, the Council of Europe estimates that every year, more than 600,000 persons are sold in Europe. More than 80% of these victims are women – and girls – and 70% of them are forced into prostitution.

As concerns the countries of origin, transit and destination, the 2006 United Nations Office for Drugs and Crime (UNODC) report "Trafficking in Persons: Global Patterns" indicates that this is a truly global problem, with victims being trafficked from as many as 127 countries and exploited in at least 137 countries. The same report outlines the main countries of origin, transit and destination. A citation index has been elaborated, according to which countries are ranked as 'very high', 'high', 'medium', 'low' or 'very low' in terms of being countries of origin, transit and destination.

Western European countries are mainly destination countries for human trafficking. Belgium, Germany, Greece, Italy, and the Netherlands are all ranked 'very high' on the list of destination countries in the citation index, in a global comparison. 'High' in the citation index are Austria, the Czech Republic, Denmark, France, Poland, Spain and United Kingdom. Victims are transported to these countries from Central and South Eastern European countries, in particular from Albania, Bulgaria, Lithuania and Romania, which are ranked 'very high' in the citation index. The Czech Republic, Estonia, Hungary, Latvia, Poland and Slovakia are ranked 'high'. This means that these European Member States are both indicated as major countries of origin and destination. Other frequent countries of origin from which victims come to Europe are the Commonwealth of Independent States, Africa, Latin America and the Caribbean.²

Is something actually done in Europe?

Human trafficking is a multi-faceted problem. Not only is it a crime aimed at sexual or labour exploitation of persons, involving countries of origin, transit and destination, it is also a violation of fundamental human rights. Policy measures are therefore adopted with the following aims:

- Preventing trafficking in countries of origin;
- Tackling trafficking in transit countries;
- Reducing demand in countries of destination;
- Investigating and prosecuting human trafficking perpetrators;
- Supporting victims during prosecutions in the destination country; and,

² The 2006 United Nations Office for Drugs and Crime (UNODC) report "Trafficking in Persons: Global Patterns": http://www.unodc.org/pdf/traffickinginpersons_report_2006-04.pdf

- Supporting victims to return safely and reintegrate in their country of origin; and,
- Ensuring law-enforcement and judicial cooperation.

As trafficking often has ties with organised crime, measures to combat organised crime are highly relevant. Trafficking is not a problem that can be handled by individual Member States. In order to achieve the aims set out above, co-operation is essential, not only between different actors in EU Member States, but also with countries outside of the Union.

The EU has launched a number of initiatives in the area, including both legislation and funding programmes. The 1999 Tampere European Council explicitly called for action against human trafficking, including sexual exploitation of children. Combating trafficking is also an integral part of the Hague Programme on freedom, security and justice, adopted by the European Council in November 2004. The Hague Programme invited the Council and the Commission to develop a plan on best practices, standards and mechanism in this field.

The Commission has put forward several legislative initiatives to harmonise national criminal laws and procedures in the Member States. Article 5 (3) of the Charter of Fundamental Rights of the European Union establishes that "*Trafficking in human beings is prohibited*". Following the Communication 'Combating trafficking in human beings and the sexual exploitation of children'³, two framework decisions⁴ were agreed to approximate Member States' criminal laws (common definitions and penalties, liability of and sanctions for legal persons) and criminal procedures (jurisdiction, prosecution and protection of victims). In 2004, a Directive⁴ was adopted which gave victims of trafficking the right to a residence permit if they cooperated with authorities in the investigation and prosecution of their perpetrators.

Several funding programmes have been focusing on prevention, the development of services and support for victims, the production of educational materials and research. For example, the Daphne programmes specifically targeted violence against children, young people and women. Furthermore, since January 2003 funding is available for police and judicial co-operation in criminal matters under the AGIS framework programme⁵.

