



Pro-Act Working Paper: Pilot Strategies for Pro-Active Identification and Support to Victims of Trafficking for Labour Exploitation

Introduction

Trafficking for labour exploitation is a serious crime pervasive throughout the 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, in accordance with State obligations under the EU Trafficking Directive¹ and the Council of Europe Convention on Action against Trafficking in Human Beings (the European Trafficking Convention). 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.

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 proactive identification and support of victims. The project is centred on engagement with victims of trafficking for labour exploitation and their support providers, seeking to better understand and respond to the needs and experiences of victims. Through this engagement, including primary research, national focus groups and European workshops, the project will build understanding of the needs and experiences of those trafficked for labour exploitation, and develop victim-centred strategies for proactive identification and support that are transferrable across the EU. The project will

¹ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

also deepen networks within and between key stakeholders across the EU for improved coherence in approaches and increased cooperation.

The project has three NGO partners based in the Netherlands (FairWork), the UK (FLEX) and Romania (ADPARE), each with expertise in their national contexts. Since the beginning of the project in October 2014, each partner has undertaken research to map the situation in their national context regarding identification and support of trafficked persons. In particular, the research has focused on how trafficked persons themselves experience and assess identification and support processes .

In this working paper we set out the main findings from this national research, including good practice and gaps, together with recommendations for change. These findings provide the basis for the development of strategies to improve the pro-active identification and support to persons trafficked for labour exploitation, which will be piloted over six months in each of the partner countries. Proposed strategies are set out in this paper, for further discussion and input from participants at the Pro-Act European Workshop. Expert views and input on the Working Paper gathered at this Workshop, will ensure that Pro-Act partners can implement solid pilot strategies in the next phase of the Project.

Project Structure

The Pro-Act project takes place over two years, and includes the following key activity phases:

Month	Activity
October 2014 – May 2015	Conduct of national research that identifies gaps and good practice in proactive identification and support
June 2015	Development of proposed strategies for improved identification and support
July 2015	EU Workshop to review and develop pilot strategies
August 2015 – January 2016	National pilot trials on the implementation of proactive identification and support strategies
February 2016	Report on pilot trial outcomes
April 2016	EU Workshop to review pilot trial results and finalise piloted strategies
April 2016 - July 2016	Preparation of project report outlining piloted and recommended EU strategies for proactive identification and support for persons trafficked for labour exploitation.
June 2016 – August 2016	Dissemination of project results and EU recommended strategies, including development of dissemination tools (booklet and video)
September 2016	Project closing conference

Research Methodology

The Pro-Act research carried out in the Netherlands, the UK and Romania maps trafficked persons' experiences of identification and support offered informally and formally 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 centres on understanding the way in which identification and support impact trafficked persons' rights.

Primary data has been 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 expertise in trafficked persons' needs, either through first hand experience of trafficking or by having worked with those trafficked for labour exploitation. Not all trafficked persons interviewed had entered 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 and interviews with trafficked persons were exclusively conducted in person.

Primary data was supplemented by secondary data gathered through case analysis, desk-based research on national law and policy frameworks and on analysis of existing approaches to identification and support of trafficked persons in multiple contexts. International legal principles on human trafficking have been used to provide a solid basis for framing research findings and recommendations.

Key Research Findings

Identification

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 (Article 10). 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 (para 129 – 130). Pro-Act partners understand identification to include both the initial detection of a person who has been trafficked, and the formal recognition of their status as a trafficked person by the State.

In each of the three Pro-Act countries, pro-active labour inspection, particularly when combined with multi-disciplinary cooperation (including labour inspectorates, NGOs and trade unions), increased the detection of those trafficked for labour exploitation. The research also found that law enforcement is increasingly aware of and equipped to identify trafficking for labour exploitation, and that national help-lines assist 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. Finally the research showed that NGOs in all three countries play a role in identifying trafficking for labour exploitation, albeit more limited than for cases of trafficking for sexual exploitation.

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, to the detriment of efforts to identify trafficked persons. A lack of awareness of trafficking indicators among frontline responders, in particular local and national government agencies that come into contact with potential victims of trafficking on a regular basis, was also shown to prevent identification. Finally widespread social normalisation of exploitation was found to prevent victims from self-identifying as such.

