

SUPPORTING THE REINTEGRATION
OF TRAFFICKED PERSONS

A GUIDEBOOK FOR THE GREATER MEKONG SUB-REGION

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FOREWORD

NEXUS Institute, UN-ACT and World Vision are pleased to have jointly produced this guidebook for reintegration service providers. Supporting the reintegration of trafficked persons: A guidebook for the Greater Mekong Sub-Region is intended as a practical tool for service providers in the GMS who work every day to support the reintegration of trafficking victims.

The guidebook was developed based on the research findings from *After Trafficking: Experiences and Challenges in the (Re)integration of Trafficked Persons in the Greater Mekong Sub-region*, which was commissioned by the COMMIT governments and authored by the NEXUS Institute. This reintegration research was based on interviews with more than 250 trafficking victims in the region about their experiences of life after trafficking. This guidebook, therefore, is firmly grounded in their lived experiences and self-identified needs.

This research study was undertaken in the context of a region-wide reintegration initiative under Project Proposal Concept 5 (PPC5) within the 2nd COMMIT Sub-regional Plan of Action (2008-2010), which sought to assess the effectiveness of reintegration processes and structures in the region. It continued under the 3rd COMMIT Sub-regional Plan of Action (2011-2013) under Area 3, Protection. The study was intended for anti-trafficking policymakers and practitioners in the GMS, as a means of enhancing their anti-trafficking response, in line with the interests and experiences of trafficked persons. The reintegration initiative was undertaken in the six GMS countries (Cambodia, China, Lao PDR, Myanmar, Thailand and Viet Nam), with the support of the COMMIT governments. It was comprised of three phases: 1) a desk review of reintegration services in the region; 2) national practitioner forums, collecting information on existing services and procedures for reintegration in the Mekong region as well as the perspectives of service providers; and 3) primary research with trafficked persons on their experiences

of reintegration (and associated services) in the Mekong region.

In an effort to further operationalise the findings from the research, World Vision supported the development of this guidebook for reintegration service providers in the region, commissioning NEXUS Institute to draft the guidebook. It not only summarises the research results but also offers checklists, to provide practical guidance about the various services offered as part of a reintegration programme. The guidebook can be useful in the design of reintegration programmes and policies, to ensure that they meet the needs of trafficking victims. It can also be useful in the day-to-day implementation of reintegration services, offering practical solutions and guidance to the challenges that service providers face in their work.

We hope this guidebook will be a useful tool for service providers as they continue their critical, indeed life saving work, in supporting the reintegration of trafficked men, women and children in the GMS region.

NEXUS Institute, UN-ACT & World Vision

ACKNOWLEDGEMENTS

This guidebook is based and builds on findings from the study, *After trafficking: Experiences and challenges in the (re)integration of trafficked persons in the Greater Mekong Sub-region*, conducted by NEXUS Institute in partnership with then UNIAP (now UN-ACT) and the six COMMIT governments. A great many people and organisations contributed to that research project, a full list of which appears in the original study. Most critical was more than 250 trafficked persons who gave generously of their time and shared their very personal experiences, feelings and thoughts about reintegration and their life after trafficking. Their contribution was essential in understanding and appreciating how reintegration is (and sometimes is not) successful. Their experiences, reflections and suggestions also form the foundation of this guidebook, which is intended to enhance reintegration programmes and policies in the Greater Mekong Sub-region.

This guidebook was developed by NEXUS Institute, with support from World Vision and UN-ACT and funding from the Australian Government Department of Foreign Affairs and Trade (DFAT). The intention of the guidebook is to highlight key issues identified in the provision of reintegration services in the GMS region and offer guidance in terms of how these issues and challenges can be addressed in moving forward. This guidebook is part of a broader initiative by World Vision, UN-ACT and NEXUS Institute to operationalise the findings and lessons of the COMMIT commissioned study of reintegration, *After trafficking*. I am grateful to World Vision and UN-ACT for supporting the development of this guidebook as part of broader efforts to improve reintegration response for trafficking victims in the GMS.

Thanks are due especially to Chigusa Ikeuchi (End Trafficking in Persons Programme (ETIP), Protection Manager) and John Whan Yoon (ETIP, Programme Manager) for initiating the development of the guidebook and for their contributions into various stages of the draft. Chigusa Ikeuchi was particularly involved in this initiative and provided helpful feedback and suggestions at various stages of the drafting and review process. The guidebook benefits substantially from her contributions. I would also like to acknowledge the contributions of World Vision's Regional team and Country Offices in Cambodia, China, Lao PDR, Myanmar, Thailand, Viet Nam as well as UN-ACT's Regional Management Office in Bangkok and Country Project Offices in Cambodia, China, Lao PDR, Myanmar, Thailand, Viet Nam. The guidebook also benefited from the feedback of Hagar (Viet Nam) and Issara Institute Foundation (Myanmar).

Sincere thanks to Maria Antonia Di Maio, Independent Consultant, who was a peer reviewer and provided many useful suggestions and contributions to the guidebook. I am also grateful to Laura S. Johnson, Research Associate at NEXUS, for her assistance in the preparation of the guidebook. Thanks finally to Stephen Warnath, President and CEO of NEXUS Institute, for his contribution to this resource.

