

# PRO-ACT

## IDENTIFICATION & SUPPORT OF VICTIMS OF TRAFFICKING FOR LABOUR EXPLOITATION IN THE NETHERLANDS, THE UK AND ROMANIA



**FOCUS ON  
LABOUR  
EXPLOITATION**



Proactive identification and support of victims of  
trafficking for labour exploitation in the European Union

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# PRO-ACTIVE IDENTIFICATION AND SUPPORT IN THE NETHERLANDS, THE UK AND ROMANIA

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# EXECUTIVE SUMMARY

## Background to the Project

The Pro-Active Identification and Support of Victims of Trafficking for Labour Exploitation in the EU Project (the Pro-Act Project) seeks to improve responses to human trafficking for labour exploitation. The project has three NGO partners based in the Netherlands (FairWork), the UK (FLEX) and Romania (ADPARE). The Pro-Act Project maps how identification and support systems are working in the three partner countries, and draws on this mapping to develop and pilot effective victim-centred strategies for improvement across the EU.

## Background to the Report

This report analyses findings on identification and support from the UK, the Netherlands and Romania and sets out recommendations for change. These recommendations provide the basis for a set of EU-wide strategies to improve the pro-active identification and support of persons trafficked for labour exploitation.

Research findings focus on seven key areas: identification; access to support; housing; psychological and social support; work; access to justice; and move-on options. A summary of the key findings and recommendations from each area is provided below.



# 1

## IDENTIFICATION

In each of the three countries, pro-active labour inspection, particularly when combined with multi-disciplinary cooperation, increased the detection of people who have been trafficked for labour exploitation. In addition, law enforcement was found to be increasingly aware of and equipped to identify trafficking for labour exploitation, and national help-lines are assisting identification. Importantly, the research found that in all countries migrant communities play a vital role in identification and are the primary target for trafficked persons seeking help.

However, whilst labour inspection is considered an effective way of identifying victims of trafficking for labour exploitation, resource and remit constraints were shown to limit the effectiveness of labour inspectorates in all countries. Critically, the research shows a dangerous trend in the conflation of labour inspection with immigration control, which causes confusion and fear among workers and prevents identification. A lack of awareness of trafficking indicators and the normalization of exploitation were also found to obstruct identification.

### **Recommendations for Government**

- Maintain distinction between labour inspection, immigration control and law enforcement
- Ensure labour inspection is pro-active and adequately resourced to encompass all sectors where trafficking for labour exploitation is prevalent
- Ensure understanding of trafficking indicators amongst frontline agencies

### **Recommendations for Community Organisations / NGOs**

- Introduce or expand peer education programmes as a means of improving detection

## 2

### ACCESS TO SUPPORT

The Pro-Act research found a wide range of support provided to victims of trafficking for labour exploitation in each of the project countries and highlighted the positive role of collaboration in meeting complex needs.

However, in all three countries, victims of trafficking for labour exploitation showed limited understanding of their entitlements to support and some had not given genuine and ongoing consent to their engagement with the anti-trafficking system. This is particularly a problem where there is a perception that support is tied to cooperation with the authorities. Victims and service providers also found the length or level of support inadequate, and that support is not tailored to the needs of victims of trafficking for labour exploitation, particularly taking in to account gender difference.

#### **Recommendations for Governments and NGO support providers:**

- Ensure the continuous consent of trafficked persons to engage in assistance programmes
- Support should be empowering and meet the expressed needs of trafficked persons

## 3

### HOUSING

Access to safe housing is a priority for victims of trafficking for labour exploitation in all three partner countries. Where housing is available in dedicated shelters it was viewed positively by research participants.

However there are limitations on availability of housing for those trafficked for labour exploitation, particularly where entitlement is dependent upon legal or asylum status. Where housing is provided the standard varies considerably and remote, poor quality or mixed-sex accommodation often leaves victims feeling insecure, isolated and threatened. Outreach support was also often shown to be of a poorer quality than shelter support.

#### **Recommendations for Governments and NGO support providers:**

- Housing should be tailored to the needs of trafficked persons regardless of immigration status
- All housing provision should seek to empower trafficked persons

## 4

### PSYCHOLOGICAL AND SOCIAL SUPPORT

Psychological and social support is available through the government or non-government support system in all three Pro-Act partner countries.

In all three countries, however, male victims are less likely to enter into psychological assistance programmes and are viewed as having less need for such assistance than female victims. Language barriers, including availability of interpreters and appropriate interpretation also limits the provision and quality of psychological support.

#### **Recommendations for Support Providers:**

- Research should be conducted to understand psychological support needs of those trafficked for labour exploitation.

- Psychological and social support should be tailored to trafficked persons' needs and explained in a way that highlights its value
- Standards for ethical and effective interpretation should be applied during therapy sessions

## 5

### WORK

In all three countries trafficked persons ability to work was viewed as central to their recovery process. Some NGOs cited employability services offered including IT and English language classes, vocational courses, workshops and job application assistance.

The research found however that restrictions on entitlement to work or access to benefits dependent on immigration status make trafficked persons vulnerable to re-trafficking, as they face homelessness or destitution upon the termination of their support.

#### **Recommendations for Governments and Support Providers:**

- Comprehensive employability services should be offered to all trafficked persons
- Financial support should be offered to trafficked persons until they re-enter employment
- Trafficked persons should be assigned a case-worker to facilitate access to benefits

## 6

### ACCESS TO JUSTICE AND LEGAL ADVICE

Research found that legal advice and representation is available to some extent in all countries. Compensation is also available for trafficked persons in all countries.

However, in all three countries, expert legal advice is not always freely available to trafficked persons, particularly outside criminal processes and prior to engagement with authorities. In addition, there are limited specialist lawyers for trafficked persons and advice is consequently often limited to narrow criminal justice or immigration issues. The numerous barriers to compensation evidenced mean that limited numbers of those trafficked for labour exploitation obtain compensation.

#### **Recommendations for Government:**

- Improve access to compensation for victims of trafficking for labour exploitation

#### **Recommendations for Support Providers and lawyers:**

- Raise awareness of avenues for legal redress amongst trafficked persons
- Improve access to legal advice through the creation of networks of specialist lawyers

## 7

### MOVE-ON OPTIONS

In each of the three countries, trafficked persons who wish to return to their country of origin are provided reintegration assistance. Where trafficked persons remain in the country of destination, ongoing support was shown to facilitate integration.

However, there is very little funding for move on options, as a result of which support is limited. Weak assistance programmes combined with barriers to accessing safe work and accommodation, mean trafficked persons in all three countries are extremely vulnerable to re-trafficking.

#### **Recommendations for Governments:**

- Develop models of ongoing support for trafficked persons following the assistance period
- Record re-trafficking data to better assess identification and support systems

# ABBREVIATIONS

ACAS	Advisory Conciliation and Arbitration Service (UK)
ADPARE	Association for Developing Alternative Practices for Reintegration and Education (Romania)
ATLeP	Anti Trafficking Legal Project (UK)
ATLEU	Anti-Trafficking and Labour Exploitation Unit (UK)
AVRIM	Assisted Voluntary Return for Irregular Migrants (UK)
CICA	Criminal Injuries Compensation Authority (UK)
COSM	Categorical Accommodation and Assistance for Victims of Human Trafficking (Netherlands)
DT&V	Repatriation and Departure Service (Netherlands)
EEA	European Economic Area
EMM	Expertise Centre on Human Trafficking and People Smuggling (Netherlands)
ESOL	English as a Second Language
EU	European Union
FLEX	Focus on Labour Exploitation (UK)
GLA	Gangmasters Licensing Authority (UK)
HBF	Helen Bamber Foundation (UK)
HMRC	Her Majesty's Revenue & Customs (UK)
ICMPD	International Centre for Migration and Policy Development
ILO	International Labour Organization
IOM	International Organization for Migration
LAWRS	Latin American Women's Rights Service (UK)
NATIP	National Agency against Trafficking in Persons (Romania)
NGO	Non-Government Organisation
NHS	National Health Service (UK)
NRM	National Referral Mechanism
NSPCC	National Society for the Prevention of Cruelty to Children (UK)
OHCHR	Office for the High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
UN	United Nations
UKHTC UK	Human Trafficking Centre
VARRP	Voluntary Assisted Return and Reintegration Programme (UK)

# INTRODUCTION

Trafficking for labour exploitation is a serious crime pervasive throughout the European Union (EU). Many EU States now have legislation in place to address trafficking. Whilst legislation is crucial, it is just one of the requirements for an effective anti-trafficking response. A comprehensive response to trafficking for labour exploitation also means pro-active identification of people who have been trafficked and appropriate support for victims. Pro-active identification is necessary to ensure the most hidden and vulnerable victims are detected in the full range of labour sectors. Support is important for psychological recovery, for legal redress and to ensure that trafficked persons are able to move forward safely and avoid re-trafficking.

## PROJECT DESCRIPTION

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The aim of the Pro-Act project is to improve responses to trafficking for labour exploitation throughout the EU, by developing effective EU-wide strategies for pro-active identification and support of victims. The project is centred on engagement with victims of trafficking for labour exploitation and support providers, seeking to better understand and respond to the needs and experiences of victims in a number of labour sectors. This research is the start of this process of understanding.

The project has three NGO partners based in the Netherlands (FairWork), the UK (FLEX) and Romania (ADPARE). Each partner has specific expertise in their national contexts and will use their respective knowledge to support the construction of an EU-wide strategy to better identify and support those exploited for their labour.

This research explores current national responses to trafficking for labour exploitation in the UK, Romania and the Netherlands, specifically focusing on how trafficked people experience identification and support. This report details best practice, gaps and recommendations for pro-active identification and support of victims.

## WHY THIS RESEARCH?

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This research addresses a number of key issues that are the foundation of the Pro-Act project:

1. There is a lack of awareness and understanding of trafficking for labour exploitation among the majority of frontline agencies and organisations that have contact with exploited workers. Self-identification amongst victims of trafficking for labour exploitation is extremely low and victims are often identified through reactive rather than pro-active measures.
2. Little is known about the specific needs of victims who have been exploited for their labour. Much of the available assistance in the project countries for victims is targeted at women exploited in the sex industry. Victims of trafficking for labour exploitation are often poorly or inappropriately supported.
3. Good outcomes for victims are not prioritised through national trafficking frameworks. Many victims are unable to access remedies, including compensation or prosecution of their traffickers. There is also little understanding of the remedies required by victims, including immigration and administrative remedies, to enable victims to rehabilitate.
4. Many groups supporting exploited workers, including unions, migrant community and support organisations, are either unaware of or disengaged from formal trafficking responses. As a result, many victims are never formally identified and do not receive assistance.

## OBJECTIVES OF THIS RESEARCH

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The aim of this research is to examine existing methods of identification and strategies for support of trafficked people in particularly complex and under-researched labour sectors. Specifically, this research looks at four under-researched sectors: agriculture, domestic work, construction, and commercial cleaning. This research also examines under-represented vulnerable groups including agency workers and seasonal workers.



This research aims to enhance understanding of pro-active measures for identifying victims of human trafficking for labour exploitation by public, private and non-governmental organisations. In addition, it aims to achieve a greater understanding of the experiences and individual support needs of victims of trafficking for labour exploitation, particularly taking into account: gendered needs; improved understanding of and access to effective, victim-led legal, administrative and social remedies for victims of trafficking for labour exploitation; and improved support for victims of trafficking for labour exploitation, including tailored legal, psychosocial, housing and welfare support mechanisms. The research achieves this by highlighting the particular experiences of people trafficked for labour exploitation and their support providers, including the method of their identification and the nature of support received, and analysing these experiences in the context of wider anti-trafficking responses. In doing so, the research aims to provide new insight into the effectiveness of current responses, and provide an evidence base for stronger, more targeted and more victim-centred identification and support strategies.

## PILOT AND ADVOCACY PHASES

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The findings of this research will feed directly into the development of proposed strategies for pro-active identification and support, to be piloted in each of the three project countries by Pro-Act partners. The pilots will allow the strategies to be tested and reviewed before their finalisation and dissemination throughout the EU.

Dissemination of the research and the pilot results will be complemented by advocacy to ensure improved responses to identification and support across the EU. This advocacy will seek to: build new and strengthen existing civil society networks to address trafficking for labour exploitation; broaden the range of organisations and key stakeholders working directly with victims of trafficking for labour exploitation engaged in monitoring and evaluation of anti-trafficking responses; and improve accountability in the field of trafficking for labour exploitation, including in the oversight of implementation of the EU Directive on Trafficking (2011/36/EU), Council of Europe Convention on Action against Trafficking in Human Beings (2005) and the UN Human Trafficking protocol (2000).

## RESEARCH APPROACH

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This research is centred on the human rights of trafficked persons. We have prioritised engagement with people who have been trafficked for labour exploitation and their support providers. Qualitative data was collected primarily in order to inform our understanding of the experiences of trafficked people and analysis is focused on how to tailor identification support to address their needs and secure their rights.

## RESEARCH METHODOLOGY – OVERVIEW:

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This research seeks to map trafficked persons' individual experiences of identification and support offered informally and formally following a period of exploitation in order to identify best practice and gaps. Research participants included trafficked persons and their support providers, organisations working with those vulnerable to trafficking, lawyers, government officials and academics. Research has centred on understanding the way in which identification and support impact trafficked persons' human rights.

Each partner conducted qualitative primary research into the identification and support of victims of trafficking for labour exploitation in their respective countries. In each country, primary research was complemented with secondary data from both published and unpublished resources, and with case file analysis.

Primary data was gathered through two means:

1. One-to-one semi-structured interviews with people who have been trafficked and with frontline workers, academics, lawyers and Government officials.
2. Separate focus groups with trafficked persons and frontline workers.