Recommendations

1. Introduce or expand peer education² programmes as a means of improving detection;
2. Ensure information about labour rights and remedies, in relevant languages, reaches potential victims of trafficking for labour exploitation;
3. Create and strengthen multidisciplinary partnerships for detection and formal recognition;
4. Maintain distinction between labour inspection and immigration control;
5. Increase understanding of trafficking indicators amongst frontline workers;
6. Ensure labour inspection is pro-active and adequately resourced to encompass all sectors where trafficking for labour exploitation is prevalent.

Support

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 (Article 11(5)), and must not be made conditional on the victim's willingness to cooperate in the criminal investigation or prosecution (Article 11(3)). The European Trafficking Convention contains similar requirements, with the addition of access to education for children (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 (para 149).

The Pro-Act research found a wide range of support provided to victims of trafficking for labour exploitation in each of the project countries. In addition multi-disciplinary support provision is shown to enable often complex needs to be met in a number of cases.

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-

² This draws on examples of work encountered during the research that involves the engagement and training of 'peer educators' themselves from migrant communities that can then work with others within their community to ensure that information about labour rights is disseminated and access to remedies and advice is facilitated.

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 the differing needs of men and women.

Recommendations

1. Support should be empowering and meet the expressed needs of trafficked persons;
2. There should be continuous consent to engage in assistance programmes;
3. There is a need for research in to specific support needs of victims of labour exploitation and drivers of vulnerability.
4. Assign a dedicated case-worker to trafficked persons to facilitate access to support and benefits.

Legal counselling and information

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. Legal counselling and legal representation must be provided free of charge where the victim does not have sufficient financial resources (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 (Article 15).

The Pro-Act research found that legal advice and representation, particularly regarding criminal and civil proceedings, is available to some extent in all countries. Avenues to compensation are also available to victims in all countries.

In all three Pro-Act countries, expert legal advice is not always freely available to trafficked persons, particularly for advice outside of criminal processes and prior to engagement with the authorities. In addition, there are limited specialist lawyers for trafficked persons who are able to provide tailored and comprehensive advice, and advice is consequently often limited to narrow criminal justice or immigration issues. Numerous barriers to compensation

were evidenced and few of those trafficked for labour exploitation are able to access and obtain compensation.

Recommendations

1. Improve access to compensation for victims of trafficking for labour exploitation by:
 - a. Broadening the knowledge of frontline staff of all possible legal avenues available to victims of labour exploitation;
 - b. Ensuring trafficked persons are informed of all avenues for legal redress and are assisted to access appropriate remedies;
 - c. Ensuring assets and fines from perpetrators are used to compensate trafficked persons for abuses suffered.
2. Improve access to legal advice by strengthening networks of specialist lawyers.

Psychological assistance

Under Article 11 and Recital 20 of the EU Trafficking Directive the support to be provided to trafficked persons includes psychological assistance, and treatment is to be provided in accordance with the individual's assessed needs. Article 12 of the European Trafficking Convention requires States to adopt such measures as are necessary to assist victims in their physical, psychological, and social recovery.

Psychological assistance is available to a varying extent through the official support system in all three Pro-Act partner countries. Non-governmental support providers shared best practice examples of psychological assistance that empowers trafficked persons, and ensures their independence and involvement in their own recovery.

In all project partner countries, however, male victims are less likely to enter into psychological assistance programmes and are perceived by service providers to have less need for such assistance than female victims. Language barriers, including access to interpreters and appropriate interpretation also limits the provision and quality of psychological support.

Recommendations

1. Psychological assistance should be tailored to trafficked persons' individual needs and explained in a way that highlights its value

2. Standards for ethical and effective interpretation should be applied during therapy sessions
3. Efforts should be made to improve understanding of specific psychological support needs of those trafficked for labour exploitation.

Reintegration

International guidance highlights the desirability of allowing victims of trafficking 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.