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ACRONYMS

AT	anti-trafficking
COMMIT	Coordinated Mekong Ministerial Initiative Against Trafficking
CRC	Convention on the Rights of the Child
DSW	Department of Social Welfare
DSDW	Department of Social Development and Welfare
GMS	Greater Mekong Subregion
GO	government organisation
HIV	human immunodeficiency virus
IO	international organisation
IOM	International Organization for Migration
MoSVY	Ministry of Social Affairs, Veterans and Youth Rehabilitation
MOU	memorandum of understanding
NGO	non-governmental organisation
NRM	national referral mechanism
OHCHR	Office of the High Commissioner for Human Rights
SOPs	standard operating procedures
TRM	transnational referral mechanism
TRP	temporary residence permit
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNIAP	United Nations Inter-agency Project on Human Trafficking
UNICEF	United Nations Children's Fund
USD	United States dollar
VoT	victim of trafficking
VND	Vietnamese Dong
WHO	World Health Organization

1. INTRODUCTION

Reintegration is a long process that involves many steps after the individual's exit from trafficking.¹ Ideally, trafficked persons are formally identified as trafficking victims at the site of exploitation or after escape, provided with initial (voluntary) assistance abroad and then assisted to return to their home country or community where they are provided a range of services to support their social and economic reintegration. Another variation is that individuals are identified as trafficking victims in the destination country and provided with assistance to integrate into that society or a third country. In these scenarios, service providers interact with trafficking victims in ways that should afford them the protection and rights that they are entitled to and which is guaranteed under law. The recent study of reintegration, *After trafficking: Experiences and challenges in the (re)integration of trafficked persons in the Greater Mekong Sub-Region*,² found that many trafficked persons were assisted and supported in precisely these ways. Interviews with trafficked persons yielded many positive examples and experiences of recovery and reintegration. Many formerly trafficked persons spoke about the important role played in their recovery and reintegration by different agencies and institutions that provided post-trafficking services and reintegration support.

Nonetheless, many trafficked persons in the Greater Mekong Sub-region (GMS) did not have access to these "ideal" pathways and their experiences following trafficking were neither linear nor simple. Many trafficked persons in the GMS were never identified as trafficking victims, which meant they did not receive services to aid in their recovery and reintegration. Many went unidentified in the destination country and were deported or had to find (and fund) their own way home, ending up in debt as a consequence of paying for their own return. Some were identified as trafficking victims and assisted to return but faced problems in their families and communities, complicating reintegration and even sometimes leading to re-migration. Some trafficked persons received some forms of assistance but not the full range of services that they required (and were entitled to) to move on from their trafficking experience and reintegrate successfully into society. And some trafficked persons chose to decline assistance because available services were not what they needed and wanted. Understanding these diverse and complex post-trafficking trajectories sheds light on a wide range of issues and dynamics at play in the reintegration of trafficking victims in the GMS. It also highlights both the strengths and weaknesses of existing reintegration mechanisms and processes and offers insight in ways that good practice can be replicated or issues can be addressed.

¹ Reintegration is the process of recovery and economic and social inclusion following a trafficking experience. The term "reintegration" implies a return to victims' community/environment of origin, which is not always what happens and, moreover, may not offer the best and most durable solution. In some cases, trafficking victims build new lives in new communities or countries and thus we might more accurately refer to "integration". Moreover, some trafficking victims were not integrated prior to being trafficked, as a result of social, economic, and/or cultural marginalisation, in which case this is also more correctly framed as "integration". We use the term "reintegration" in this guidebook to capture both the issues of integration and reintegration and because it is commonly used

within the anti-trafficking assistance framework and in development and social assistance frameworks generally. For further discussion, please see section 4.

² Please see: Surtees, R. (2013) *After Trafficking: Experiences and Challenges in the (Re)integration of Trafficked Persons in the Greater Mekong Sub-region*. Bangkok: UNIAP and NEXUS Institute. Available at: https://nexushumantrafficking.files.wordpress.com/2015/03/after-trafficking_experiences-and-challenges-in-reintegration-in-the-gms.pdf.

This guidebook is based on findings of the study: *After trafficking: Experiences and challenges in the (re)integration of trafficked persons in the Greater Mekong Sub-Region*, which drew directly from the experiences and opinions of more than 250 trafficking victims across the region. The guidebook highlights positive examples and successes in the reintegration of trafficked persons in different settings and countries throughout the region. It also presents challenges faced by trafficked persons as they sought to move on from their exploitation, including what they suggested could be done in the future to better support the recovery and reintegration of trafficked persons. As critically, the guidebook offers a set of check lists which point to ways forward to improve work in the field of reintegration programming and policy.

The guidebook is a practical resource for service providers in the GMS region (and further afield), to assist in improving reintegration programmes and policies for trafficking victims. It may also be useful for donors and policy-makers in terms of identifying and funding good practice in the field of reintegration of trafficking victims.

2. ABOUT THIS GUIDEBOOK

2.1 WHAT IS IT?

This guidebook is based on the findings of the regional reintegration study, *After trafficking: Experiences and challenges in the (re)integration of trafficked persons in the GMS*. The research explored the real life experiences and needs of more than 250 men, women and children from the six GMS countries who were exploited for sexual exploitation, labour, begging and forced marriage as they sought to recover and move on with their lives after trafficking. The objective of this research was to understand the individual reintegration experiences of trafficked persons in different countries in the GMS – what was positive, what was less successful and what might be done in the future to either replicate good practices or avoid problematic ones.³

This guidebook was developed to share key research findings about the different assistance needs of trafficking victims with service providers and policy makers who may not have the time or opportunity to review the full research study. It summarises and distils research findings – including assistance needs identified by trafficking victims and key challenges faced in the provision of each type of reintegration service – and then offers a checklist for each service area which offers guidance to programmers and policy makers on how to offer high quality reintegration services including with specific consideration in the case of children. This overarching guidance can be used by organisations and institutions as they design and implement programmes and assistance protocols.