Interviewees and focus group participants were chosen for their knowledge of trafficked persons' needs, either through first-hand experience of trafficking or by having worked with those trafficked for labour exploitation in one or more of the following sectors: domestic work, commercial cleaning, agriculture and construction. Not all trafficked persons interviewed had entered the formal anti-trafficking support structures.

Data was collected using a semi-structured interview questionnaire with standard prompting questions to obtain information relevant to the local context. Individual interviews were conducted in person or by telephone where this was the only option. Focus groups were conducted in person.

## SEMI-STRUCTURED INTERVIEWS

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Interview questionnaires were agreed between each of the country partners for use in focus groups and individual interviews. Four separate questionnaires were developed; one each for the individual interviews with a) trafficked persons and b) frontline workers, academics, lawyers and government officials; and one each for the focus groups with a) trafficked persons and b) frontline workers, academics, lawyers and government officials. Each questionnaire followed the same lines of enquiry:

- Identification:
  - Method of identification
  - Improvement in identification
  - Self-identification
  - Pro-active identification
- Support:
  - Support offered
  - Support needs
  - Support providers
  - Conditionality of support
  - Self-identified support needs

Uniform questionnaires were used in all three project countries in order to obtain comparable findings between countries. Interviews were undertaken by national researchers in each of the project countries, under the supervision of the lead researcher.

## FOCUS GROUPS

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Separate focus groups were conducted in each country with frontline workers and people who had been trafficked. Focus groups were chosen as a method of research to allow participants to share their stories and allow new strands of discussion to emerge.

Focus group questions were divided into two sections: identification and support. A visual participatory exercise was designed for focus groups to conduct at the opening of each section. The exercises gave each participant an opportunity to speak in turn to share their knowledge and generated an unstructured discussion. Following the exercise, country researchers asked questions under the same headings as the questions for individual interviews in order to facilitate comparisons between responses in individual interviews and focus groups.

## RESEARCH SAMPLE

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UK project partner, FLEX, conducted nine semi-structured interviews with people trafficked for labour exploitation including one focus group of four men who had been trafficked and an interview with a male/female couple. FLEX conducted fifteen semi-structured interviews with frontline workers in migrant community organisations, migrant support organisations, anti-trafficking organisations, government agencies, legal representatives, and homelessness support organisations. FLEX conducted four focus groups in the following categories: migrant support organisation, anti-trafficking organisation, and mixed migrant support and anti-trafficking organisation.

Romanian project partner ADPARE's research involved eighteen Romanian victims of forced labour. ADPARE organised two focus groups in a county identified as prominent for exploitation, in order

to explore the community resources and the intervention methods for victim identification and support. In addition ADPARE led a focus group, in Bucharest, with representatives of institutions and organizations at central level, whose efforts focus on combating human trafficking nationwide. This focus group included representatives from both identification and support sectors. These representatives had varying expertise in prevention, victim protection / assistance and prosecution.

Netherlands project partner, FairWork, conducted interviews with the Inspectorate SZW and a support provider. In addition FairWork conducted focus group discussions with a group of seven professionals in identification and another group of eleven professionals in providing victim assistance. The part of the FairWork research that focused on trafficked persons included an analysis of nine individual case files and ten interviews with trafficked persons. The case files were from FairWork clients whose intake stated a probable case of human trafficking for labour exploitation. These clients worked in one of the following four focus employment sectors: construction, agriculture, domestic work and commercial cleaning. The research concluded with a focus group discussion with eight trafficked persons.

## RESEARCH CHALLENGES AND BIAS

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Project members experienced some challenges with accessing trafficked persons for interviews. This was a result of a number of factors, including support organisations lacking capacity and/or will to facilitate interviews due to a fear of burdening their clients with questioning on sensitive issues, communication and language barriers and trafficked persons' unavailability for interview due to work commitments. FLEX was also unable to conduct a focus group with a cross section of organisations given that many organisations are based throughout the UK over a wide geographical area and were unable to afford time to travel.

The Romanian studies experienced bias due to Romania being a country of origin for trafficking victims, with a large number of victims exploited outside of Romania. For this reason, information on their identification proved to be difficult to access. In the Netherlands most of the trafficked persons interviewed had previously been clients of FairWork, and were initially detected and referred by FairWork to police or the Inspectorate for official recognition.

## RESEARCH ETHICS

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Ethical issues are paramount given the subject of the research. For interviews and focus groups, an informed consent form was used for all respondents. This form covered the interview process, voluntary participation, confidentiality and anonymity, and what participation in the research involves. All potential participants were given an explanation of the research and assured full anonymity in research outputs before seeking their consent for the interview. Respondents' reasonable travel and lunch expenses were covered but no fee was offered. Experienced interpreters from appropriate organisations were used where necessary. Steps were taken to minimise discomfort or stress to respondents, in particular where people who had been trafficked indicated they did not wish to address a question. Where respondents agreed, interviews and focus groups were recorded to enable the researcher to analyse the data.

# RESEARCH FINDINGS

## IDENTIFICATION

All EU Member States have an obligation to adopt measures for the early identification of, assistance to, and support for human trafficking victims (EU Trafficking Directive, 2011, Article 11(4)). The European Trafficking Convention also requires States to adopt measures to identify victims, and to ensure its competent authorities are provided with persons trained and qualified to identify and help victims (2005, Article 10 (1)). The Convention's Explanatory Report explains that 'competent authorities' includes police, labour inspectorates and immigration authorities, and that these authorities should collaborate with one another and with NGO support providers (ibid., para 129–130). The UN Commentary on the EU Trafficking Directive also highlights the need for a referral mechanism to combine coordination, monitoring and follow-up and suggests that such mechanisms retain some flexibility to 'meet the needs of all victims taking into consideration gender, age, and all the forms of exploitation victims may be subjected to' (2011, 50).

## GOOD PRACTICE

### *Pro-active labour inspection increases detection*

The International Labour Organization Protocol of 2014 to the Forced Labour Convention, 1930, establishes steps to tackle forced labour by:

...undertaking efforts to ensure that: (i) the coverage and enforcement of legislation relevant to the prevention of forced or compulsory labour, including labour law as appropriate, apply to all workers and all sectors of the economy; and (ii) labour inspection services and other services responsible for the implementation of this legislation are strengthened. (ILO, 2014, Article 2)

In the UK labour inspection and enforcement falls to a number of government agencies. This includes the Health and Safety Executive, the National Minimum Wage Inspectorate, the Employment Agencies Standards Inspectorate and the Gangmasters Licensing Authority (GLA). Of these agencies, the GLA is the only pro-active inspectorate working to prevent and identify incidences of trafficking for labour exploitation. The GLA operates a licensing scheme that regulates businesses that provide workers to the agriculture, horticulture, shellfish gathering and associated processing and packaging sectors. Labour providers are inspected by the GLA against standards that include forced labour indicators, covering health and safety, accommodation, pay, transport and training. It is a criminal offence to supply workers without a license or use an unlicensed labour provider.

The GLA has proved effective in identifying trafficking for labour exploitation in high-risk sectors within its limited remit (FLEX, 2015a). The Council of Europe Secretary General observed in February 2014 that:

*"The "Gangmasters Licensing Authority" set up by the British government after the Morecambe Bay tragedy provides an example of an effective framework against exploitation and abuse. The framework's mutually reinforcing regulation, inspection and enforcement powers give it muscle and credibility." (Mr Thorbjørn Jagland, 2014).*

The inspectorate is notable for its multi-agency, partnership working. For example, the GLA reported the detection in April 2015 of the trafficking of 46 Slovaks, who were promised well-paid employment but in reality were kept in a state of 'debt bondage'. The GLA worked in partnership with other organisations such as the police (including Europol and the Slovakian police), local authorities and NGOs such as the British Red Cross and the Salvation Army, resulting in the arrests of 13 suspected traffickers.

The work of the GLA was viewed by the support organisations FLEX interviewed as being the

most pro-active of current detection methods and some victims suggested increased inspection in the workplace would assist in increasing awareness of rights and offering an opportunity to report abuse. Pro-active detection by the GLA includes seeking out possible trafficking for labour exploitation by conducting inspections where they are able to interview workers in confidence at their place of work or at their accommodation, where requested.

The GLA's 2013-2016 Strategy for Protecting Vulnerable and Exploited Workers sees the agency move more into the field of addressing serious organised crime and trafficking for labour exploitation and away from general across the board licence monitoring (GLA, 2013). Additionally, at time of writing a new 'Immigration Bill' before the UK Houses of Parliament proposes that a 'Director of Labour Market Enforcement' coordinate the activities of UK labour inspection agencies. Concerns have been raised by FLEX and others that the new Director role will see the GLA in particular diverted towards immigration control, potentially losing focus on labour standards (FLEX, 2015b).

Similar to the GLA, the Dutch labour inspectorate uses risk analysis to focus on sectors and categories of workers that are at high risk of trafficking for labour exploitation. The Dutch labour inspectorate covers all labour sectors and comprises some 725 (full-time equivalent) staff members, with 208 engaged in pro-active inspection.

Dutch labour inspectors have been trained to recognise indicators of trafficking and specialist officers have been appointed the task of dealing with cases of trafficking. The pro-active work of the labour inspectorate is also increasing as a result of an investigative unit searching for breaches of criminal law including labour exploitation.

The Dutch 'SZW' Inspectorate coordinates with the police and CoMensha – the Anti-trafficking Coordination Centre – to conduct after-care following a raid involving a potential situation of labour exploitation. Accommodation and legal advice is arranged for victims before raids, ensuring large groups of victims immediate access to support and transition from a law enforcement environment to support services. This procedure for large groups is written down and states the roles and responsibilities of law enforcement and CoMensha in preparation of and following a raid. These procedures are evaluated regularly.

In Romania, the Labour Inspectorate falls within the Ministry of Labour, Family, Social Protection and Elderly Persons. There are 41 territorial Labour Inspectorate units, covering all of the counties and Bucharest. The mandate of the Labour Inspectorate is to verify whether employers (either public or private) comply with their obligations in labour relations, including labour conditions, protection of the physical integrity and health of employees and third parties participating in the labour process. They have responsibility for identifying cases of labour in exploitative or hazardous conditions and forced labour offences. In carrying out their controls to various premises, labour inspectors are accompanied by local police. Should any victims be identified, the Labour Inspectorate refers them to the serious organised crime police units. As the Romanian Labour Inspectorate is limited in its mandate, and taking into account that Romania is mainly an origin country for this category of victims, there were few examples of good practice found in the field of pro-active identification in Romania.

### ***Multi-agency cooperation and engagement enhances detection***

International best practice establishes that the identification process should include a wide range of well-informed stakeholders, including labour inspectors, police, consular and immigration officials, social and health workers, NGOs, migrant organisations, trade unions and community groups (OSCE, 2008, 23). The ILO's 2008 Forced Labour and Human Trafficking: Handbook for Labour Inspectors in particular recommends that labour inspectors develop partnerships with community organisations, trade unions, employers' organisations and other stakeholders to strengthen their outreach capacity, particularly in the informal economy (ILO, 2008, 34).

This research found that both formal and informal partnerships between agencies at the national and local level enhances detection. Such partnerships can facilitate joint implementation and ensure that agencies share a common understanding of trafficking for labour exploitation. The research found that labour inspection in particular is often conducted in collaboration with government and non-government agencies, which can be positive when this is used to aid pro-active detection and

intelligence gathering, or to ensure access to assistance and remedies for trafficked persons. However, there are negative aspects of this approach, addressed in the ‘gaps’ section below. While there are strong coordination partnerships in the Netherlands for the purpose of detection, the labour Inspectorate SZW maintains a lead role in detecting labour exploitation, and as a result has increased pro-active identification with contributions from a range of Government agencies. The Instruction on Human Trafficking sets out a partnership approach between law enforcement, the Inspectorate SZW, and other relevant investigative agencies that report early signs of possible human trafficking to the Expertise Centre on Human Trafficking and People Smuggling (EMM). The strength of sharing these early signs is the compiling of indicators – several early signs may lead to a strong indicator of labour exploitation and action by law enforcement. Key themes arising from cases referred to EMM are also discussed at a monthly multi-agency meeting.

Partnership working has been formalised in Romania by the National Agency against Trafficking in Persons (NATIP), which operates through 15 regional centres to coordinate interdisciplinary teams at the regional level. These teams include representatives of institutions and NGOs active in the field of trafficking in persons, and are governed by collaboration protocols and memoranda of understanding concluded between assistance providers and the serious organised crime specialised police units. This collaboration means that psychologists and social workers are often present to offer support to victims and ensure that their rights are respected during encounters with law enforcement. However, while in practice the coordination of key actors works well on a national level, there is only partial cooperation at the regional or local level with almost no cooperation at the community level.

The UK also operates systems of multi-agency cooperation to address trafficking for labour exploitation, through Regional Organised Crime Units that are encouraged to learn from and share intelligence with the GLA. There are also a number of networks that exist to bring together NGOs and government agencies at the regional level to facilitate information sharing on strategies and specific cases. One support organisation interviewed noted the value of such networks in areas with large amounts of seasonal agricultural labour, where a multi-agency taskforce on trafficking works to create formal links between different agencies.

### ***Migrant communities play a strong role in detection***

Across all three countries a strong emphasis was placed on the importance of support provided by migrant community members to trafficked persons. Whilst trafficked persons expressed fear or distrust of authorities they actively sought out members of their self-defined ‘community’ for assistance and to share details of their exploitation in confidence. Trafficked persons interviewed in the UK reported stronger trust in people from their own communities, whether strangers or friends, than in UK authorities, including law enforcement. As a result, amongst those interviewed, detection predominantly came about as a result of the trafficked person actively seeking out a person they believed to be from their own migrant background. For example, some trafficked persons reported targeting people in the street who look like they were from the same community and therefore in their view would be more likely to understand them and to be sympathetic to their plight.