Other EU initiatives include the following:

- The *Brussels Declaration* from 2002 aims at encouraging and developing EU and international co-operation, concrete measures, standards, best practices and mechanisms to prevent and fight human trafficking. Currently, the Declaration forms the main basis for the Commission's work in this area. The general approach was welcomed by a Council Conclusion from 8 May 2003.
- An *experts' group on trafficking in human beings*, made up of twenty independent experts, was established in 2003 by the Commission.
- An *annual EU Anti-Trafficking Day* was launched on 18 October 2007 with the aim to raise awareness about trafficking in human beings and highlighting the need for practical measures to prevent and combat trafficking and to protect victims of trafficking at all levels.
- The main recent development is the Council of Europe Convention on Action against Trafficking in Human Beings, the first European treaty in this field, which entered into

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

⁴ Council Directive 2004/81/EC of 29 April 2004 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, who cooperate with the competent authorities

⁵ AGIS replaced the STOP II programme, which was established in 2001 to continue to encourage positive experiences from the STOP programme of 1996.

force on 1 February 2008⁶. The Convention is a comprehensive treaty setting out measures not only to prevent trafficking in human beings and prosecute the traffickers, but also to provide real protection to victims of trafficking and safeguard their human rights.

THE EQUAL WAY

The guidelines for Round 2 of the EQUAL Community Initiative underlined that EQUAL funding would be made available for projects assisting human trafficking victims in all thematic fields, and strongly encouraged such activities. This recommendation was based on an invitation from the Council to the Member States and the Commission to use the financial resources of the Initiative to “*promote, in accordance with national law, the social and vocational integration of its beneficiaries [human trafficking victims], to make it possible for them to return safely to their countries of origin or to receive adequate protection in their host countries.*”⁷

A total of thirty-three EQUAL Partnerships developed measures in Round 2. The spread over the EQUAL Themes was as follows⁸:

- Seventeen Partnerships in Theme I – Employability;
- One Partnerships in Theme II – Entrepreneurship;
- Six Partnerships in Theme IV – Equal Opportunities; and,
- Nine Partnerships in Theme V – Asylum Seekers.

Eleven of these Partnerships developed products with an exclusive focus on human trafficking, whereas the remaining twenty-two Partnerships developed activities for human trafficking victims and other target groups⁹.

Detailed information on the activities developed is available for three Partnerships, which were considered particularly innovative and successful. Success stories (short articles) present the practices developed and benefits of the activities developed. All three Partnerships focus on human trafficking victims only. Two of the Partnerships are from the Asylum Seekers Theme, i.e. the MORE Development Partnership in Germany and the A.C.T.E.S. Partnership in France.¹⁰ The third success story concerns a Partnership targeting human trafficking victims under the EQUAL Employability Theme, namely the Italian EMERGENDO Partnership.

⁶ The Convention entered into force with regard to 10 Council of Europe Member States and was to enter into force in four more Member States on 1 May 2008. In February 2008, the Convention had been signed, but not yet ratified by 24 other Council of Europe Member States. Several of these countries were expected to ratify the Convention in the following months.

⁷ http://europa.eu/eur-lex/en/com/cnc/2003/com2003_0840en01.pdf

⁸ The only EQUAL Theme under which no Partnership developed activities for human trafficking victims was Theme III – Adaptability.

⁹ Eleven Partnerships included victims of trafficking as part of *many* other target groups, and eleven Partnerships included victims of trafficking as part of a *low* number of target groups.

¹⁰ The success stories are available on the website of the Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities

Factors that can make a difference – a comprehensive, individualised approach

Identified key success factors for assisting human trafficking victims include:

- Assisting the victim in the country of destination;
- Facilitating exchanges between organisations involved – both in the country of destination and origin; and,
- Gaining a better understanding of human trafficking.

The first point refers to a wide variety of support during the time the victim stays in the country of destination (during the reflection period prior to or with a temporary residence permit during the criminal proceedings), including:

- *Finding the victims:* One major challenge is to actually find the persons who have been trafficked. Various approaches to reach human trafficking victims have been used, 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 on public toilets.
- *Protection and legal assistance:* Women who have taken the decision to escape from the traffickers tend to be terrified that their masters will come and get them. They are psychologically very fragile and need a safe place where they feel secure. Legal and administrative procedures are generally very complicated (including those to obtain a work permit), in particular as victims may not know the language in the destination country. EQUAL Partnerships have provided assistance concerning both these challenges.
- *Psychological support and social inclusion:* Professional psychological support and activities to help the victims recover from the traumatising experiences are important next steps (after having been provided with secure accommodation) to be able to benefit from assistance in other forms. Creative and artistic workshops, such as painting, have been prepared to help victims dealing with their past, managing their emotions and increasing their self-esteem.
- *Education (including language courses):* Courses organised by the EQUAL Partnerships include computer courses, courses in the culture of the destination country, cultural activities (such as theatre groups) and language training. Language training is essential, as the victims often do not have any or only very scarce knowledge of the language in the new country. Attending mainstream language courses, however, often does not work for human trafficking victims. In most, if not all mainstream courses, the first questions asked are 'Why are you in this country and what are you doing here?' Imagine that you are a human trafficking victim – what would you say? There are two ways to go about this problem: 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 EQUAL Partnerships, as there is no 'one solution fits all'.