2.2 WHO IS IT FOR?

The guidebook is intended for service providers who are designing, implementing and managing reintegration programmes in the GMS. This includes social workers and social assistants, psychologists and counsellors, medical staff, lawyers and paralegals, educators and trainers, administrators, income generation specialists, programme managers and so on.⁴

The guidebook can also be used by service providers in other countries and regions to enhance reintegration interventions, in line with the interests and experiences of trafficked persons.

³ The study was based on in-depth interviews with 252 trafficked persons about their experiences of (re)integration, including successes and challenges, and future plans and aspirations. The study is available in full length version and a summary version. The summary version is available in English, Myanmar language, Chinese, Khmer, Laotian, Thai and Vietnamese. Please see: Surtees, R. (2013) *After Trafficking: Experiences and Challenges in the (Re)integration of Trafficked Persons in the Greater Mekong Sub-region*, Executive Summary. Bangkok: UNIAP and NEXUS Institute. Available at: <http://www.nexusinstitute.net/publications/>.

⁴ Service provider refers to organisations that provide one or more of the range of services needed by and provided to trafficking victims. This includes shelters/accommodation, medical care, legal assistance, psychological assistance, assisted return, family mediation, vocational training, job placement/economic programmes, educational opportunities and case monitoring. Service providers may be from NGOs, GOs and IOs and may be dedicated to anti-trafficking or may work on social assistance generally.

The guidebook can also be helpful for policymakers in offering a practical framework for what constitutes successful reintegration, considering what changes and improvements are needed in the reintegration response in their countries (and the region) and how they can enhance the policy and regulatory framework related to victims' reintegration.

Donors may also find this guidebook helpful in understanding what constitutes successful reintegration and as guidance in terms of how to effectively fund and monitor and evaluate reintegration programmes and policies.

2.3 HOW TO USE IT.

The guidebook is divided into seven sections, which are briefly summarised and detailed below.

Section 1. Introduction

Introduces the guidebook and its objectives.

Section 2. About this guidebook

Explains what the guidebook is, who it is for and how it is to be used.

Section 3. About the research on reintegration of trafficked persons

Provides an overview of After trafficking, research on reintegration, which was conducted with more than 250 trafficking victims in the GMS and on which the guidebook is based.

Section 4. Framing the discussion. Defining terms and concepts

Examines what constitutes successful reintegration and outlines the various trajectories that trafficked persons may follow, with variable experiences of identification and assistance. It also details the different reintegration outcomes that may constitute successful reintegration as well as the various forms of assistance ("service areas") that may be required to support this process.

Section 5. Supporting successful and sustainable reintegration

Describes what is involved in supporting the successful reintegration of trafficking victims, including a checklist

for critical aspects in terms of programming, policy/advocacy and in working with children. It then goes on to outline each of the different types of reintegration services that are part of a comprehensive package of support to trafficked persons and which, cumulatively, may be needed by trafficked persons to realise successful reintegration. Each of these ten "service areas" (listed below) is discussed in turn. Each service area presents: 1) the specific service area and assistance required by trafficked persons as part of reintegration (including specific issues related to reintegrating trafficked children); 2) what trafficked persons in the GMS said were, for them, issues and challenges faced in the provision of these services, including case studies to illustrate these various challenges; and 3) a checklist for programming, policy/advocacy and in working with children.

Service area #1. Housing, care and accommodation

Service area #2. Medical assistance

Service area #3. Psychological support and counselling

Service area #4. Education and life skills

Service area #5. Economic empowerment programmes

Service area #6. Administrative support

Service area #7. Legal assistance and support

Service area #8. Safety and security assessments

Service area #9. Family assistance, mediation
and counselling

Service area #10. Case management

Section 6. Conclusion

This section offers a brief conclusion to the reintegration guidebook.

Section 7. Resources, research and suggested reading

This is a (non-exhaustive) list of practical resources and research on various issues associated with reintegration. It includes practical tools (like handbooks, manuals and guidelines) as well as research studies. The list of resources is divided by service area as well as resources on the protection of children, ethical principles and other issues that should be considered in supporting successful and sustainable reintegration.

3. ABOUT THE RESEARCH ON REINTEGRATION OF TRAFFICKED PERSONS

3.1 WHO WE TALKED TO⁵

The research which is the basis of this guidebook (After Trafficking: Experiences and Challenges in the (Re)integration of Trafficked Persons in the Greater Mekong Sub-region) was conducted in each of the six GMS countries (Cambodia, China, Lao PDR, Myanmar, Thailand and Vietnam). Interviews were conducted with 252 former victims of trafficking (VoTs) from a cross-section of ages, sexes, nationalities, ethnicities, forms of trafficking, destination countries and at varying stages of the (re)integration process, in their home countries or in destination countries. This diverse sample of respondents (with their diverse and divergent experiences after trafficking) allowed us to learn about a wide range of reintegration experiences and needs.

We also sought, through in depth interviews, to capture, a detailed and deep understanding of these many experiences.

About the respondents

We interviewed four categories of trafficked persons, to learn about the widest range of identification⁶ and assistance experiences. This meant interviewing trafficking victims who were: 1) identified and assisted, 2) identified and unassisted, 3) unidentified and unassisted, and 4) unidentified and assisted. These categories are detailed in the table below.