#### **CASE STUDY, UK, Polish Male victim of Trafficking, speaking about approaching another Polish man for help at a soup kitchen:**

*“... he noticed that things were hard for me, that I didn’t speak English – he asked where I was from, I said from Poland too – that’s how we talked. I said OK no problem, I agree to let you help me, I gave him my number and we kept in touch by phone. He told me ‘when I organise it gather your things and leave’ which I did.”*

In the Dutch research the use of community networks, including people from the same national or cultural background, was even more apparent.<sup>1</sup> All of those interviewed, and for whom information about their detection was known, successfully engineered their own exit from their situation with the help of someone from their network or through approaching a person in a public space. The per-

<sup>1</sup> NB. Data is likely biased due to the fact that the majority of the respondents were detected via the network of FairWork, and not by law enforcement.

son to whom they had made the approach then connected the victim with anti-trafficking services and they subsequently entered into the identification and support system.

#### CASE STUDY, Netherlands, FairWork ‘Cultural Mediation’:

Cultural mediators are volunteers for FairWork. Their role involves actively searching for migrants from their own national or cultural community who they consider could be a victim of labour exploitation. To facilitate this work they actively build and maintain a relevant network of contacts within migrant communities, through employment agencies, embassies or cultural groups. Their strength is to act as a bridge between workers and support agencies. They share relevant information about labour rights in the Netherlands.

Cultural mediators are expected to be educated in social support or legal advice, have experience of working with the relevant migrant community, know Dutch language and culture well, and similarly know the culture and language of the relevant nationality well. They receive professional training throughout their work and are guided by FairWork staff.

#### CASE STUDY, Netherlands, engagement of migrant community member:

*“I ran away when my boss was out for a moment. I addressed a Chinese man in the street, told him my story and asked for help. He bought me a train ticket to Amsterdam. There again I looked for a Chinese person. I found a Chinese restaurant, and the owner was kind. She gave me food and shelter.”*

The Romanian research showed a slightly different picture. Trafficked persons talked of the importance of family ties and of engagement with their embassies or consulates overseas. Many of those interviewed talked of actively ‘strategizing’ about how to get in touch with their embassy when they had been in a situation of exploitation. Family members were also able to ensure that victims were detected if in situations of exploitation overseas.

#### CASE STUDY, Romania, engagement of family members in detection:

72 Romanians were exploited in Spain in the agricultural sector. They were held in very poor conditions and forced to work. They were recruited by a network of Romanian nationals, through job advertisements posted in the local media, which promised well-paid jobs in Spain for seasonal work. A cross-border police operation was mounted to assist the 72 victims once a family member of one of the victims notified the Romanian police.

### *Establishment and review of formal identification systems*

The OSCE regards the process of locating and identifying potential victims as the ‘core of every NRM’ (OSCE, 2004, 16). The UK National Referral Mechanism (NRM) was established as UK government policy in 2009 as part of the UK’s implementation of the Council of Europe Convention. Between its inception in 2009 and September 2014 approximately 6,800 people were referred into the NRM (Home Office, 2014). In 2014, a National Referral Mechanism Review was commissioned by the Home Secretary to examine and make recommendations on six key areas: identification of victims, access to support, levels of support, decision making on trafficking claims, governance of the NRM, collection and sharing of data (ibid.). Written evidence was submitted from a wide variety of actors including the police, local authorities, NGOs, Parliamentarians, campaigners and victims through shelter visits. As a result of the Review’s findings and recommendations, a new multi-agency referral and decision-making process is currently being piloted in two regions of the UK.

In the Netherlands a National Referral Mechanism is now being finalised. The new structure enables referral both by frontline responders and the general public. Access to the NRM is currently tied to ‘judicial victimhood’. This means that an assessment by police will allow access to a 90-day reflection and recovery period. Access to continued support thereafter is generally conditional on coopera-

tion in criminal proceedings. There is a possibility to remain in the support system on humanitarian grounds, e.g. when unable to cooperate in criminal proceedings on medical grounds or when the victims is under threat; however, this option is not often used. A project group has been established by the Dutch Government to discuss ways to assess victimhood by a multi-disciplinary approach, not just by the police.

The Romanian National Referral Mechanism began operations in 2008. The mechanism aims to adopt a unitary and coordinated response of all anti-trafficking agencies, which aims to improve early identification and access to support. The mechanism sets out principles and a legal framework for concrete identification methods and referral procedures. Through this system identification can be done formally – by law enforcement, prosecutors, embassies through liaison officers, after the initiation of the criminal investigation – and informally, by social service providers abroad or in Romania, mainly NGOs, international organisations, or by the trafficked persons themselves. Once a person is identified as a presumed/potential victim, they are granted a 90-day reflection and recovery period and are referred to a service provider and to the National Agency for Trafficking in Persons for monitoring. The referral is conducted by the same institution/organization that identified the victim.

### ***Law enforcement better equipped to identify trafficked persons***

The European Trafficking Convention requires States to adopt measures to identify victims, and to ensure its competent authorities are provided with persons trained and qualified to identify and help victims (2005, Article 10). Law enforcement are considered a ‘competent authority’, yet may not always have the resources, awareness nor the will to pursue cases of trafficking for labour exploitation.

Fear or mistrust of law enforcement by trafficked persons is often cited as a barrier to identification. To address obstacles to reporting created by a precarious migration status, in the Netherlands, Amsterdam police hand out ‘free in, free out’ cards that undocumented migrants may use to ensure they enter and leave the police station freely when reporting a crime (Politie, 2014).

On a positive note, in all three project countries the police were shown to play a key role in identification. In the UK, whilst none of the trafficked persons interviewed reported being pro-actively detected by police, some suggested the police aided their identification when they presented themselves at the police station. In general, support organisations in the UK welcomed a reported increase in awareness of trafficking for labour exploitation by the police. One support organisation in Scotland reported a related increase in referrals to their service from the police, where previously they had mainly referred victims of trafficking to the police.

In Romania, similarly, the police play an important reactive role. Law enforcement is charged with addressing cases of forced labour and therefore joins the labour inspectorate in conducting raids. If a case of trafficking is then found it is referred to the dedicated police unit. This Serious Organised Crime Unit comprises 15 regional units and 27 county units, supervised by the Trafficking in Persons Unit of the Directorate for Combating Serious Organised Crime – under the Romanian Police. These specialised police officers and prosecutors investigate an average of 750 new cases every year. Approximately 150 indictments were issued with almost 450 suspects sent to court for trial in 2014 (interview with police representative, 2014).

In Romania the specialised police unit was mainly trained in specialist anti-trafficking responses by the International Centre for Migration and Policy Development (ICMPD). In the Netherlands, the police have specialised units that received training on the issue of human trafficking. Therefore, only certified officers deal with human trafficking cases and receive referrals from non-certified colleagues. Such training means that law enforcement who are certified have a good understanding of trafficking. UK police were also reported, through training, to have developed greater awareness on human trafficking identification:

*“In the last two years, police are better trained and more pro-active and therefore identification has increased”* (Interview with support organisation, UK, 2015).

### ***Identification through national helplines***



As part of a national identification framework, the OSCE recommends the development of, *inter alia*, outreach work and hotlines to reach potential victims (OSCE, 2004, 17). In Romania the national helpline plays an important role in the identification of victims of trafficking for labour exploitation. Usually, family members of the victims call to ask help for their relatives exploited in different destination countries. The national helpline is managed by NATIP, and the helpline operators refer the cases to specialised police.

The UK Home Office has funded a 24/7 freephone national 'Modern Slavery Helpline' which is operated by a children's charity, the NSPCC. Launched in July 2014, the helpline is for anyone with concerns about an adult or child being a victim of trafficking. The helpline is staffed by practitioners with a child protection background, predominantly social workers, teachers and healthcare professionals who have received additional training from the Home Office on how to recognise the signs of modern slavery in adults and children. Calls to the helpline can be made anonymously and referral will be made to the police or social services if they believe someone to be in danger or at risk of modern slavery.

The UK Salvation Army also runs a 24-hour national referral telephone line for victims to self-refer and for First Responders to refer into the NRM. During the UK research, frontline workers commended the Salvation Army for its helpline. The Metropolitan Police further operates a freephone 9am-5pm trafficking helpline which aims to encourage victims of trafficking to report their situation to the police directly. The UK Human Trafficking Centre (UKHTC) also operates a 24/7 national helpline for individuals and organisations, in particular the police, and offers 'tactical advice' to law enforcement. Individual labour rights abuses can be reported to the Advisory Conciliation and Arbitration Service (ACAS) helpline for information and advice. However at time of writing FLEX had received reports that ACAS, which has recently taken over this service without extra Government funding, is struggling to cope with demand for its services.

In the Netherlands, CoMensha operates the national helpdesk on trafficking, and has a form by which anyone can register a possible victim. Whilst CoMensha is well known by frontline workers, there is not much awareness of the helpdesk amongst the general public. As a result the general public tends to contact the police or labour Inspectorate to report cases and to ask for advice. Another option is the organisation NL Confidential, where crime can be reported anonymously by phone or online. They recently have started the campaign 'Dirty practices', to call attention to labour exploitation in the commercial cleaning sector.

## GAPS

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### *Inadequate labour inspection, fails to identify*

In all three countries labour inspection and enforcement has significant limitations. Three common problems are (a) limited pro-active detection activity or monitoring of labour standards, (b) limited resources for inspectorates, and (c) combined law enforcement and immigration operations.

In the Netherlands, labour inspection is carried out by the Inspectorate SZW. They may carry out their inspection jointly with the police (AVIM department). To facilitate official recognition of victims, the Inspectorate relies on the police. When reacting to reports of possible human trafficking, the response of the Inspectorate has generally been good. However, in pro-actively detecting victims, the Inspectorate has not been effective, partly due to a lack of trust and language inaccessibility, and partly due to internal inconsistencies in its overall objectives. The Inspectorate SZW has limited capacity for pro-active investigations. In 2014, the Inspectorate SZW finalised just 16 investigations into labour exploitation (Inspectie SZW, 2015, 53). The Inspectorate itself is concerned that resource constraints will limit labour inspection activities to cases that have most chance of success in terms of numbers of victims and likelihood of prosecution (Interview with official, 2015).

The Dutch labour Inspectorate is also sometimes ineffective in pro-active identification due to its somewhat incoherent mission. The Inspectorate is supposed to ensure compliance with the law, which focuses both on the employer and the employee, and on the workplace. The Inspectorate's three objectives are difficult to combine, to the detriment of victims. As a result in some of the cases analysed by FairWork, victims had come into contact with the Inspectorate and yet indicators of

trafficking were not acted upon. Critically, many victims interviewed by FairWork found the blurring of roles between law enforcement and labour inspection to be an obstacle to engagement. Many victims did not know the difference between the labour Inspectorate and police, and would refer to labour inspectors as “police” or “the inspectorate police”.

In Romania, victim detection and identification usually takes place during dedicated inspections or raids organised by police and/or labour inspection at a suspected place or in known places. The inspections are usually reactive, not pro-active, following a complaint being filed. The Labour Inspectorate does not have in its mandate the investigation of forced labour. During inspections they are therefore accompanied by the local police and if they discover a case of trafficking for labour exploitation then the specialised police take up the investigation.

None of the victims interviewed who had returned to Romania after being trafficked for labour exploitation abroad were identified during their exploitation. In many cases of Romanians trafficked abroad the identification took place after they managed to escape from the trafficking situation, after return, and in some cases, many years after the exploitation. The failure to identify victims was partly attributed to a lack of trust in authorities by victims, which in some cases was justified – in one case 17 Romanians were trafficked and exploited in Greece, and when they reported to the police they were deported with no official investigation or identification.

The Gangmasters Licensing Authority (GLA) in the UK is cited as a model of good practice in labour inspection and enforcement. It operates a licensing system, whereby licence violations link to forced labour indicators and violations of licence conditions result in penalties, licence revocation or criminal proceedings. Whilst its work is impressive, the GLA’s areas of inspection are limited to agriculture, horticulture, shellfish gathering, and associated food processing sectors. Outside of the GLA sectors responsibility for inspection has been described as “fragmented” (JRF, 2014, 6). Labour inspection and enforcement outside of the GLA sectors is spread across a range of regulators for whom detecting forced labour is not a primary concern, including: the Health and Safety Executive, Her Majesty’s Revenue and Customs (HMRC) national minimum wage teams and the Employment Agency Standards Inspectorate. As noted above, the UK Immigration Bill currently under discussion proposes a new coordination mechanism to oversee disparate UK labour inspection agencies. Trafficked persons interviewed by FLEX called for increased inspection in the workplace in order to gain information about rights as well as to report abuses.

### ***Normalisation of exploitation creates a barrier to self-identification***

In Romania, many of those formerly trafficked persons interviewed who had been trafficked overseas said that they expected some kind of ‘improper working conditions’ when migrating for work, but none agreed to exploitation. This could also be reflected in the way Romanians are perceived in working environments abroad, as willing to accept inferior working conditions and low salaries, putting them at risk of exploitation and also impeding their self-identification as victims or access to assistance:

*“I thought the conditions may be hard and that I would be paid with just a little more than in Romania but I never expected or wanted such ordeal” (Interview with trafficked person, Romania, 2015)*

There was a sense that exploitation was a question of bad luck rather than a crime. This sense gives rise to shame and rejection of the victim status. There is also an impression that trafficking only occurs in illegal and hidden industries whereas most victims are recruited through legal job placement agencies, and leave with an engagement contract between the work and the recruiter or labour contract.