- *Vocational training and employment insertion.* Vocational training courses and labour market orientation have also been offered, including aspects such as preparing curriculum vitae, seeking employment, attending job interviews, dress-code in the workplace, working culture in the destination country, legislation and types of working contracts. At the end of the social inclusion path, women are equipped with some basic skills that make them more employable. However, despite assistance it is often very difficult for the victims to get a job, as they tend to have no work experience, there is the social stigma attached to their past and they are often doubting their own capacities. Existing employment pathways for vulnerable groups have been used by EQUAL Partnerships to open the doors to the labour market, but it has been necessary to arrange informative seminars for relevant business associations. Victims of trafficking are namely more vulnerable than any other category of disadvantaged persons, and intensive mediation was often necessary to convince companies to give these women a chance.

In order to be able to combat human trafficking more effectively, there is a big need for better communication channels and cooperation mechanisms between the various stakeholders active in the field. Networks have been established with a wide variety of actors, both within and outside of the destination country. Actors involved included police, job centres, business associations, bar associations, counselling centres, national and regional authorities / governments, vocational and educational institutes etc.¹¹ Collaboration between associations working in the destination countries and in the countries of origin of the victims are also considered essential for achieving a better understanding of the problems faced by victims in their home countries (including prevention and reintegration mechanisms and support). Study visits to selected countries of origin were undertaken, e.g. to Bulgaria, Romania, Moldavia and Ukraine:

Trafficking is mainly treated in debates on prostitution, even though it also involves other forms of exploitation, including forced labour. Data on the extent of human trafficking are very scarce and the indicators used to measure the problem of trafficking in terms of root causes, contributing factors and trends are insufficient. Gaining a better understanding of human trafficking seemed indispensable to the EQUAL Partnerships to tackle the problem more effectively. Therefore, research, conferences and information gathering activities were organised, including obtaining information on the methods applied by trafficking networks, access routes used to get the victims into the country, their difficulties, personal histories and expectations, as well as prevention measures that could be helpful¹². Direct contacts with victims have been an essential component of the work undertaken.

¹¹ For example, in France a consultation body was created, which was the first structure to bring together representatives of the police, the judiciary, the city of Lyon, the social services departments, the National Employment Agency, the National Office for the Repression of Trafficking of Human Beings (OCRTEH), lawyers and civil society associations. Participants were, for the first time, able to share their experiences, difficulties and concerns, including information on existing cooperation mechanisms of European stakeholders to tackle a problem which is transnational by nature.

¹² For example, in the HEADWAY transnational partnership the participating organisations undertook 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 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, on 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.

Evidence

The main objectives of the EQUAL Partnerships were to help victims in getting back their dignity and give them an opportunity to integrate into the new society and be better prepared for their possible return to the country of origin.

Nivedita Prasad from the German Partnership was at first quite sceptical about the idea of assisting human trafficking victims through labour market and social integration. However, at the end of the project, she had changed her mind and commented that *'It is clear that it has worked. During the time of the EQUAL project, trafficked women have been able to come to us for another reason than just getting counselling on their traumatising experiences: 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.'*

The majority of victims require basic assistance including medical care and psychological intervention before they are able to benefit from other interventions. Suffering from feelings of alienation, anxiety and a constant feeling of persecution, they needed secure accommodation in which they could rehabilitate safely. A very innovative element developed by the Italian Partnership EMERGENDO is that each woman is given an individual cultural mediator¹³ with the task of providing support and assistance throughout the process of obtaining a temporary residency permit and of cooperating with the police and other enforcement authorities.