TABLE #1. WHO WE TALKED TO. FOUR CATEGORIES OF RESPONDENTS.⁷

	Identified	Unidentified
Assisted	Individuals who are identified as trafficking victims by anti-trafficking stakeholders and assisted within the anti-trafficking (AT) framework or the more general social assistance system.	Those who have not been identified as trafficking victims but have received formal assistance, whether anti-trafficking assistance or within social assistance programmes.
Unassisted	Trafficking victims who have been identified but not assisted (within the anti-trafficking or general social assistance framework). This may include: 1) being identified but assistance was not offered or available; 2) being identified but not needing assistance; and 3) being identified but declining assistance.	Trafficking victims who are not identified and not assisted within the anti-trafficking framework or more generally through non-trafficking service providers.

⁵ For complete details about the research methodology and data collection process, please see: Surtees, R. (2013) After Trafficking: Experiences and Challenges in the (Re)integration of Trafficked Persons in the Greater Mekong Sub-region. Bangkok: UNIAP and NEXUS Institute, pp. 28-38.

⁶ Identification is the process by which a victim of trafficking (VoT) is determined to have been "trafficked". This is a formal identification procedure by someone with the right/authority to make this determination. Some countries require a government authority to provide formal trafficking status to victims. This means that trafficked persons may be informally identified by an NGO but not formally identified by the government.

⁷ The above framework was the starting point in conceptualising how to reach a wider range of trafficked persons, thereby affording an understanding of a broader set of (re)integration pathways and assistance needs. However, categories of respondents were not mutually exclusive and victims fell into different categories during their post-trafficking lives or related to the various assistance options, which were (and were not) available. Some trafficked persons were unidentified and unassisted in the destination country, but were identified and assisted upon their return home. Some were identified and assisted abroad, but then declined to be assisted upon return. Other trafficked persons initially declined to be identified and/or assisted but later sought out assistance.

Sex, age, nationality. Trafficked persons interviewed for this study were women and men, adults and children. They were nationals of each of the six countries in the

region - Cambodia, China, Lao PDR, Myanmar, Thailand and Vietnam - however, the majority (82%) were nationals of Myanmar, Vietnam and Cambodia.

TABLE #2: PROFILES OF TRAFFICKED PERSONS INTERVIEWS

Total number of respondents	252 trafficked persons
Sex	78 - male 174 - female
Age (when trafficked)	145 - adults 107 - children (under 18 years when trafficked) ⁸
Country of origin	62 - Cambodia 8 - China 28 - Lao PDR 79 - Myanmar 9 - Thailand 66 - Vietnam

Ethnicity. Respondents were from both minority and majority groups in their country; the ethnic composition in each country is outlined in table #3, below.

TABLE #3. ETHNICITY

Country of origin/nationality	Ethnicity of respondents
Cambodia	Khmer (56), Vietnamese (3), Cham (1), Unknown (2)
China	Han (5), Hui (1), Unknown (2)
Lao PDR	Lao Lum (18), Lao Theung (4), Lavad/Lao Lum (1), Kamou (1), Soy/Lao Theung (1), Unknown (3)
Myanmar	Bamar (47), Shan (8), Kayin (6), Bamar/Shan (4), Chin (2), Pa-Laung (2), Kayah(1), Mon (1), Pa O (1), Larhu/Rakhine (1), Bamar/Rakhine (1), Bamar/Indian (1), Bamar Kayin (1), Thai/Bamar (1), Unknown (2)
Thailand	Thai (9)
Vietnam	Kinh (50), Dao (5), Hmong (2), San Diu (2), Dzao Tuyen (1), Kho Mu (2), Nung (1), San Chi (1), Tay (1), Unknown (1)

⁸ Age is that when the child was trafficked. Child respondents were trafficked at various ages - i.e. trafficked as babies through to 17 years of age. At the time of interviewing for this study, some respondents were still children (n=55). Interviews with formerly trafficked children were conducted only with children

13 years of age and above. The majority (n=41) were between the ages of 15 and 17 when interviewed. However, others had since become adults (n=52) and were interviewed when adults.

Forms of trafficking. Respondents were exploited for different forms of trafficking – sexual exploitation, labour, forced marriage, begging and street selling or a combination of sexual and labour exploitation.

The most common form of trafficking amongst respondents for this study was for forced labour – i.e. agriculture/plantation, construction, domestic work,

factory work, fishing or the service centre, as outlined in table #4, below. Some trafficked persons were exploited for different forms of labour over the course of trafficking – e.g. trafficked for fishing and then on plantations, a combination of factory and construction work, being exploited first for domestic work and then in construction and so on.

TABLE #4. FORMS OF TRAFFICKING	
Sexual exploitation	61 ⁹
Labour	123 ¹⁰
	Agriculture/plantation – 14 Construction – 13 Domestic work – 25 Factory – 35 Fishing – 37 Service sector (shops, restaurant) – 8
Forced marriage	35 ¹¹
Begging and street selling	20
Sexual exploitation and labour	3
Escaped before exploited¹²	7
Unknown¹³	3
Total	252

Countries of destination. The majority of respondents were trafficked within the GMS region. Thailand, China and Malaysia were the primary destination countries, cumulatively accounting for the majority of the countries where trafficked persons were exploited (75.9%). However, some trafficked persons were exploited in other countries and findings are reflective of issues in these various countries both within and beyond the GMS.

Some individuals were trafficked within their own country – a total of 44 trafficked persons were exploited internally (17.5%), of which 37 were children. The details of internal trafficking are also presented in the table below.

The number of destinations (n=266) exceeds the number respondents (n=252); some individuals were exploited in more than one destination country.

⁹ This includes nine persons who escaped before being sexually exploited.

¹⁰ This includes five persons who escaped before being exploited for labour. Further, the forms of labour exceed 123 because some trafficked persons were exploited for different forms of labour over the course of their trafficking experience.