#### **CASE STUDY, Romania:**

*“I expected it to be exploited [...] I do not want to hurt anyone. It’s not their fault that I’m unlucky.” (Interview with trafficked man, Romania, 2015)*

This man was not formally identified. His family asked help from ADPARE after he contacted them to tell them that he lived in a stable, along with 50 other workers. When contacted by a Romanian liaison officer, he refused to be helped and returned home with the money he received from his parents. Once home, he said that it was his decision to travel and to work without a clear legal agreement.

Interestingly, in the Netherlands our research showed that all trafficked persons with whom we spoke at some point tried to change their situation for the better. They realised that they were being exploited; whether that amounted to human trafficking or thinking that they ‘merely’ had a really bad employer. Secondary data in the Netherlands (See Martens & Van den Brink, 2013, and Hiah & Staring, 2013) shows that victims often do not see themselves as such. Through the interviews in the Netherlands two ‘victim realisation’ scenarios were identified:

1. Gradual realisation: Working conditions began substandard but acceptable to the worker, especially when undocumented. As they gained more information about the Dutch labour standards, and their legal rights, the individuals became increasingly aware of being in an unjust situation. When the working conditions deteriorated, they arrived at the point at which they could no longer accept the situation – so searched for help or left the workplace.
2. Acute realisation: This occurs when a life changing, radical event happens in the victim’s personal life which serves as a wake-up call for the victim. This is the moment when the individual realizes that they can no longer accept the situation, and have to find help to improve or get out of the situation.

The Dutch National Rapporteur has observed that it is particularly the case that victims from abroad are unaware of their legal rights, and it is difficult for them to assess whether they are victims of exploitation (Nationaal Rapporteur Mensenhandel, 2009, 542).

*“I tried to solve my situation. I googled for information about minimum wages in the Netherlands, and working conditions. [...] With this information I went to my employer. I wanted more respect and a higher salary; according to the rule.”* (Interview with trafficked person, Netherlands, 2015)

In the UK, most frontline workers and trafficked people interviewed were unable to point to examples of trafficked people identifying themselves as such. Some of the reasons for this were given as not identifying with victim terminology, similarly to the Netherlands and Romania, not feeling ‘trafficked’ as they came to the UK willingly, as well as the stigma and shame of being trafficked. The belief that individuals had a duty to pay off a debt for travel and accommodation was also cited as a barrier to self-identification.

#### CASE STUDY, UK:

Men from Slovakia were found working in a car wash, paid £20 a day. They were detected as victims of trafficking and yet did not want to be considered as such. Reasons given were that they had been recruited in their home town by someone they knew and told the hours and the pay. They could come and go and one even went home and came back to the job.

#### *Limited understanding of indicators of trafficking by frontline agencies*

Primary and secondary data in the UK demonstrated a failure to understand and identify indicators of trafficking on the part of key government agencies. In particular a lack of knowledge or awareness was repeatedly noted by research subjects in relation local authorities providing housing, financial and social assistance. This was of particular concern because of the high likelihood of potentially trafficked persons coming into contact with such agencies. Furthermore some victim support workers reported difficulties in convincing government agencies to identify or refer victims, even where clear indicators of trafficking were present and were pointed out by support workers. Such barriers may be the result of a lack of understanding but also a lack of resources available to agencies, and a reluctance to take on responsibility for trafficking victims.

Similarly in Romania it was found that victims were in contact with different community members, community leaders, police, hospital staff, and other authorities, at different points over the course of some years before being identified and released from exploitation. Further, it was found that the very nature of the exploitation Romanian victims had experienced mitigates against 'standard' understandings of trafficking indicators and inhibits identification.

Victims of trafficking for forced labour were often found to have received occasional payments and to have moved freely. This is not only part of the traffickers' strategy to retain victims but importantly for this research showed that in several cases the authorities in countries of destination did not consider the exploitation as trafficking but 'merely' as substandard working conditions.

In the Netherlands, in spite of widespread government agency training and certification in this area, the identification of victims of labour exploitation remains an issue of debate and difficulty. While these agencies have received training, they have no formal NRM role in identification and internal procedures for identifying indicators of trafficking still need to be established. A further issue is the lack of clarity of what constitutes 'labour exploitation' under Dutch law. In addition, stereotypical perspectives on victimhood when it comes to labour exploitation can prevent identification.

## RECOMMENDATIONS

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### **1. Introduce or expand peer education programmes as a means of improving detection**

People from potential victims' country or language group should be empowered to play a role in pro-actively sharing labour rights information and engaging in detection. The effective assistance provided by migrant community members in all three countries indicates that awareness amongst communities at risk of trafficking for labour exploitation and enhanced engagement within such communities could improve detection. The total or partial acceptance of exploitation due to life history of abuse, isolation, lack of social support or limited access to information means that trafficked persons often do not perceive themselves as victims or recognise exploitation. The use of well-trained peer educators could help to build relationships of trust and to share vital information about labour rights.

### **2. Ensure information about labour rights and remedies reaches potential victims of trafficking for labour exploitation**

Peer educators should share information about labour rights and remedies in workplaces or regular meeting places for those vulnerable to trafficking. These could include places where documented and undocumented migrants come to find information about their rights, such as community centres, as well as churches, soup kitchens or homeless shelters. Information on labour rights should offer concrete solutions to common violations and suggest avenues for support to claim their rights. Information about legal rights and working conditions should be set out in the victims' own language, clearly explained and accompanied where possible by images that help to make sense of complex and often foreign concepts. Such information should include the details of specialist legal advisors and the relevant national helpline.

### **3. Create and strengthen multi-agency partnerships for detection**

A formal space for cooperation between law enforcement and governmental actors, and non-governmental actors in the field of detection and identification of victims is needed. Here, information could be shared about trends, and concrete cases could be discussed. Such cooperation would enable all actors to complement each other from their own expertise, and to pro-actively engage in detection of possible victims. It is important that the cooperation does not obscure the differences in aims and perspectives of each of these actors, but remains clear to others, including victims.

### **4. Maintain distinction between labour inspection and immigration control and law enforcement**

This research found that where labour inspection and immigration were seen to conduct joint operations, trafficked persons actively avoid coming forward. Trafficked persons noted, regardless of

their immigration status, their mistrust of immigration officials as a reason for not being identified during inspections. Whilst labour inspectorates, such as the GLA, have managed to build up strong relationships with workers through adopting a victim-centred approach to detection, immigration officials were not seen to be victim-centred nor trustworthy. For States to meet their obligation to identify then there must be a 'firewall' between immigration enforcement and labour inspection.

#### **5. Increase understanding of trafficking indicators amongst frontline agencies**

Detection of trafficking for labour exploitation should be integrated into a wide range of frontline advice services, particularly those targeted at individuals who are vulnerable to trafficking for labour exploitation. This could include migrant support organisations as well as local authority frontline workers. Training should be offered in identification of trafficking for labour exploitation and standard procedures applied for detection at screening interviews. Criminal definitions should be clarified and focus on the exploitation suffered, unpacking the distinction between trafficking and poor working conditions.

#### **6. Ensure labour inspection is pro-active and adequately resourced to encompass all sectors where trafficking for labour exploitation is prevalent**

The research found that in all three countries pro-active inspections are limited by resources and labour inspection remit confusions. Incoherence is brought about by a lack of resourcing for labour inspection. Limited resources mean that Inspectorate SZW, for example, must ensure compliance with the law by employers, the workplace and the employee at one and the same time, creating incoherence in its work. Restrictions on scope of the GLA in the UK means that it enforces licensing standards in a very limited number of labour sectors and those outside its remit are left open for would be exploiters. In order to be effective labour inspectorates must be resourced and empowered to conduct pro-active, intelligence-led inspections and monitoring of labour standards in all high-risk sectors.

## **ACCESS TO SUPPORT**

### **GOOD PRACTICE**

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#### ***Wide ranging support provided to victims of trafficking for labour exploitation***

Article 11 of the EU Trafficking Directive sets out the requirements for Member States to provide support as soon as the competent authorities have 'reasonable-grounds' to believe a person might be a victim of human trafficking. Such support must be provided on a 'consensual and informed' basis (2011, Article 11(5)), and must not be made conditional on the victim's willingness to cooperate in the criminal investigation or prosecution (ibid., Article 11(3)). The level of support provided must 'include at least standards of living capable of ensuring victims' subsistence' through the provision of appropriate and safe accommodation, material assistance, necessary medical treatment, psychological assistance, counselling and information, and translation and interpretation (ibid., Article 11(5)).

The European Trafficking Convention contains similar requirements, with the addition of access to education for children (2005, Article 12 (1)). The Explanatory Report to the Convention also clarifies that, while the assistance can be provided in cooperation with non-governmental organisations, it is nevertheless the ultimate responsibility of the State to ensure victims are supported (ibid., para 149).

As noted above, support is often provided or facilitated through an NRM. The OSCE's principles for NRMs emphasise that support and protection services should be accessible for all categories of trafficked persons, and that support systems should include a wide range of specialised services that are tailored to address the needs of each individual victim (OSCE, 2004, 25). The OSCE states that:

A basic step towards recognizing the human dignity of trafficked persons and accepting that they are victims rather than criminals is to afford them access to accommodation, specialized

medical and psychological care, counseling, maintenance, and permission to work and continue education or training. (OSCE, 2004, 25).

In the UK support for male and female victims of trafficking is provided through the NRM and requires a person to consent to being referred to the UK Home Office or UKHTC to be recognised as a victim of trafficking in order to access assistance. Access to support is provided following a decision by these agencies that there are 'reasonable grounds' to believe that a person is a victim of human trafficking. Cooperation with police or judicial proceedings is not a condition of NRM entry. Support through the NRM is provided for a minimum of 45 days with the stated aim of offering a period of reflection and recovery.

In the Netherlands, victims are offered a supported reflection period upon the 'slightest indication' of human trafficking. This lasts a maximum of 90 days ending when the victim decides on whether or not to cooperate with law-enforcement and press charges. At the moment, several projects are being developed and implemented as part of the NRM. The NRM seeks to ensure protection of all victims, including those from EU countries, and enable easy referral to comprehensive support structures through a new website (see [www.wegwijzermensenhandel.nl](http://www.wegwijzermensenhandel.nl)). It brings together the operational frameworks of a range of implementing organisations engaging a broader range of partners in the anti-trafficking response, including police, Inspectorate SZW, the Public Prosecution Service, shelters, social workers, municipal officers, health care workers, lawyers, and the Chamber of Commerce.

At present in the Netherlands law enforcement ordinarily refers victims of trafficking to CoMensha, the Anti-trafficking Coordination Centre, for accommodation and care. CoMensha then refer victims to specific service providers to accommodate specific needs. This referral mechanism provides comprehensive support. The support includes a temporary residence permit during the reflection period, an extended residence permit during court procedures (called B8 status), a work permit (when holding B8-status), housing, income, medical and psychosocial support, and legal advice, for a maximum of three years. Initial referral to the support system is coordinated by CoMensha, after which coordination of accommodation and care is passed on to the region's Care Coordinator. Care may be provided in a shelter or through outreach and victims of trafficking may receive care for more than a year.

Whilst State support to trafficked persons is limited in Romania, NGOs such as ADPARE offer independently funded comprehensive support. ADPARE operates what it calls a 'de-institutionalized approach', which seeks to engage trafficked persons in choosing and implementing the most appropriate services. Thus, the beneficiary is involved in designing the individual protection and assistance plan, in selecting the services to be implemented, and in working together with the team to access services and improve their situation. ADPARE see this as an important step in victim empowerment and in regaining agency. ADPARE works with formerly trafficked persons to help build independent living skills, ensure economic sustainability, and to enhance their wellbeing and capacity to engage in society. This assistance lasts on average for 3 years and trafficked persons' families or significant individuals in their lives are integrated into the support also. Once support provided by ADPARE ends it is followed by a 6-month monitoring period. Family members not only serve to help trafficked persons' recovery but are also seen as 'indirect beneficiaries' by ADPARE who offer guidance and information on social assistance measures, material assistance, medical services and family/couple counselling.

### ***Multi-disciplinary support delivery enables complex needs to be met***

In the Netherlands, Care Coordinators coordinate accommodation and care in cooperation with municipal governments and support providers, and the regional Care Networks on Human Trafficking, which primarily focus on care and support of victims of trafficking. Cooperation between actors involved in the support of trafficked persons also takes place on the level of bilateral referral of individual cases, and in joint efforts to improve support, for instance in pilots. An interesting example is the pilot that allows potentially trafficked persons to press charges not in the police station, but in the more comfortable surroundings of a shelter.

In Romania, effective and complex assistance interventions are carried out by multi-disciplinary teams of psychologists, social workers, lawyers, doctors, and educators. The professionals involved in carrying out the assistance may come from a single organisation or several service providers may collaborate to complete their work for the best outcome of the intervention. One example of this in practice is the work carried out between ADPARE and a State shelter for trafficked persons whereby residential and social assistance is provided by the State and psychological and legal assistance is provided by ADPARE.

When the police in the UK conduct an anti-trafficking raid on a work-site, a reception centre is established to receive potential victims. A multi-disciplinary team of support services are present including National Health Service (NHS) staff, social services, the British Red Cross, the Salvation Army, migrant support organisations and local charities. However, research participants critiqued the lack of legal advice for victims picked up during such raids.

Aside from police raids, the NRM itself involves a multi-disciplinary range of governmental and non-governmental actors. The Salvation Army is contracted by the UK Home Office to provide the NRM package (accommodation and support) to victims of trafficking and it does so through 13 safe houses that are run by regional support NGOs who have different specialisms, such as Ashiana, which provides women-only accommodation, and City Hearts, which provides services tailored to the needs of men. Victims of trafficking are able to access health and counselling services through the NHS as well as local drug and alcohol rehabilitation services, though delays in accessing counselling were noted (see further below).