In each of the Pro-Act countries, trafficked persons who wish to return to their country of origin are provided reintegration assistance facilitated by NGOs or the International Organisation for Migration. Where trafficked persons remain in the country of destination, ongoing support was shown to facilitate integration. The research found examples of employability assistance that helps trafficked persons develop skills and facilitate access to work appropriate to their skills. As trafficked persons often express a strong need and desire to work, the permission to work for some formally identified victims was viewed as beneficial.

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. Finally, limitations on the right to work, and on access to welfare, causes significant hardship to trafficked persons, most notably in the UK and Romania.

Recommendations

1. Develop models of ongoing support for trafficked persons following the initial assistance period;
2. Enhance transnational networks of service providers to support trafficked persons return to countries of origin;
3. Record re-trafficking data to help assess identification and support systems and understand and prevent re-trafficking;
4. Offer comprehensive employability services to trafficked persons as appropriate;

5. Provide financial support to trafficked persons until they are ready to return to employment;

Pilot Strategies

The primary output of the Pro-Act Project is **Strategies for Proactive Identification and Support for Victims of Trafficking for Labour Exploitation** designed for implementation across the EU. The final Strategies will be published following an initial pilot phase in the Pro-Act partner countries.

The following strategy proposals draw on the findings of the Pro-Act partner research and secondary data analysis. These five draft strategies will be discussed at the Pro-Act European workshop on 2-3 July 2015. It is not anticipated that every strategy will be piloted in every project country. Considerations in drafting these strategies include:

- a) The relevance and salience of identified gaps in each of the project countries;
- b) The ability to tailor strategies to the national context;
- c) The length of the pilot period and ability to achieve measurable outcomes in that period;
- d) The resources available to partners during the pilot period; and
- e) The extent to which strategies rely on external stakeholders for their implementation and success.

The aim of the Pro-Act European workshop is to gather input from expert participants into these and other potential strategies. The project partners welcome both opinions on the proposed strategies, and proposals for alternative strategies, based on the expertise and experience of workshop participants.

Strategy 1 Access to information, improved detection and remedies

- a) Produce and disseminate **information about labour rights and remedies** to potential victims of trafficking for labour exploitation:
 - I. Offering concrete solutions to common violations;
 - II. Providing avenues for support to claim rights; and
 - III. In understandable format and languages.
- b) Introduce or expand 'peer education' programmes, **based on a common 'peer education' format**, as a means of improving detection. Peer educators will be from the same national and/or cultural group as potential trafficked persons, and have experience in the provision of social support or advice.

Aim: Potential victims of trafficking are aware of their labour rights and are assisted to assert such rights

Objective: Information about labour rights reaches individuals vulnerable to trafficking and they are detected and supported when facing situations of exploitation

Output: Clear information on rights and remedies is produced and disseminated among vulnerable workers; peer educators share information in work places and through social media or cultural exchanges with vulnerable workers.

Outcome: Potential victims of trafficking are aware of their labour rights and receive assistance to assert their rights; Increased numbers of trafficked persons are detected.

Key stakeholders: peer educators, migrant community organisations, NGOs, trafficked persons

Strategy 2 Improve access to expert legal counselling and redress

- a) Produce and disseminate **information about legal rights and avenues for legal redress** to trafficked persons in appropriate formats.
- b) Provide frontline workers with **training on avenues for legal redress, legal information and signposting trafficked persons to specialist counselling.**
- c) Nurture networks of specialist lawyers to facilitate the pooling of resources such as sharing case law and best practice, strengthen remedies and widen legal expertise.
- d) Work with specialist lawyers to provide training to lawyers in rights-based approaches to legal counselling for trafficked persons, to ensure more victims of trafficking receive high quality legal assistance.

Aim: Improve access to legal rights and redress for victims of trafficking for labour exploitation

Objective: Trafficked persons know their rights and are assisted in accessing rights and remedies through legal systems

Output: Networks of expert legal advisors are established and supported; Service providers are trained in legal remedies and connected to specialist lawyers; information about rights, obligations and remedies is created and disseminated amongst trafficked persons.

Outcome: Trafficked persons receive status, compensation, redress, remedy.

Key stakeholders: Lawyers, frontline workers.