¹¹ This includes four persons who escaped before being exploited for forced marriage.

¹² These women/girls escaped from their traffickers before they could be exploited but all indications were that they would have been trafficked into prostitution or

forced marriage.

¹³ The focus of the interviews was on victims' experiences post-trafficking (i.e. exit, identification, return, assistance, (re)integration) and respondents were not required to discuss their trafficking experience. Within the research protocol and introduction they were explicitly offered the option not to speak about their trafficking experience. As a result, in some cases, it was not clear for what form of exploitation the respondent was trafficked.

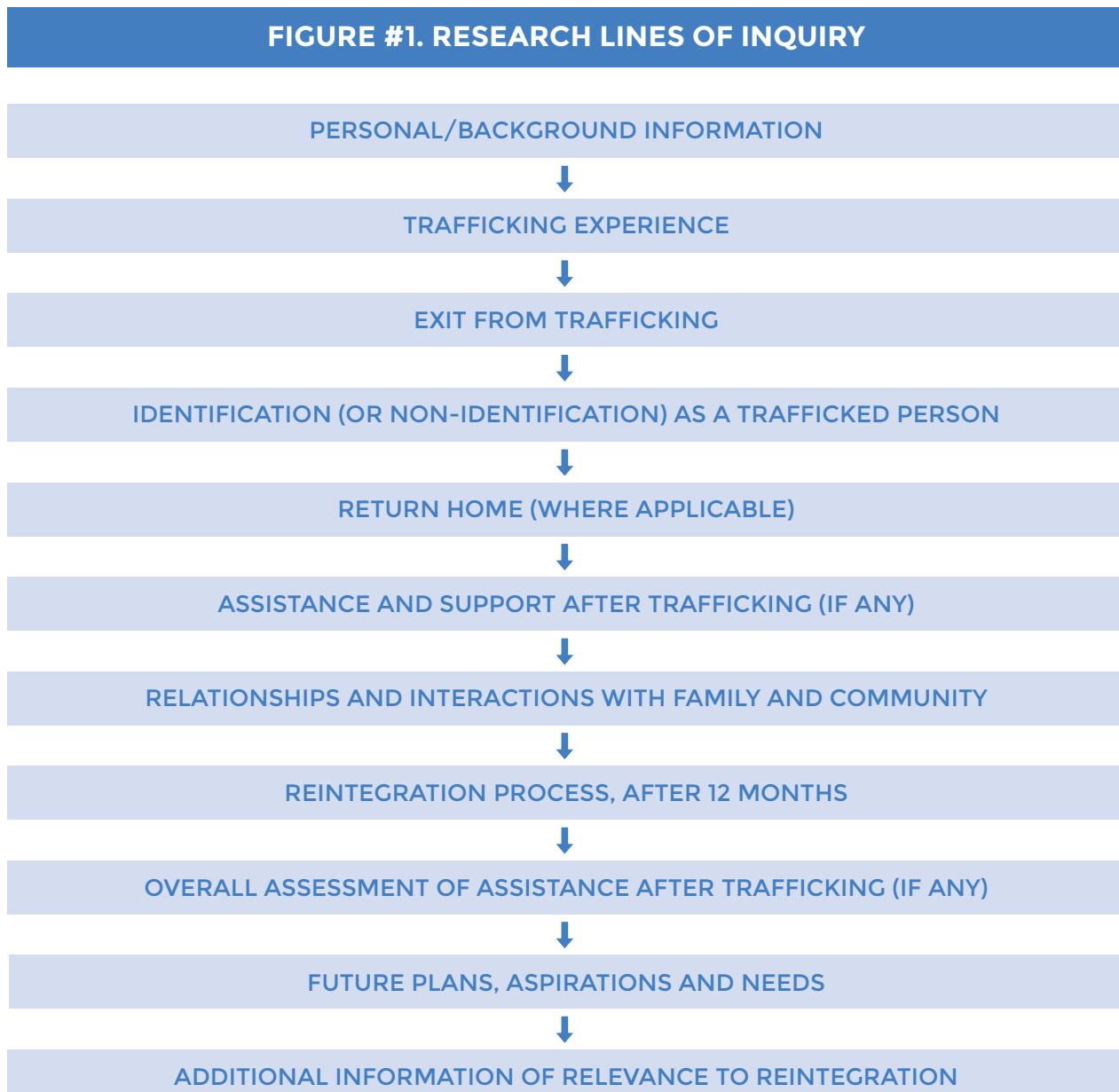
TABLE #5. TRAFFICKED PERSONS' COUNTRY OF DESTINATION

Cambodia	16 (10 Cambodians internally trafficked; 6 foreign nationals)
China	59 (8 Chinese nationals internally trafficked; 51 foreign nationals)
Hong Kong, China	2 (GMS nationals)
Indonesia	4 (GMS nationals)
Israel	2 (GMS nationals)
Italy	1 (GMS nationals)
Japan	2 (GMS nationals)
Lao PDR	3 (3 Laotians internally trafficked)
Malaysia	41 (GMS nationals)
Myanmar	8 (8 Myanmar nationals internally trafficked)
Singapore	4 (GMS nationals)
Taiwan, China	2 (GMS nationals)
Thailand	102 (2 Thai nationals internally trafficked; 100 foreign nationals)
Vietnam	17 (13 Vietnamese nationals internally trafficked; 4 foreign nationals)
United Kingdom	1 (GMS national)
Yemen	2 (GMS nationals)
Total	266

3.2 WHAT WE TALKED ABOUT

In-depth interviews were undertaken with a diverse group of trafficking victims, to learn about their pre-trafficking conditions, migration and trafficking experiences, exit/escape from exploitation, life after trafficking and their various assistance needs. While some attention was paid to the specifics of the trafficking experience, we focused on understanding and analysing reintegration processes, recognising the wide variation in experiences between respondents. Data was collected according to a standardised

questionnaire, although the approach was semi-structured in that researchers adapted their lines of inquiry according to the specifics of the individual's experiences. Standardised probes assisted researchers in maintaining commonality and consistency in terms of lines of inquiry. To understand the different paths and trajectories of trafficked persons in the GMS, main lines of inquiry for the interviews were centred on the following topics and stages of life, as detailed in figure #1.