## GAPS

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### *Length or level of support is often inadequate*

In Romania, State support for adult victims is provided for a maximum of three months, or six months for children. This period is considered too short by those interviewed for the Romanian research. In many cases it was found that support was limited in scope and duration – offering crisis support rather than proper social integration to help trafficked persons out of vulnerability. In practice, there are very few State shelters still running and these are working with budgets of local authorities, as a consequence being significantly understaffed and under budgeted. Additionally, there are no State shelters adapted to receive male victims.

Equally in the UK support providers cited the pressure placed upon them by the short NRM timescale as well as the relatively sudden termination of support – 48 hours if it is ‘conclusively’ determined the person is not a victim of trafficking and 14 days if it is ‘conclusively’ determined the person is a victim by UK decision making authorities. The limited support along with recent changes to entitlements of EEA migrants to housing benefits are thought to have increased homelessness and destitution amongst formerly trafficked persons who have exited support.

Research in the Netherlands showed cases where a lack of sufficient grounds for investigation, or a lack of capacity to investigate, meant that actual victimhood is not confirmed as judicial victimhood, thus barring the victim from entry to the support system. In order to be determined a ‘victim of trafficking’ entitled to access support services in the Netherlands a victim must be granted a so-called ‘B8 Status’ by the police. Service providers don’t assess victimhood. They are given clients to support, who have been assessed as victims by the police. The B8 status covers two situations; the first is the 90-day reflection period, used to recover and to reflect on whether or not to cooperate in criminal proceedings. In this period, victims are granted temporary residence status, and the victim may be accommodated in a shelter through CoMensha. The victim is supposed to focus on recovery and making a decision about cooperating with criminal proceedings and therefore is not allowed to work. Income is provided for in the form of a special category of benefit, applied for by the shelter (in shelter or outreach care). During this period the victim has access to psychosocial care, medical care and legal advice. The reflection period is offered by police ‘upon slightest indication of trafficking’ based upon an intake done by police or inspectorate.

If a victim of trafficking decides to cooperate in criminal proceedings then prolonged residency is granted for the period of court proceedings. The B8 residence permit needs to be extended annu-

ally thereafter. If after three years proceedings are still ongoing, or the perpetrator has been found guilty, then permanent residency may be applied for. If the victim decides not to cooperate in criminal proceedings, support ends. There is an option to still enter the support structures, when the victim is willing to cooperate but cannot due to threats of violence or for medical reasons, however trafficked persons rarely take this route.

### ***Lack of genuine informed consent to engage in the anti-trafficking system***

As noted by the Commentary to the OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking, a human rights approach to human trafficking requires the provision of care and support to be both informed and non-coercive (OHCHR, 2010). According to the OHCHR, this requires victims of trafficking to receive information on their entitlements so that they can make an informed decision about their support provision (ibid., 150). Recital 21 of the EU Trafficking Directive also elaborates that ‘Victims should ... be informed of the important aspects of those measures and they should not be imposed on victims’ (2011, 5).

A common concern raised in the UK is the lack of informed consent to enter the National Referral Mechanism for victims of trafficking (NRM). The lack of independent legal advice was particularly highlighted as a gap in the services provided to individuals picked up in raids or referred by non-specialist organisations, which contributed to a lack of informed consent prior to referral into the NRM. The UK NRM Review suggested that ‘information to support a referral could be collected in slower time after a potential victim has been extricated from their trafficker and placed safely’ (Home Office, 2014, 28). Of the trafficked people interviewed who had entered the NRM in the UK there was limited knowledge about the NRM system, including a lack of awareness as to the support offered, the standard of support to expect, how to complain about such support and how to access independent legal advice on a needs basis. For example, one Polish man when asked whether he was referred into the NRM replied:

*“Don’t know what that is. They’re not saying everything, I learn through other Poles that I meet – people who have had certain things that I haven’t.”* (Interview with trafficked man, UK, 2015)

The research in the Netherlands also showed that informed consent is not always easy to achieve. Some trafficked persons reported a disconnect between the actual support received and the support that they were led to understand they would receive:

*“The police described it as paradise, but I am disappointed about the reality. I have nothing to do. Everything is far away and I get only little money to do anything.”* (Interview with trafficked man, Netherlands, 2015)

In this case, the trafficked person had understood that cooperation with the police would guarantee him specific remedies, but the reality did not meet his expectations. Also other cases showed that it is important to inform trafficked persons in a clear and transparent way so that they are well informed about all their options and do not have unrealistic expectations.

The Dutch *Instruction on Victim Care* states that victims are to be kept informed on the progress of their case ([Staatscourant 2010](#) number [20746](#)). Whilst trafficked persons interviewed said that information was important to them, some did not think that they had received adequate details about their support:

*“I have been in the shelter for three months now, and I don’t know what is happening. I have told them my story. I don’t know what procedure it is. I am waiting.”* (Interview with trafficked man, Netherlands, 2015)

In Romania, there is no formal way of applying for the reflection and recovery period. The National Agency against Trafficking in Persons has a procedure that they follow upon first encounter with a trafficked person, where they provide information on the rights process and gain the victim’s agreement. One of the main steps in this process involves informing victims of their rights (to recovery and reflection, on available support, on the relation with law enforcement) and obtaining their consent to sharing information relating to their case for referrals. Victims receive a written form



that requests their permission to be included in a national database as well as information regarding the victim's rights. Victims sign this form during their first encounter with the institution of referral.

### ***Support not tailored to the needs of victims of labour exploitation (particularly the differing needs of men and women)***

In many countries 'assistance has been developed with a specific focus on women, particularly those trafficked for sexual exploitation' (IOM, 2008, 84). Yet support and protection services should be accessible for all categories of trafficked persons, and should include specialised services that are tailored to address the needs of individual victims (OSCE, 2004, 25).

A recent wide-scale study on access to mental health and psychosocial services in Cambodia by trafficked persons noted the importance of 'varying models of support tailored to differing individual needs' (Aberdein and Zimmerman, 2015, 8). In particular it stated that there were 'significant gaps' in this regard in mental health and psychosocial services for 'male survivors' and 'labour exploitation survivors' (ibid., 6). A Technical Advisor working with male victims of sexual exploitation interviewed for the research observed that:

*"Often boys will be blamed, isolated, marginalised and punished for expressing the problems they have. A boy might act out, be aggressive and anti-social. This is a particular barrier to providing services and there is a real need to understand the perspective of men and what help they need."* (ibid.)

A study of male victims of human trafficking in Austria further found that 'Men who failed in their goal to earn enough money to support their family members often suffered from severe self-doubt' (Men's Health Centre MEN, 2014, 33). In terms of support they were disadvantaged as they were 'often accommodated in remote places and were hardly ever offered opportunities for integration' (ibid.).

The number of men identified as trafficked is steadily increasing in the UK. Whilst men are almost half of all potential victims of trafficking, little is known about the circumstances in which they are exploited and their needs upon identification. The Helen Bamber Foundation, based in London, notes concerns 'that men and boys are less likely to self-identify, or to be identified by others and referred for HBF's clinical services' (OSCE & HBF, 2013, 51). This is backed up by a Salvation Army report into the needs of male victims of trafficking in the UK, which notes that male trafficked persons are less likely to access support services. The report also highlights tensions in relationships between service providers and male victims of trafficking who show symptoms of trauma that may be different to those displayed by female victims or victims of sexual exploitation (Salvation Army, 2013).

A number of respondents cited 'shame' as a reason for not accessing support. The Salvation Army suggest that men view support services differently to women:

*"The mindset of how men think and how they've come to the service can be different – it's difficult to 'sell' the service to men – male pride, [they] feel stupid they've been duped."* (Interview with the Salvation Army, UK, 2015)

In Romania there are no shelters specialised for male victims of trafficking. If needed, accommodation is provided in shelters for the homeless or for persons with disabilities, which are not adjusted to properly assist male victims. The same non-accommodated services as are available to female victims are also accessed by male victims; however, men are less likely to enter psychological assistance programmes.

## **RECOMMENDATIONS**

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### **I. Support should be empowering and meet the expressed needs of trafficked persons**

Disempowering approaches to support are evidenced in the research, including failures to obtain consent and the tying of support to cooperation. A lack of genuine victim empowerment can make

trafficked persons vulnerable to re-trafficking. Detailed needs assessments should be carried out with victims upon entry to support systems and re-evaluated throughout their support. Such assessments must take into account the gendered needs of trafficked persons and the particular support needs of victims of trafficking for labour exploitation.

## **2. Ensure continuous consent of trafficked persons to engage in assistance programmes**

Given the lack of awareness of trafficked persons interviewed about the support available to them, a protocol should be developed to ensure continuous consent to engage in assistance programmes and to ensure that victims are aware of the support to which they are entitled. This would address both the need for clear information to be delivered to trafficked persons in a language they understand as well as the requirement for people to give genuine informed consent to enter formal anti-trafficking referral systems. It would also mean that whilst being offered support, trafficked persons would be aware of the support to which they are entitled, the duty of the service providers delivering such support and of how to challenge inadequate support provision. Disseminating information effectively to trafficked persons can empower them to start taking control over their lives again, and to assert their agency.

## **3. Research should look in depth at the specific support needs of victims of labour exploitation and drivers of vulnerability**

In order to understand how best to help victims of labour exploitation, specific research should be conducted on key issues in support. This could include the gendered aspects of accommodation, psychosocial support and move on assistance as well as how best to engage people in support services. Drivers of vulnerability should be assessed and understood in order that efforts can be made to target core vulnerabilities to re-trafficking.

## **HOUSING**

Guideline 6.1 of the OHCHR Principles and Guidelines recommends that States ensure, in cooperation with non-governmental organisations, 'that safe and adequate shelter that meets the needs of trafficked persons is made available' (OHCHR, 2002, 8). The Special Rapporteur on Trafficking in Persons has also recommended that the period of stay in such a shelter should be at least eight weeks and must be based on the needs of each individual, with the possibility of a longer stay of six months or more (Special Rapporteur, 2009, 14).

The Explanatory Report to the European Trafficking Convention explains that the obligation to provide 'appropriate and secure accommodation' means adapted and protected accommodation in which victims can feel safe (2005, para 153). The Report explains that the type of accommodation depends on the victims' personal circumstances, but notes that:

Where trafficking in human beings is concerned, special protected shelters are especially suitable [...] Such refuges, staffed by people qualified to deal with questions of assistance to trafficking victims, provide round-the-clock victim reception and are able to respond to emergencies. The purpose of such shelters is to provide victims with surroundings in which they feel secure and to provide them with help and stability (ibid., para 154).

## **GOOD PRACTICE**

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### ***Dedicated anti-trafficking shelters with integrated support***

Housing is one of the most basic needs of victims of trafficking. When asked about their priority needs in the Netherlands, the majority of trafficked persons cited safe accommodation. In the UK a priority was indicated for accommodation in the form of dedicated shelters that trafficked persons said made them feel safer to reflect and recover. In Romania, where accommodation is not provided to male victims, shelter was not seen as so important due to a desire to return to the familial environment. The profile of victims of trafficking for labour exploitation in Romania who were often the main provider in their household also meant that they did not consider it possible to spend time away from home or the workplace.

In the Netherlands, 60% of applicants for accommodation and care (both victims of sexual and labour exploitation) were placed in specialised Categorical Accommodation and Assistance for Victims of Human Trafficking (COSM) accommodation upon entering the reflection period (CoMensha, 2014). Housing elsewhere is arranged once a victim of trafficking has the temporary residence permit. Under COSM, dedicated shelter for trafficked persons has been provided as policy. Shelters are spread over three locations, including one for male victims (CoMensha, 2015).

Entry into the UK NRM means provision of immediate housing and subsistence needs then referral to a range of services including psychosocial support, legal advice, move on advice and assistance on employability and securing employment. Trafficked persons who were interviewed were positive about being offered housing immediately, including the option to be housed far away from their traffickers and therefore in a place where they could feel safe.

In Romania, there are no shelters that can accommodate male victims, despite the fact that they are the most predominant amongst the population of victims of labour exploitation. Female victims of trafficking for sexual exploitation receive residential assistance in State or NGO shelters. The shelters run by NGOs are open and semi-open and the accommodation is provided on a short to medium term basis. During the research focus groups participants suggested that there was not a need for specialised shelters for male victims given how few male victims articulate a need for residential assistance. Those trafficked persons interviewed and assisted by ADPARE did not request shelter as they were eager to return to their families, in which they are the main providers.

## GAPS

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### *Limitations on the availability of housing*

In the Netherlands, once victims of trafficking are no longer recognised as such by the judicial system, they lose their entitlements and become undocumented migrants, for whom there is no reliable and safe accommodation. The asylum system is used as an alternative by some. Others make use of ad-hoc and local arrangements for undocumented migrants, for example accessing assistance through some municipal governments. Many of those who do not have or no longer have B8 status resort to informal networks, sometimes the same networks they share with the trafficker, for housing:

*“After I ran away, I could stay with a friend. She is the friend of a friend. My friend in Canada brought me in touch with her through facebook. She is from my country also, and married to a Dutch guy.” – Sierra*

Such alternatives are limited, erratic, and potentially unsafe, posing a re-trafficking risk to the individual. Two trafficked persons interviewed reported returning to their trafficker, and one explicitly stated this was because she lacked alternative housing options.

*“I left the house and was afraid. I didn’t know where to go. I had no money, no passport. I was roaming the streets for two years. Then I went back to my employer as I had no other options.” – Wayan*

In Romania, there are no specialised shelters for assisting victims of trafficking for forced labour. If men need accommodation, they are referred to shelters for vulnerable persons or homeless people, given the lack of specialised shelters or protective apartments for male victims. Since 2008 there has not been any Government funding for trafficking assistance:

*“We can only support trafficked persons emotionally. We don’t have special funds for their assistance and we don’t have enough or specialised personnel” (Interview with social worker, Romania, 2015)*

NGO shelters operate with external funds, donations or sponsorship. Romanian government and non-governmental actors interviewed attributed the lack of resources to the small number of victims of trafficking for forced labour who are assisted. Few State run shelters are functional and they only receive those trafficked for sexual exploitation. It was impossible to find out how many State

shelters that specialise in assistance to trafficked persons are functional, because even though shelters exist, either they have no personnel or they have not received permission to operate.