Strategy 3 Empowering support based on the needs of trafficked persons

- a) Carry out **needs and risk assessments** with trafficked persons upon entry to support systems and re-evaluate such assessments throughout support. Assessments should take in to account the gendered needs of trafficked persons and the particular support needs of victims of trafficking for labour exploitation.
- b) Develop **a protocol** that clearly sets out the terms of assistance programmes, ensures that victims are aware of the support to which they are entitled and establishes duties and obligations on the part of all parties.

Aim: Ensure support for victims of trafficking for labour exploitation is empowering and meets their expressed needs

Objective: Trafficked persons are informed and active partners in the process of assistance; assistance is tailored to the needs of victims of trafficking for labour exploitation

Output: Detailed format for needs and risk assessment in cases of trafficking for labour exploitation; Preparation of a protocol for engagement with those trafficked for labour exploitation; Continuous engagement on the terms of the 'protocol' during assistance to trafficked persons;

Outcome: Trafficked persons receive support on the basis of need and are partners in such support.

Key Stakeholders: Service providers, trafficked persons.

Strategy 4 Tailored and diverse psychological assistance

- a) Ensure **comprehensive psychological needs assessments** are conducted for all trafficked persons;
- b) **Adopt new methods** of introducing trafficked persons to the concept of psychological support that highlights its value.
- c) Prepare a **support framework according to need** that includes a range of psychological support methods for use at different stages of therapy, including: psychotherapy, family counselling, group therapy befriending, coping techniques, well-being information.
- d) Continuously evaluate counselling outcomes based on a **trusted evaluation framework**.
- e) Apply **standards for ethical and effective interpretation** during therapy sessions

Aim: Deliver psychological support in a way that is understandable, relevant and valuable to trafficked persons and that respects their safety and integrity.

Objective: Improved take up and impact of psychological support on victims of trafficking for labour exploitation.

Output: Psychological support for victims of trafficking for labour exploitation delivered tailored to needs, and linked to a set of options for trafficked persons; Monitoring and evaluation of psychological support contributes to revisions of support on the basis of need; guidance on ethical interpretation is produced and followed;

Outcome: More victims of trafficking for labour exploitation take up psychological support that is effective and that meets their needs.

Key Stakeholders: service providers, interpreters, psychological support providers.

Strategy 5 Supporting access to benefits and appropriate employment

- a) Support trafficked persons to enter appropriate employment by establishing an **employability map of services** to meet their needs, including:
 - I. CV workshops;
 - II. Skill focused volunteer placements;
 - III. IT and English classes
- b) Work with local and national government agencies to ensure that trafficked persons are assigned a single welfare support case-worker to facilitate access to benefits and employment.
- c) Develop an employment empowerment programme that aims to build trafficked persons self-esteem to seek employment.

Aim: Trafficked persons are empowered to enter employment that respects their rights and meets their needs.

Objective: Employability assistance seek to draw on trafficked persons skills and help them to gain skills needed for the workplace.

Output: A employability 'map' is produced that sets out employment needs of individual trafficked persons, including CV development; IT skills; language requirements; and skill related volunteering experience needed; Trafficked persons are provided assistance in accessing appropriate employment; Trafficked persons are assigned a welfare support caseworker to facilitate access to benefits

Outcome: More trafficked persons find jobs that are empowering and tailored to their skills and needs.

Key Stakeholders: frontline responders, skills providers, welfare officials.

Monitoring, Evaluation and Strategy Finalisation

The pilots will take place over six months, during which time they will be continually monitored by the project partners for:

- Consistency with the relevant strategy as formulated following the Workshop;
- Consistency of approach across project partners;
- Measurable outcomes and adequacy of measuring tools; and
- Ethical and security concerns.

The progress and interim outcomes of the pilot will be discussed with key stakeholders in focus group sessions during the pilot period. Monthly meetings will also be held between project partners. At the end of the pilot period the process and outcomes will be assessed and recorded in the pilot report. In April 2016 a second European Workshop will be held, at which the pilot results will be discussed, and the strategies reviewed and finalised for dissemination.



This project has been funded with support from the European Commission. This publication reflects the views only of the author, and the European Commission cannot be held responsible for any use which may be made of the information contained therein.