4. FRAMING THE DISCUSSION. DEFINING THE TERMS AND CONCEPTS

4.1 WHAT IS SUCCESSFUL REINTEGRATION?

Reintegration is the process of recovery and economic and social inclusion following a trafficking experience. It includes:

- settlement in a safe and secure environment,
- access to a reasonable standard of living,
- mental and physical well-being,
- opportunities for personal, social and economic development, and
- access to social and emotional support.



Diagram #1. Components of successful reintegration

An important aspect of reintegration interventions involves working with and supporting trafficking victims to develop skills toward independence and self-sufficiency and to foster resilience.¹⁴

Trafficked persons may be reintegrated in different settings, depending upon their individual needs, interests and situations. In some instances it is about returning to one's home environment; in other cases it is about integrating into a new setting. Different options might include:

- **Reintegration in the home community.** When the individual returns to their family and/or community of origin in his/her country of origin.
- **Integration in a new community in the home country.** When the individual integrates into a new community in the individual's country of origin.
- **Integration in a new country.** When the individual integrates in a new community and new country.

Diagram #2 illustrates some of the trajectories that trafficked persons may follow, with variable experiences of identification and assistance at different stages of their post-trafficking lives. As noted above, ideally trafficked persons are formally identified as trafficking victims at the site of exploitation or after escape, assisted abroad and supported to return to their home country or community where they are assisted with services to support their social and economic reintegration. Alternatively they may be identified as trafficking victims in the destination country and provided with assistance to integrate into that society or resettled in a third country. However, this is not what always happened in practice and the diagram below details the various pathways for both reintegration and integration that trafficking victims in this study followed.

¹⁴ Adapted from Surtees, R. (2008) *Re/integration of trafficked persons – how can our work be more effective*. Brussels: KBF & Vienna/Washington: NEXUS Institute.

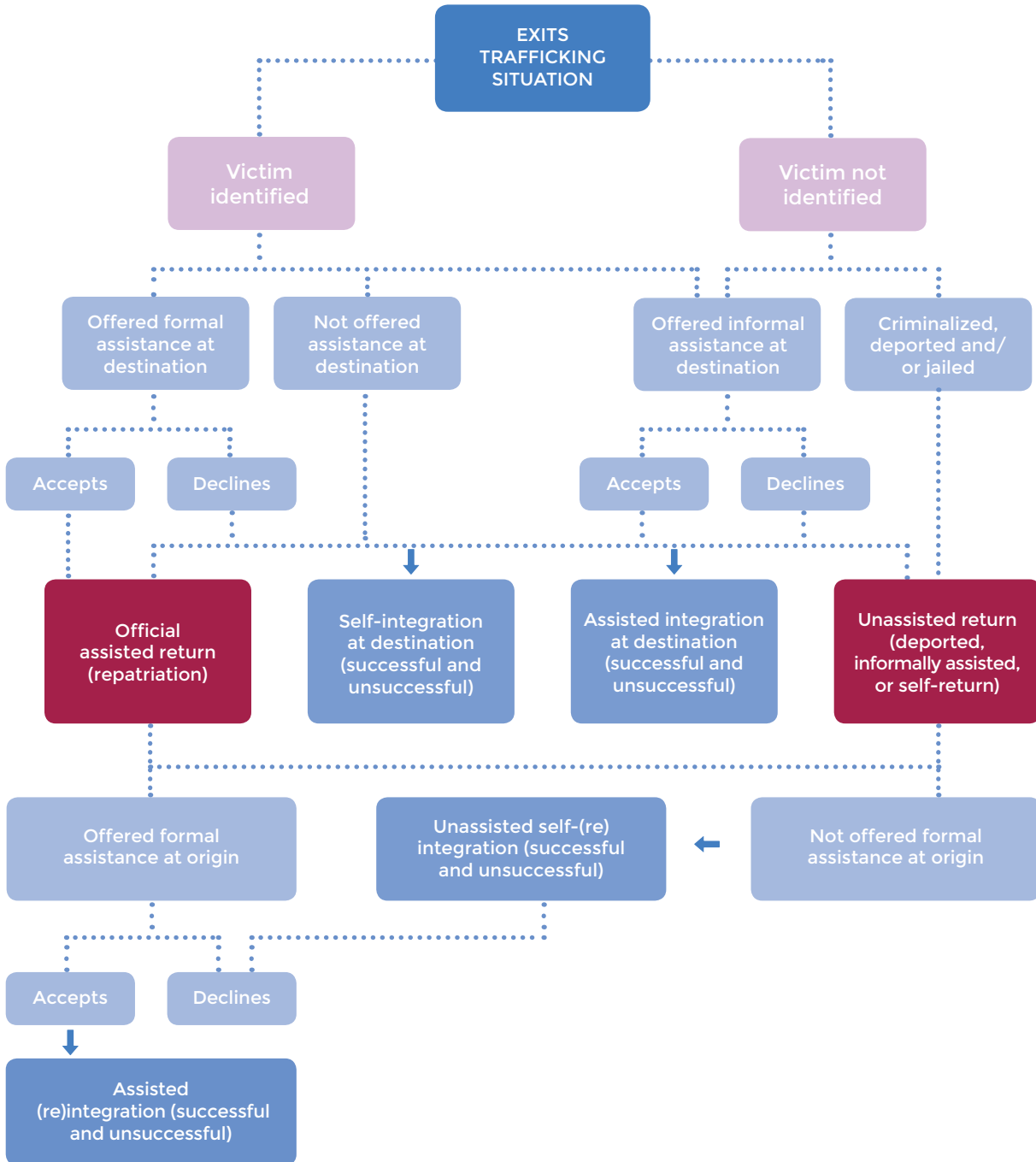


Diagram #2. Avenues of (non)identification and (non)assistance post-trafficking¹⁵