### ***Unsuitable accommodation***

Housing for trafficked persons in the UK is provided through the UK NRM to all potential victims, however the research showed that the standard varies considerably on the basis of geographical location and type of victim. In particular the use of private, non-shelter based, accommodation without a permanent staff presence creates a number of difficulties for trafficked persons. Problems encountered include: insecurity of mixed-sex accommodation where many male occupants had high levels of alcohol dependency, physical abuse, threats and isolation. One interviewee described that in order to cope, he spent as much time out of the accommodation as possible and another said she had not spoken to someone from her own country or who spoke her language in three months.

Particularly poor standards of accommodation was reported by trafficked persons in the UK who had applied for asylum and subsequently been moved to asylum-seeker accommodation with a lower level of support. They described the accommodation as filthy, isolated on the outskirts of a city and said it made them feel unsafe and threatened.

In the Netherlands, there is a lack of follow up accommodation after the first crisis support offered to trafficked persons for three months. Also some trafficked persons report not being accommodated in dedicated shelters:

*“I went to a shelter with alcohol and drug addicts, and ex-detainees. I was stressed all the time.”*  
– Chike

### ***Disempowering approaches to shelter provision***

In the UK some trafficked persons reported serious problems with their accommodation provision. This included bedbugs in their bedroom, mixed-sex accommodation or inappropriate accommodation. However, there was a common fear amongst victims of raising concerns with support staff, as this was considered to be making too many demands on staff. Whilst the relationship between trafficked persons and shelter staff was generally good, the idea that services were being provided out of benevolence, rather than as a duty, prevented trafficked persons from raising serious issues of concern.

In the Netherlands, some of the trafficked persons interviewed complained about the behaviour and knowledge of some professionals in the shelter, including those in specialised shelters. Some critiqued staff behaviour, such as arriving late to an appointment and not using the auto-reply when abroad, thus leaving a client waiting for two weeks. Others questioned the knowledge and experience of staff:

*“We need trained professionals. They need training about labour exploitation.”* (Focus group discussion, victims of trafficking, 2015)

Professionals during the focus group discussion on support also discussed this topic. One professional, in line with victims' comments, stated that in some regions social workers, including herself, have little knowledge about labour exploitation.

### ***Inadequacy of outreach provision***

In the Netherlands, support professionals observe that people trafficked for labour exploitation are relatively independent and seem to prefer outreach support to shelter support. However, a case was noted in which those in outreach support found it hard to access available care. In one recent case involving a large group of victims, some individuals were unable to access regular care, and those who did access care complained that it took a long time.

Victims of trafficking in the UK who do not need or wish to stay in NRM accommodation including, for example, asylum seekers who are already accommodated in National Asylum Support Service

accommodation, receive assistance on an outreach basis by NRM support providers. Migrant Help reported that outreach clients receive the same support services as those that are accommodated. For example, outreach clients receive financial assistance, counselling and help accessing legal advice. As with trafficked persons in dedicated accommodation, support continues until the person receives a conclusive decision on their status as a trafficking victim. Outreach is provided via home visits or office appointments. However, one support organisation reported that its clients, mainly trafficked women, who entered the NRM but did not require accommodation were not made aware they could receive outreach support. Other issues with outreach support were also identified, in particular the distances trafficked persons were required to travel to access support services, which resulted in reduced take-up of services such as counselling.

## RECOMMENDATIONS

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### **1. Housing should be tailored to the needs of trafficked persons, regardless of immigration status**

When required, trafficking victims should have access to a safe environment where support staff are easily accessible and where victims can feel comfortable. However, in situations where trafficked persons would prefer outreach support or to return to their families then the support should be tailored accordingly. Housing that replicates traumatic elements of a trafficking situation, including social isolation and dangerous or dirty accommodation, should be avoided at all costs.

### **2. All housing provision should seek to empower trafficked persons**

To do this, clear guidance on the rights of trafficked persons and responsibilities of the service providers and State should be provided to victims. In addition, shelter support staff should receive further training on the issue of labour exploitation. This training should increase knowledge of the victim's perspective, and ensure specialised care is inclusive for both victims of sexual and of labour exploitation.

### **3. Housing support should be monitored to understand needs**

In order to ensure greater understanding of the needs of trafficked persons, support services should be continuously monitored. Monitoring and evaluation of assistance is an ongoing task that should be carried out throughout the support process, to include: monitoring and evaluation conducted by trafficked persons who provide feedback on the satisfaction and relevance of provided services; monitoring and evaluation conducted by the team of professionals implementing the assistance, based on indicators measuring the beneficiaries' progresses in various stages of the assistance programme; and external monitoring and evaluation of the programme and the degree to which it complies with national and international support standards.

## PSYCHOLOGICAL AND SOCIAL SUPPORT

Psychological and social support is a key component of the support to which victims of trafficking are entitled under the EU Trafficking Directive and the European Trafficking Convention. The OSCE, together with the Helen Bamber Foundation, have set out detailed guidance on the therapeutic treatment of victims of human trafficking in a 2013 report linking human trafficking and torture. The report notes that victims of trafficking usually require a period of stabilisation before they are able to effectively participate in a programme of psychotherapy or counselling, and therefore considers that 'Rehabilitation and recovery for victims of trafficking should be understood as a process which needs to be sustained in accordance with individual needs to ensure their long term well-being and enhance their safety' (OSCE & HBF, 2013, 113). The Helen Bamber Foundation encourages all those with whom they work to build agency and autonomy from the very start of therapy and/or practical assistance.

## GOOD PRACTICE

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### *Psychological and social support through the official support system*

In the Netherlands, only one man and two women interviewed for this research explicitly mentioned a need for psychological assistance. However, while not explicitly mentioned as a need, psychological and social support and the importance of sharing their story with others, did come up in more than half of the cases: this was equally divided among men and women.

The research reassuringly found that most victims who mentioned needs for psychological and social support received such assistance. This was provided both through professional psychologists, and informally by people listening to the trafficked person's story. Informal assistance was found through a very diverse group of people. They included relatives, informal support providers from the trafficked person's own national background, lawyers, shelter staff, police and Inspectorate's officers, and other trafficked persons in the specialised shelter.

In the UK it is standard practice for trafficked persons to be offered counselling sessions with a qualified psychotherapist. Some trafficked persons engaged in the research mentioned that they were surprised at how helpful counselling was and were positive about it as an aspect of their support.

### *Empowering psychosocial support provided to trafficked persons*

In the UK, the Latin American Women's Rights Service (LAWRS) offers mother tongue counselling to those with whom they work. Counselling is offered until LAWRS assesses the recipient of counselling to have adequately recovered. The general approach of LAWRS is to place great value on the disclosure of an individual's experiences.

Ashiana, an NGO contracted to provide NRM support services in the UK, confirmed that the background to their approach was founded in women's empowerment. They highlighted that how support is delivered is as important as the support itself. Ashiana advised of the need to facilitate independence from day one of service provision in order to ensure trafficked persons do not shift their dependency upon their trafficker to the service provider.

ADPARE provides psychotherapy or counselling to both male and female trafficked persons, including individual trauma-focused therapy, family counselling, couple counselling, and psychological support via telephone to Romanian victims before repatriation. In addition ADPARE provides mediation between victims and their families. ADPARE's approach is focused on individualised assistance that uses the individual's resources, including their motivation for change, projects for the future, and coping mechanisms. The aim of any intervention is to improve the ability of the trafficked person to function in areas of life identified as being important to them, as well as building independent living skills and social skills.

The research also noted more informal approaches to providing psychological assistance and social support that build the confidence and capacity of trafficked persons. Ten years ago, FairWork created what they term a "Buddy Project" for trafficked persons, which pairs trafficked people with volunteers to enlarge their social network and avoid isolation. The Buddies work to build trust with the individual, to discover and pursue their interests, and to help restore their identity and dignity. Buddies also assist by taking up personal issues that professional support providers do not have the capacity to undertake. This initiative has been transferred to other organisations in different regions in the Netherlands, where it has also had success.

## GAPS

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### *Male victims are less likely to be offered or to accept psychological assistance and social support activities*

In Romania, male victims of trafficking for labour exploitation rarely request counselling or psychotherapy. If they do, it is usually where there is an intersecting problem alongside their labour exploitation, including disability, sexual abuse and family relational problems.

Men do also accept psychological counselling before and after medical investigations and police hearings or court sessions.

Amongst the trafficked men interviewed in the UK, there was a general preference to talk to a friend, to work out problems alone or a belief that talking about problems will make them worse. Frontline workers suggested that men who refuse counselling do so for reasons such as shame, not taking it seriously, not believing it helps, pride and feeling they should be able to solve their own problems.

### ***Victims of trafficking for labour exploitation are considered less eligible for psychological assistance***

In the Netherlands, psychological and social assistance were raised as an important need: caregivers explained that stereotypically, those who experienced sexual exploitation are perceived to require psychological assistance more than those who experienced labour exploitation. However, they noted that:

*“Victims who experienced labour exploitation less often reside in the shelter, so there is no daily contact. There is less view on how they cope. There is the assumption that their psychological needs are taken for granted: ‘when I just find work, I’ll manage.’”* (Caregiver support organization, Netherlands, 2015)

Equally in the UK it was common for service providers to suggest that ‘Men don’t like to talk about feelings.’ (Interview with support organisation, 2015). In particular there was a lack of understanding of the prevalence and effect of addictions in persons trafficked for labour exploitation. There is a desperate need to train all workers that come into contact with people who have been trafficked for labour exploitation about working with drug and alcohol abuse as well as male-specific mental health needs, in particular responses to trauma.

In Romania, a ‘mental block’ was also reported, even among specialists, in relation to victims of trafficking for labour exploitation who are not thought to need dedicated support. In addition there is a serious shortage of trained psychologists who are able to deliver psychosocial support to these victims.

### ***Language barriers to psychological and social support are not addressed***

For those who accessed professional support in the Netherlands, language accessibility of psychological and social support was cited as a cause for concern. This relates both to the limited use of interpreters and limited access to fellow language speakers with whom victims can share experiences informally.

In the UK trafficked persons cite the lack of interpreters as an obstacle to counselling take-up. For example, an Arabic speaking woman went to see a counsellor twice and both times found there was no interpreter. Victims in supported accommodation in the UK also reported a lack of contact with fellow language speakers, leading to feelings of isolation. On the other hand, good practice in the use of interpreters in counselling in the UK is provided by the Helen Bamber Foundation, which begins therapy sessions by introducing the interpreter to the trafficked person and by ensuring that the interpreter understands client confidentiality and the meaning of informed consent (OSCE & HBF, 2013, 91).

## **RECOMMENDATIONS**

### **I. Psychological and social support should be tailored to trafficked persons’ needs and explained in a way that highlights its value**

There should be specialist engagement, in the case of each trafficked person accessing assistance, to ensure expert psychotherapy or counselling are available and tailored to the specific needs of the trafficked person. The types of psychological and social support – psychotherapy, counselling, group therapy befriending, coping techniques, or wellbeing information – should be selected according to identified need. Counselling outcomes should be evaluated in order to assess progress and to

continue to provide support on a needs basis thereafter. Given that the take-up of psychological and social support is so low for victims of trafficking for labour exploitation, it is important to offer assistance in a way that highlights the value to the individual, with care and time taken to explain the concept behind psychosocial support.

## **2. Standards for ethical and effective interpretation should be applied during therapy sessions**

For the purpose of psychological and social support, interpretation should be offered as standard to trafficked persons for whom English is not a first language. Interpreters must be trusted, understand key concepts, be accepted by the trafficked person and know how to act to ensure minimal disruption to the therapy session. A checklist of steps to be taken when engaging the services of an interpreter in therapy sessions should be applied and training and guidance provided to all interpreters.

In order to ensure that interpretation does not pose a risk to effective counselling and psychotherapy sessions expert organisations working in this field have set out methods for engaging interpreters in an ethical and effective way. The Trafficking Survivor Care Standards (2014) include a standard on 'working with interpreters' which includes requirements for: trafficked persons to choose the gender of their interpreter; interpreters to appreciate the importance of direct translation; interpreters to use appropriate eye contact and presentation; interpreters not to use verbal or non-verbal means to communicate a judgment or opinion on matters discussed; full briefing of interpreters on the subject matter; trafficked persons to be comfortable with the interpreter and to know they can raise objections to the interpreter at any stage; and counselling staff to 'remain vigilant and notice any behavioural changes that could be indicative of discomfort' (Human Trafficking Foundation, 2014, 19).

## **3. Research should be conducted to understand psychological support needs of those trafficked for labour exploitation**

Specialist psychological and social support should be offered to victims of trafficking for labour exploitation, including expertise in working with individuals suffering from drug and alcohol addiction. It is important to ensure that service providers understand the complex relationship between trauma and substance abuse, and that victims receive appropriate expert treatment. This includes staff awareness of the need to ensure that trafficked persons have informal support from those around them in their accommodation. Independent research should be conducted that explores effective means of offering psychological and social support to trafficked men.

## **WORK**

Assisting trafficked persons to re-enter safe work is a key component of both rehabilitation and protection from re-trafficking for victims of trafficking for labour exploitation. International guidance also highlights the desirability of allowing victims the right to work as a means of restoring agency and autonomy. Article 12(4) of the European Trafficking Convention requires States to adopt rules governing the access of victims lawfully resident in the State territory to the labour market, to vocational training, and to education. The Explanatory Report to the Convention notes that these measures are considered desirable for empowering victims and helping them to reintegrate into society, but emphasises that this provision does not itself create a right to work (2005, para 166).