EQUAL Partnerships have been successful in providing such assistance in combination with other activities. The A.C.T.E.S. Partnership was, for example, able to offer a comprehensive range of support services to thirty-eight beneficiaries, including reception and accommodation, language training, legal and medical support and access to employment.

One of the participants in the activities arranged by the French Partnership recounts her positive experience with Amicale du Nid: *"The social workers assisted me in all administrative procedures at the Prefecture, the meetings with the lawyer, going to the tribunal, the hospital, ensuring that I could learn French, searching for a job, going to the embassy, accomplishing all the required procedures in Ukraine and my financial and psychological concerns. Finally I found a real job that I still assume today. I obtained a residence permit to stay in France. (...) Today I am not assisted by Amicale du Nid anymore. I started over again and I have become autonomous."*

Learning the language of the destination country proved to be essential for the beneficiaries in all countries where the EQUAL Partnerships operated. It constituted a first and important a step towards their integration into society, and was necessary if the victims were to find a job, whilst at the same time providing the stability of a regular activity. A combination of individual and group sessions proved extremely beneficial. Whereas the group sessions allowed the beneficiaries to build social relations with their classmates and to be part of 'normality' again", the personalised support gave the participants the necessary tools to work on their own professional project, and to reflect on what they wanted to do – whether it be training, getting a job or going back to studying. The French Partnership provided training to twenty-one beneficiaries.

Networking, and the involvement of various actors, has been essential for the delivery of the activities and gathering information about trafficking in human beings. In particular the involvement of police officers has been very successful and important, as they often are the ones who discover the victims. They can therefore serve as reference point, and help ensuring that the victims get information about the available support measures. The EQUAL Projects have arranged information sessions concerning human trafficking for police, which were highly

¹³ Cultural mediators are professional social workers, sometimes from the same nationality of the women they are supporting. Their principal aim is to establish a personal relationship, encouraging women to trust the people that are looking after them. All partners agree that the role of the cultural mediator is crucial for the psychological rehabilitation of the women and for building up the mutual trust that helps women to decide to cooperate with the police.

appreciated and will continue in at least one country (Germany) even after the EQUAL Initiative has come to an end.

POLICY RECOMMENDATIONS

EU policy actors: European Commission, European Parliament and Member States.

- Ensure that sufficient funding is made available for providing support to victims of human trafficking, in terms of comprehensive and individualised pathways for their social and employment integration. Transnational exchanges of experiences in providing support to human trafficking victims are key to avoid 'reinventing the wheel' and spread good practices.
- The European Social Fund (ESF) can play a role in funding projects supporting victims of human trafficking. Lessons from EQUAL should be mainstreamed into the ESF. In some Operational Programmes, victims of human trafficking are already included explicitly as eligible beneficiaries. In other countries, measures could be developed under priorities related to anti-discrimination and social exclusion.
- It is essential to gain a better understanding of all aspects and stages of human trafficking. Funding to increase the knowledge-base needs to be made available, in particular for transnational studies involving direct contacts with victims and key actors in countries of origin, transit and destination.
- The EU Directive on human trafficking establishes that victims should be given a minimum of four weeks 'reflection time' to make a decision concerning whether they are willing to testify against perpetrators or not. Some Member States have opted for the minimum time period. Four weeks is insufficient for traumatised victims of trafficking. Those countries that have opted for the minimum or a short reflection period should increase the reflection time to at least two months.

National/regional/ local authorities and employers

- Integrated, individualised programmes should be offered to victims of human trafficking, providing a combination of psychological support, language courses, educational and vocational training, introduction to the labour market and on-the-job training. Such measures are essential to give victims a new start in life. The benefits of active labour market measures for victims of human trafficking outweigh the costs, in particular with regard to language training. Language training can, for instance reduce costs in criminal proceedings in those cases it makes interpretation unnecessary, and is also essential for labour market integration in the destination country. Activities can also speed up reintegration in the home country, as victims are in a better state when they return, and can therefore access the labour market faster than otherwise.
- Networks and networking tools substantially improve communication and coordination, thus improving the quality, efficiency and effectiveness of service providers.
- Basic training or other forms of standard preparation should be provided to all those who work with victims of human trafficking in a professional capacity (public, private or voluntary sector), including the police.