¹⁵ This diagram represents common pathways for adult trafficking victims. However, the process and procedures for identification and assistance should be in several respects different for children. State and other authorities have a duty to assist and protect children when any child protection concerns arise, particularly when they are deprived of parental care.

Meaningful reintegration is a complex and costly undertaking, often requiring a full and diverse set of services for trafficking victims (and sometimes also their families). Trafficking victims may have widely differing short- and long term needs – e.g. physical, psychological, educational, professional, social and economic. Individuals are trafficked for a wide range of purposes and the nature and impact of exploitation is often context specific and highly individual. Moreover, they often have pre-existing personal, social and economic vulnerabilities, which also need to be addressed to ensure an environment conducive to successful reintegration. This means, in practice, that assistance and reintegration needs are also highly individual and often very complex.

The likelihood of successful reintegration often depends on trafficked persons having passed through other steps, including formal identification, safe return

procedures, access to adequate services. In the case of children, this would also include the appointment of a suitable guardian, appropriate interim care and a structured process aimed to determine the long-term solution that best suits the child’s full development and attainment of his/her fundamental rights. Lack of access to such procedures and processes often leads to lack of assistance or of inappropriate assistance/intervention, such as, for example, in the case of children wrongly identified as adults.

Assessing when someone is successfully reintegrated is not uncomplicated given the complexity of the process and of victims’ lives after trafficking. Nonetheless, there are outcomes which may cumulatively serve to help measure “successful reintegration”. These are detailed in Table #6, below. Some trafficked persons may have realised some or many outcomes; others may have realised few or even none.

TABLE #6. WHAT IS SUCCESSFUL REINTEGRATION IN THE GMS?¹⁶

Reintegration outcomes	Description of reintegration outcome
Safe, satisfactory and affordable place to live	Access to a safe, satisfactory and affordable place to live, whether provided by an organisation, institution or privately arranged.
Physical well-being	Healthy physical condition and a general sense of physical well-being.
Mental well-being	Mental well-being, including self-esteem, confidence and self-acceptance.
Legal status, protection and representation	Having legal status as a citizen (i.e. having been registered at birth) and access to her/his identity documents, or in the case of foreign trafficking victims, being provided with temporary or permanent residency. In the case of children, this includes the appointment of a legal guardian when required.
Safety and security	Being physically safe and well, including safety from exposure to threats or violence by the trafficker, or by others within the family or community/country.
Economic well-being including professional employment and	A satisfactory economic situation – for example, the ability to earn money, support family members and so on – as well as

¹⁶ Adapted from Surtees, R. (2010) Monitoring anti-trafficking re/integration programmes. A manual. Brussels: KBF & Washington: NEXUS Institute.

economic opportunities	access to economic opportunities, which might include employment or income generation activities.
Education and training opportunities	Access to school re-enrolment, educational and training opportunities, including formal and informal schooling, professional/vocational training, life skills and so on. This is of particular importance for children who have not achieved the minimum level of schooling.
Healthy social environment and interpersonal relationships	Positive and healthy social relations, including vis a vis peers, family, spouses/intimate partner and the community. This includes not being exposed to discrimination, stigma, marginalisation and so on. Key, in the case of children, is stable family relationships (and ideally reunification) or other appropriate, preferably family based, alternative care options.
Best interests assured in the legal process	The individual's involvement in the legal/judicial process related to the trafficking experience being undertaken in their best interests and with their informed consent.
Well-being of victims' families and dependents	The overall well-being of trafficked persons' dependents and close relatives, including children, spouses, parents, siblings and so on.

Often key in achieving successful reintegration outcomes, as presented above, is the provision of appropriate, adequate, sensitive and high quality assistance to trafficked persons. The nature of this assistance is discussed below.

4.2 WHAT IS ASSISTANCE?

Assistance has an important role to play in the recovery and reintegration of trafficked persons. "Assistance" refers to formal anti-trafficking assistance, provided by national and international non-governmental organisations (NGOs), international organisations (IOs) and state bodies, as well as more generalised assistance (i.e. non-trafficking specific assistance) provided by state agencies (e.g. social services, child protection agencies and health departments), NGOs or IOs.

Assistance may be trafficking specific or more general, it may be provided by the state, an NGO or an IO. Reintegration services do not need to be provided exclusively by anti-trafficking organisations. In some cases, assistance and support offered as part of general state services, child protection systems or programmes for the socially vulnerable effectively meet the needs of trafficked persons.

GOOD PRACTICE: ASSISTANCE FROM DIFFERENT AGENCIES/INSTITUTIONS

One Vietnamese woman, trafficked to China for forced marriage, was a single mother of three children with many assistance needs when she returned home. She was assisted both by an anti-trafficking organisation and with services to socially vulnerable persons. When assessing the assistance she had received she said that the most helpful assistance had been getting certified as a “poor household” as this meant that she received a small monthly subsistence allowance (300,000 VND per month [approx. 15 USD]) and her children were exempted from paying school fees. She also received access to housing through another general assistance programme. By contrast, the vocational training she had received from an anti-

trafficking shelter programme did not help her to find a job and improve her economic situation.