### **GOOD PRACTICE**

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#### ***Employability assistance is offered to trafficked persons***

In Romania, NGOs provide in-house literacy courses, IT and English classes to trafficked persons. Some trafficked persons also choose to continue in formal education and both NGOs and State service providers assist with enrolment on academic or vocational courses. There is also some professional training offered by State institutions, especially local agencies for professional training and unemployment. Usually, however, trafficked persons are enrolled at privately run courses because they are more accessible and offer more choice.



In Romania trafficked persons also receive information on work and the law, vocational training and assistance with job re-insertion and guidance in preparation for job interviews. Some trafficked persons who are repatriated to Romania with the support of the IOM are entitled to benefit from the Assisted Voluntary Return and Reintegration Programme, allocating them a budget of up to 7000 USD to cover assistance costs and for starting a small business. They receive guidance to use such funds to establish a business:

*“I know how to care for animals. Until now, I did it for the use of the family. Because I have this possibility, I will raise animals and then will sell them.”* (Interview with trafficked person, Romania)

In the UK, education relevant to employability was also considered important, particularly English classes. A positive work experience and the opportunity to earn a fair wage was viewed as having therapeutic benefits as well as providing a livelihood. Some official support providers run English as a Second Language (ESOL) classes in partnership with State run colleges. Structured classes are seen as a good way to reduce isolation and for trafficked persons to support each other as well as to assist in securing work. LAWRS offers services to increase the employability of its clients, including assistance with job search, writing CVs, ESOL classes, references and placement as a volunteer.

#### CASE STUDY, UK: LAWRS employability assistance includes:

- Personalized advice to assess your particular situation and find improved options;
- Information and guidance on creating your CV, cover letter and application to job opportunities and to prepare for job interviews;
- Information to guide your job search based on your skills, experiences and goals;
- ESOL English classes and access to Language Exchange Programme to practice your English;
- Information about different websites and employment agencies to apply for job opportunities;
- Workshops, seminars and events to enhance the opportunities to develop your abilities;
- Information about courses and education institutions to develop new skills;
- Information about how to validate your professional title in the UK.

City Hearts also has a programme that aims to increase employability amongst the trafficked men they support. English language classes are tailored to learning vocabulary and information that will prevent re-trafficking – this includes teaching about pay slips and employment contracts. They also work with large factories locally that run in-house ESOL for employees. To increase employability, City Hearts provides references and secures work placements with local enterprises such as warehouses, local community renovation projects and charity shops.

#### ***Ability to work once identified as trafficked***

Work is cited by trafficked persons interviewed as the main reason they travelled to the Netherlands:

*“People pay 10,000 euro to come here. Fifty percent of them die on their way. They prefer death than returning to their own country. They have a dream: they look for work, a house, life. They think Europe is a paradise. And because it is so difficult to get a visa, it must be really good what you find when you can enter.”* – Omar

Therefore when someone leaves an exploitative situation, work and an income are required in order to regain independence:

*“I need work to take care of myself, and not be dependent on others.”* – Tao

Income and a work permit are covered under the B8 visa arrangement, which is available to trafficked persons who cooperate with criminal proceedings. During the reflection period trafficked persons are not allowed to work, but receive governmental support. This allows the victims time to

reflect without concerns about new employers. Once someone has B8 status they are allowed to work. If they have no work, they can apply for welfare support. Those with B8 status have a dedicated case-worker who supports them to file paperwork required for such benefits. Support providers also provide assistance in applying for benefits.

Similarly, trafficked persons interviewed in the UK expressed a strong desire to work. This was particularly the case for trafficked persons who had migrated to the UK for the purpose of work in order to send money home. Eligibility to work for trafficked persons in the UK is dependent on immigration status. If a person is determined by the UK Home Office to be a victim of trafficking, they may be granted Discretionary Leave for one year, which entitles a person to work. Discretionary Leave is granted in compelling personal circumstances or where the individual is cooperating in an ongoing police investigation. In the current system, victims tend to prefer to claim asylum as a successful claim provides a longer and more secure grant of leave to remain via refugee status or humanitarian protection. EEA nationals do not require leave to remain to continue to live and work in the UK, however one support organization reported that Discretionary Leave is increasingly being sought and awarded to EEA victims of trafficking in order to provide them easier access to benefits.

## GAPS

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### *Limited employment options leads to re-trafficking*

For many trafficked persons, economic pressure to contribute to or support family members means that they have few options but to return immediately to the job market, even if this implies accepting less than desirable and possibly even close to exploitative working arrangements (working overtime, not taking breaks, working on the grey market, unqualified jobs, jobs under their educational level).

*“When I returned home, I just wanted to find a job, no matter the conditions; I was thinking that I have to work as quickly for my two children”* (Interview with trafficked person, Romania, 2015)

Trafficked persons face further obstacles in Romania as they may only receive benefits or the national minimum wage if they disclose their identity. The State provides for a minimum wage to be granted to everyone, by means of a subsidy, but this subsidy must be applied for by providing data and information about the reason for application. Such information is then known to the social services and local authorities in the areas of residence of victims and may produce additional community stigma, especially in small communities. On weighing the costs and benefits of this programme, ADPARE does not advise its clients to apply, as it considers it to be a violation of their privacy. Furthermore in practice, social housing is not available to trafficked persons as the waiting lists are so long. Given the high number of requests for housing, trafficked persons may wait for years until they receive any support.

Recent restrictions on access to benefits for EEA nationals in the UK means that without employment, trafficked persons face homelessness and destitution upon termination of NRM support. This means that their need for employment is all the more pressing. This desperation leads to an increased risk of exploitation, as observed by migrant and homelessness organisations in the UK.

Benefit restrictions also pose a problem for victims in the Netherlands. Should trafficked persons from outside the EEA no longer be recognised as such then their residence permit and, linked to that, their income support and work permits are removed. At this stage trafficked persons who are third country nationals become undocumented and vulnerable. This leaves victims of trafficking vulnerable to exploitation and in need of an alternative State supported safety net.

## RECOMMENDATIONS

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### **I. Comprehensive employability services should be offered to all trafficked persons**

In order to increase the likelihood that trafficked persons will secure safe employment, it is recommended that a range of employability services be offered including CV workshops, volunteer placements, IT training and English classes, as well as information on labour rights. These offer meaningful and helpful skills-building activities and can be a way of combatting social isolation and boredom.

## 2. Financial support should be offered to trafficked persons until they re-enter employment

In all three project-countries the risk of re-trafficking as a result of destitution and desperation is substantial. The idea that trafficked persons can recover from a situation of severe labour exploitation and re-enter the labour market instantly is unrealistic. Until trafficked persons are ready and able to safely enter the workforce again they should be provided with State support in order to ensure they do not fall into destitution and to prevent re-victimisation.

## 3. Trafficked persons should be assigned a case-worker to facilitate access to benefits

Welfare and benefits systems are inherently complex and difficult to access. Trafficked persons in countries of destination should be offered support to understand welfare systems and to access benefits. There is a role to play for the trafficked person's case-worker to facilitate access to benefits in individual cases.

## ACCESS TO JUSTICE AND LEGAL ADVICE

The EU Trafficking Directive requires that Member States ensure victims of trafficking have access 'without delay to legal counselling' and to legal representation, including for the purpose of claiming compensation (2011, Recital 19). Legal counselling and legal representation must be provided free of charge where the victim does not have sufficient financial resources (*ibid.*, Article 12(2)).

Similarly, the European Trafficking Convention requires States to provide victims with access to legal assistance and free legal aid under the conditions provided by internal law. Victims must also have access 'from their first contact with the competent authorities' to information on relevant judicial and administrative proceedings in a language they can understand (2005, Article 15). The Explanatory Report to the Convention explains that 'competent authorities' means a wide range of public authorities, including police or labour inspectorate, and that as soon as the victim is in contact with such services, he or she must be either provided with the necessary information or directed to persons or organisations able to supply this information (*ibid.*, para 194).

The Explanatory Report to the Convention also emphasises that 'It is of paramount importance that they be told about any procedures they can use to obtain compensation for damage suffered' (*ibid.*, para 192). The Report also states that victims who have no right to remain be informed of the possibility and procedure for obtaining a residence permit on the basis of either personal circumstances or cooperation in a prosecution (*ibid.*).

### GOOD PRACTICE

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#### *Legal advice and support offered to trafficked persons*

In the UK, access to legal assistance in the form of legal aid (free legal advice) is available to victims of trafficking for certain matters (see FLEX Guide to Legal Remedies, 2014). In respect of immigration, victims of trafficking are entitled to legal aid for applications for leave to remain and asylum. Legal aid is further available for some types of compensation including for a civil claim and a claim in the Employment Tribunal. There are, however, fees for making a claim in the Employment Tribunal, which make it more difficult for trafficked persons to bring claims, and legal aid is not available to make a claim to the government fund for victims of violent crimes known as the Criminal Injuries Compensation Authority.

Given the diverse mix of legal advice required by trafficked persons, specialist lawyers and law firms were found to provide a better range of assistance and outcomes for trafficked people. The Anti-Trafficking and Labour Exploitation Unit (ATLEU) is a specialist law firm in the UK that seeks to combine legal expertise in immigration, housing and employment, thereby covering the main areas of need in trafficking cases. Their human rights approach involves actively pursuing all available legal routes in order to gain compensation as well as leave to remain for victims, where required. In Scotland, the Legal Services Agency also advises people who have been trafficked on a wide range of

relevant areas of law including housing, immigration and compensation options. Both of these organisations highlighted that they provide information and explain the various options to clients but do not make decisions for them. In addition, there is a national network of lawyers, the Anti Trafficking Legal Project (ATLeP) who share expertise, information and resources materials and help develop good practice within the legal sector in dealing with trafficked persons.

In addition early legal assistance provided by these lawyers and others, often on a pro bono basis, was reported to benefit people who had been trafficked by ensuring victims were able to access information at the appropriate point in their recovery process as well as allowing them to engage in complicated legal concepts to make informed choices at all times. Informed consent and decision making is important to any 'victim-centred' model of support.

Case-workers in the Netherlands mentioned that comprehensive legal advice is required, often to counter inaccurate information shared within trafficked persons' informal networks. The B8 permit is offered without any costs, but legal advice both on criminal or immigration cases is recommended. Legal advice is made available to those who have paid a limited contribution. In some exceptional cases the own contribution will not have to be paid. Legal advice related to civil procedures is also offered on a reduced fee.

In Romania legal assistance includes counselling relating to court proceedings and representation in court in penal and civil trials plus requests for compensation from the Ministry of Justice fund for victims of crimes. Legal assistance starts at first contact with trafficked persons, and is initially focused on providing information about the rights of victims. Service providers collaborate with lawyers and accompany trafficked persons at police interviews and court sessions.

The Romanian victim/witness criminal trial programme was highlighted as good practice by all front-line responders interviewed in Romania. Such support is offered by staff of the National Agency against Trafficking in Persons, trained psychologists and social workers experienced in providing victim accompaniment and support at different stages of criminal proceedings.

Wherever possible, social workers and psychologists from NGOs can also prepare victims and accompany them during criminal proceedings.

### ***Victims of trafficking for labour exploitation access compensation***

In Romania economic recovery for trafficked persons is crucial and is viewed as urgent for both trafficked persons and their families. Most victims interviewed in Romania are either the main financial providers in their family or act as a sole provider and it is unusual to find trafficked persons who only have themselves to support.

The Romanian law establishes two types of redress available to victims of trafficking in persons:

- a) Compensation for victims of violent crimes (stated in Law 211/2004), granted at the end of the criminal trial, by the Compensation Board, under the Ministry of Justice;
- b) Redress resulting from a civil action as part of the criminal trial or following the criminal trial, according to the estimated value of the damage to the victim.

These measures are not cumulative; the victim may not lodge applications for both of them. Each has a different application procedure and a different timeframe. In ADPARE's experience, compensation is hardly ever obtained. Civil redress can be obtained more easily than criminal compensation, but it largely depends on the freezing and confiscating of assets from traffickers as well as on the victim's capacity to cover fees for the valuation of the confiscated assets.

In the Netherlands there are several routes to claiming compensation. A victim may: a) apply for compensation as part of the criminal proceedings, b) make a labour law claim, or c) apply to the Violent Offences Compensation Fund – an autonomous division of the Ministry of Security and Justice. There are very few recent figures on the success rates of the different routes. In the last few years there have been more applications for compensation as part of the criminal proceedings, but mostly for cases of trafficking for sexual exploitation. Compensation for cases of labour exploitation is still

limited. Professionals working in the field of human trafficking are not always familiar with making a labour law claim, therefore this route is not regularly used. Until recently there were only limited avenues for victims of trafficking for labour exploitation to claim remedies through Violent Offences Compensation Fund.

There are also four possible avenues for compensation for victims of trafficking in the UK (FLEX, 2014). A reparation order is possible when a trafficker is convicted and the Court makes an order requiring that the defendant pay compensation to the victim. A civil claim is possible when a victim of trafficking brings a claim in the County Court based on civil law actions such as harassment, false imprisonment, and breach of contract. A victim of trafficking may further bring a claim to an employment tribunal for employment-related abuses such as failure to pay the national minimum wage, for unlawful deductions, or for discrimination. Finally, a victim may apply to the Criminal Injuries Compensation Authority (CICA), a fund designed to compensate 'blameless' victims of violent crime, if he or she has sustained a personal injury directly attributable to being a victim of a violent crime.

## GAPS

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### *Limited use of compensation routes by trafficked persons*

A high number of frontline workers interviewed in the UK had little knowledge or experience of the legal routes available to victims of trafficking seeking financial compensation. Two misperceptions were encountered – firstly that compensation is only possible if the trafficker has been prosecuted, and secondly that it is impossible to obtain if trafficked persons have left the country.

The UK government does not collect data on the award of civil or criminal compensation claims for victims of trafficking (FLEX, 2014). Amongst the support organisations FLEX interviewed, very few knew of successful compensation claims. There are barriers to accessing each of the UK's compensation routes (FLEX, 2014). For example, with a reparation order, the most significant barrier is the requirement that there has been an identification of the perpetrator, a prosecution and a successful conviction. In an Employment Tribunal, a victim of trafficking who did not have the legal right to work in the UK during their period of exploitation will be unable to bring certain claims, including for unpaid wages or unfair dismissal. Fees for Employment Tribunals have also recently been introduced and domestic workers are not covered by minimum wage requirements, which act as further obstacles. For a CICA Claim, the award will be reduced or withheld if the criminal injury was not reported to the police as soon as reasonably practicable, if an applicant has a criminal record or where an applicant fails to fully cooperate with the police.

Similarly in the Netherlands, there is limited use made of compensation options. The research showed two reasons behind this. One, similar to the situation in the UK, there is a lack of knowledge regarding options for compensation among case-workers. The second reason is confusion regarding the role and responsibility of the labour Inspectorate SZW with regards to compensation:

*“Arranging compensation for the victims is not a task of the Inspectorate. Or at least, it is not interpreted as such. The task is to uphold the law.”* (Interview with law enforcement, Netherlands, 2015)

In Romania, the value of compensation awarded cannot exceed ten minimum gross salaries. From the ADPARE database, just one trafficked person has ever received compensation, in 2008. However even this was not as a trafficked person, but as a victim of attempted murder. No data could be found to show whether compensation had ever been granted to a victim of trafficking for labour exploitation.

### *Expert legal advice not always freely provided*

In the Netherlands, despite trafficked persons receiving free legal support in criminal proceedings and reduced fees for civil proceedings, it can still be prohibitively expensive for trafficked persons to obtain legal assistance. Even the small contribution that victims must provide can represent a large sum of money to them. Trade unions offer their support only when the victim is a member, and again membership fees are not always affordable.

UK victims of trafficking are only entitled to legal aid once they have received a positive decision (reasonable grounds or conclusive) on their trafficking claim. This means that a victim generally cannot obtain legal aid for advice prior to being referred into the NRM, or about the referral itself, despite its potential consequences and complexity (FLEX 2014). One support organisation told FLEX that the lack of legal aid pre-NRM impacts on the ability of a trafficking victim to give informed consent to entering the NRM since they do not have all the facts, options and possible repercussions before them.

In Romania, extremely limited funds for legal services mean that it is very hard to engage anyone with legal expertise in trafficking cases. According to the Criminal Procedure Code, all parties involved in the trial should be represented by a lawyer, including injured parties (victims). If a party cannot afford to hire a lawyer, one will be appointed by the court to represent their interests *pro bono*. These lawyers are specialized in criminal law and are assigned to local bars. However, most of them assist injured parties but also suspects, and most are not sensitive to the needs and special treatment of trafficked persons. This often results in lawyers not having any kind of interaction with victims, not requesting any kind of in-court protection measures, not assisting victims in applying for remedies or compensations and often lawyers changing during the trial.

### ***Limited specialist lawyers***

In the Netherlands victims will get in contact with a specialised lawyer via their Care Coordinators or the via the police department with which they filed their case. When a victim has been identified in alien detention, often the lawyer on duty is provided. Since 1st of July 2015 lawyers who support victims of human trafficking in criminal or immigration law should be specialised. There are however not many specialised lawyers, not all specialised lawyers have extensive experience with victims of human trafficking, and not all remedies are being used. Few victims are brought into contact with a civil lawyer to explore the possibilities of a claim under labour law, and when making a claim under labour law, the number of specialised lawyers is limited.

In the UK, there are a small number of lawyers with specialism in trafficking for labour exploitation, such as ATLEU and the Legal Services Agency (see above). However, these services are limited to urban hubs and many service providers agree that there is a strong need for specialist lawyers in all parts of the UK. In addition, restrictions on legal aid mean that specialist lawyers are limited in the number of cases they are able to take each year.

Assisting trafficking victims is not a topic included in the ongoing training of lawyers in Romania. In order to improve gaps in the legal assistance of trafficking victims, ADPARE and Pro Refugiu are currently implementing a project in Romania that seeks to create a network of lawyers specialised in assisting trafficked persons. Training to lawyers and several expert meetings have already been implemented in order to establish a network of 20 lawyers specialised and willing to legally assist trafficked persons.

## **RECOMMENDATIONS**

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### **1. Improve access to compensation for victims of trafficking for labour exploitation**

Access to compensation should be improved in three ways:

1. Frontline staff should broaden their knowledge of all possible legal avenues available to victims of labour exploitation, including compensation;
2. Official labour inspection and identification agencies with the power to seize assets and apply fines to perpetrators should have the power to order compensation to trafficked persons for abuses suffered; and
3. The State should ensure that all compensation avenues are easily accessible for trafficked persons.

### **2. Raise awareness of avenues for legal redress amongst trafficked persons**

Information should be provided to trafficked persons on their legal rights and avenues for legal

redress in a clear and understandable format. Frontline workers should understand all possible avenues for legal redress, in order to signpost trafficked persons to appropriate legal specialists.

### 3. Improve access to legal advice through the creation of networks of specialist lawyers

Access to legal advice should be improved; a network of legal advisers who work with people who have been trafficked for labour exploitation would facilitate the pooling of resources such as sharing case law and best practice in order to strengthen remedies and widen legal expertise. Training should be provided to lawyers in rights-based approaches to legal assistance to trafficked persons, to ensure more victims of trafficking receive high quality legal assistance and the full range of remedies.

## MOVE ON OPTIONS (POST-NRM, INTEGRATION, RETURN, EMPLOYMENT)

The former United Nations Special Rapporteur on Trafficking in Persons noted that re-integrative activities including follow-up and aftercare must be pursued to ensure the social and economic recovery of the victim and to avoid the risk of re-trafficking and re-victimization. Where a victim remains in the receiving country, rehabilitative efforts including educational, training and employment opportunities should be made available (Special Rapporteur, 2009, 17).

Where trafficked persons return to their country of origin, the European Trafficking Convention requires that return occur ‘with due regard to the rights, safety and dignity’ of the victim (2005, Article 16 (2)). The Commentary to the Convention notes that the provision applies to the State that is accepting the return of the victim as well as the returning State, and specifies that “rights” includes, in particular, the right not to be subjected to inhuman or degrading treatment, the right to the protection of private and family life and the protection of the victim’s identity (ibid., para 202).

### GOOD PRACTICE

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#### *Reintegration assistance provided when trafficked persons wish to return*

Five trafficked persons interviewed in the Netherlands spoke positively about the option of returning to their country of origin. Voluntary assisted return is provided through IOM, voluntary and forced return (not applied to victims) is provided through the Repatriation and Departure Service (DT&V), an agency that operates on behalf of the Dutch Ministry of Security and Justice. The option to return is discussed with the trafficked persons in shelter and outreach and new methodology has recently been piloted on how to discuss and arrange safe return options (Kootstra and Petrova, 2014). No one interviewed appeared to have felt pressured to return.

In Romania it was felt that cooperation between service providers is very important with respect to repatriation. Two social workers interviewed cited good examples of cooperating with NGOs in destination countries, which helped with pre-departure preparations. This involved: telephone and e-mail engagement with a case-worker; providing support and information to the victim by telephone; obtaining data on the victim’s whereabouts and family in Romania; mediating the victim’s relationship with their family; updating the victim with information on the steps undertaken in the destination country; evaluation of the risks associated with voluntary assisted return; cooperation with relevant institutions in Romania (the anti-trafficking coordinator; State social services, local authorities); evaluation of the victim’s family; and assessment of legal status.

In Romania, IOM and NATIP provide repatriation assistance. With the victim’s consent, these agencies provide victims safe transfer either to a shelter or their point of departure or hometown. Assistance is also provided to trafficked persons to establish a plan of activities to be implemented upon return in order to ensure that they fully recover. In addition, support to engage in police investigations and court hearings is also provided including maintaining communication with the victim and case representative and keeping the victim’s family updated during the intervention in the destination country.

In the UK, victims of trafficking who wish to return to their home country are assisted by the NGO Refugee Action, which runs the 'Choices' service and advises and facilitates various voluntary return programmes. To returnees who are asylum seekers, refused asylum seekers or those with Discretionary Leave to Remain, the Voluntary Assisted Return and Reintegration Programme (VARRP) is available. Flight and transport home is free and £1500 is offered to returnees. Assisted Voluntary Return for Irregular Migrants (AVRIM) is for non-EEA nationals who have no legal right to remain in the UK. A Reintegration Case-worker offers advice on the scheme as well as options post-return. All returnees are required to sign a declaration to say they are returning voluntarily confirming that they understand the implication of return and the rules about returning to the UK. For returning EEA nationals, Thames Reach, a housing association, runs the London Reconnection Project which helps vulnerable rough sleepers who wish to return to their home country. The service offers advice on how to return home and aims to ensure returnees are properly linked into services that match their needs back home such as accommodation and assistance with any health problems such as alcohol or drug abuse.

The Routes Home website contains a range of information on support services in different EEA countries, and includes a guide to consular services.

### *Integration into countries of destination helps trafficked persons move on*

Ten trafficked persons interviewed in the Dutch research spoke about their efforts to settle in the Netherlands. The support system aims to enable victims to become self-reliant in Dutch society and this resonates with the wishes of those trafficked persons interviewed for the research and front-line responders that work with trafficked persons. Under the B8 visa a work and residence permit is provided, which allows formerly trafficked persons to start to integrate into Dutch society. The support system also provides integration assistance including help obtaining a passport, language classes, and work.

In the UK, support organisations reported that frontline staff discuss post-NRM integration at an early stage and actively link trafficked people up to mainstream services that offer integration-related services, including English language classes and employability assistance, both seen as key avenues for integration. One support service has entered a partnership with a local college to facilitate the provision of English language classes to people who have been trafficked with the aim of language learning and also building a friendship circle. Another refers trafficked people to the government-run Job Centre for assistance with job searching. Education was viewed as of secondary importance to most interviewees, with the exception of a support organisation working with asylum seekers with no permission to work, who therefore advocated for wider access to education at University level.

### *Ongoing support facilitates move-on*

#### **CASE STUDY, UK**

City Hearts, a British trafficking support provider, provides long-term support to male victims from the EU. The model is designed from the individual victim's point of view, supporting men on their journey to independence, meaning 'a stable job and their own accommodation' (interview with Frontline Worker, 2015).

This support is made up of four core strands: employment, housing, education, and advice and continued support.

*Employment:* City Hearts works with local businesses and recruitment agencies that are leading the way in ethical business practices. They offer references and secure work placements with local enterprises, including warehouses, local community renovation projects and charity shops

*Housing:* Support is offered to help find accommodation, including offering move-in packages and a support worker

*Education:* City Hearts works with large factories that run in-house ESOL for employees focused on vocational English

*Advice and continued support:* A drop-in service is offered for 2 hours per week. This is not a service in a structured sense, it is referred to as 'anchor support', where trafficked persons can ask for help with a range of issues such as finding a job, staying in their home and understanding bills. This support is also a chance to get out of the house, socialise and re-connect with City Hearts



### *There is a lack of funding for move on options*

In the UK, the NRM system was described as a 'rescue' process, however, the post-rescue response presents a significant challenge to all involved. Many frontline responders reported concerns that trafficked persons suffer from having support abruptly terminated once a trafficking determination has been made.

The main challenges upon exit are in finding housing and employment. The recent review of the UK NRM suggested that provision should be made for the development of an infrastructure to support victims beyond the National Referral Mechanism reflection and recovery period (Home Office, 2014, 36).

### *Vulnerability to re-trafficking remains*

Vulnerability to re-trafficking amongst victims of trafficking is high. Without an understanding of the number and nature of cases of re-trafficking, there is limited ability to prevent the continuing cycle of abuse of some trafficking victims.

A number of trafficking support organisations in the UK reported seeing clients enter their services for a second and third time, indicating cases of re-trafficking. Some respondents also reported that the same people had been rescued in police raids four or five times. One support organisation reported that as a result of the lack of advice on immigration or move-on options, trafficked people are 'homeless, destitute and in the employment from where they were removed. Next time, they won't come forward as they know it's not worth it' (UK support organisation, 2015).

In the Netherlands it was found that victims who do not or no longer have a status as a trafficking victim and thus became undocumented are left without adequate housing options and are vulnerable to re-trafficking. Similarly in Romania destitution was found to be a driver of re-trafficking.

## RECOMMENDATIONS

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### **1. Develop models of ongoing support for trafficked persons following the assistance period**

Frontline workers should maintain contact with individuals who have left support. Such ongoing support could provide the opportunity for individuals to check in for advice, support and social contact making the exit from support less abrupt and leading to more sustainable outcomes for trafficked persons. It could also assist in preventing re-trafficking by acting as a check on trafficked persons wellbeing, vulnerability and enabling them to ask for requisite help.

### **2. Record re-trafficking data to better assess identification and support systems**

Data on re-trafficking should be centrally recorded. This is needed in order to assess the extent of re-trafficking and the factors that put individuals at risk of re-trafficking. This information could be used to inform a strategic approach to prevent re-trafficking as well as to provide a measure of how well the aim of providing durable solutions is being met. In-depth research into vulnerability to re-trafficking could also help to develop targeted measures to identify vulnerable individuals and prevent re-trafficking.

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