One Chinese boy, trafficked internally for labour in a brick factory, approached the police after escaping the brick kiln and was accommodated briefly in a shelter. Shortly thereafter he was accompanied home by law enforcement officers assisted by his village chief to access various services when he returned home. The village chief accompanied him to the local authorities and assisted him in applying to receive a basic living allowance (140 Yuan or approx. 22 USD per month) and assistance in rebuilding his family home. He also received some basic food items and applied for an identity card.

Which assistance is most effective and appropriate depends on a range of individual and socio-economic factors as well as the specifics of the trafficking experience and the stage of victims’ post-trafficking experience. Moreover, the different types of assistance are often complimentary and mutually reinforcing. Access to different (and complimentary) types of assistance can be important in supporting reintegration.

The types of formal assistance needed for recovery and reintegration after trafficking differ according to whether the individual is in the initial crisis stage or later on in the transition or reintegration phase. They may include some or all of the services listed in Table #7 (below).

TABLE #7. COMPREHENSIVE REINTEGRATION SERVICES

Service area #1	Housing, care and accommodation. The provision of safe, satisfactory and affordable accommodation and care options
Service area #2	Medical assistance. Providing appropriate, adequate and sensitive medical care
Service area #3	Psychological support and counselling. Supporting mental health and well-being
Service area #4	Education and life skills. Providing access to formal and informal education
Service area #5	Economic empowerment programmes. Supporting economic empowerment opportunities
Service area #6	Administrative support. Addressing administrative issues like access to documents and legal identity and protection and representation for children (e.g. the appointment of a legal guardian).
Service area #7	Legal assistance and support. Assisting victims/witnesses in legal proceedings including criminal justice, civil and labour proceedings.
Service area #8	Safety and security assessments. Ensuring trafficking victims are safe and secure
Service area #9	Family assistance, mediation and counselling. Fostering and supporting a healthy family environment
Service area #10	Case management. Supporting reintegration in the long term

5. SUPPORTING SUCCESSFUL AND SUSTAINABLE REINTEGRATION

Trafficked persons, including trafficked children and youth, faced many problems as a consequence of their trafficking experience. They were exposed to poor and inhumane living and working conditions, were poorly fed or even unfed, subjected to violence and abuse, lacked access to medical care or other forms of assistance and so on. Many trafficking victims were exploited in horrendous conditions for long periods of time, often for a number of years.

As a consequence, trafficked persons in the GMS reported a range of short and long term assistance needs that were directly related to and often caused by their trafficking experiences. Other needs were linked to their pre-trafficking vulnerabilities and needs, problems that often had contributed to being trafficked. Still other assistance needs were linked to their family situations, including assistance needed by family members. Addressing these various and complex needs was often central to whether (and to what extent) trafficked persons recovered after their trafficking experience and were able to successfully reintegrate into their families and communities.

MULTI-LAYERED ASSISTANCE NEEDS AND VULNERABILITIES.

Some assistance needs were a direct consequence of trafficking exploitation while others were linked to victims' pre-existing needs and vulnerabilities or their family situation.

Each trafficked persons should participate in an individual needs assessment with a social worker which is then the basis of a reintegration plan. Reintegration is a long term process and successful and sustainable reintegration requires that needs and services be assessed and reassessed over time. Some trafficked persons will require more services and support than others. Some trafficked persons will face setbacks during their reintegration and require on-going support or a resumption of services to address such crises. The specific time required for supporting reintegration will vary from case to case and service providers should be available to meet the needs of trafficked persons at any time, even after a case has been assessed to be successfully reintegrated.

Underpinning successful and sustainable reintegration is the need for adequate resources, both financial and human. It is imperative that governments in the Greater Mekong Sub-region plan for the provision of these long term and diverse post-trafficking services, in forecasting and budget allocation as well as the training needed for the professionals to deliver the services, from immediate referral to longer term reintegration. Without increased commitment of national resources to assistance and services, counter-trafficking efforts and the reintegration of trafficked persons will not be sustainable in the GMS. It will take time to build the capacities and systems required and outlined in this guidebook and, therefore, multi-year plans to implement such capacity building should be integrated into national counter-trafficking strategies and related plans of action.

SPECIAL NOTE ON CHILDREN

Trafficked children, by virtue of their age, maturity and trafficking experience, had specific and often specialised assistance needs. Trafficked children interviewed in this study had a vast range of assistance needs, some of which were very specific and required highly specialised care.

With regard to the reintegration of trafficked children, Article 39 of the UN Convention on the Rights of the Child (CRC), obliges states parties to promote the social reintegration of any child victim of abuse and violence, which includes human trafficking. That is: “States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim... Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child”.¹⁷ The “best interests of the child”, as enshrined in Article 3.1 of the CRC, applies to reintegration activities as to any other action undertaken in relation to a child.¹⁸

In the case of children, reintegration planning should be embedded in a broader, more comprehensive process, aimed at determining their best interests.¹⁹ The Best Interests Assessment (BIA) is an essential element of case management and general child protection

work, as individual casework undertaken with children at risk (including child victims of trafficking) must be based on an assessment of protection needs with recommendations for intervention and referral. The BIA is an assessment tool that involves a process of interviews and information gathering to ensure that all the relevant factors of a particular case are considered.²⁰

All service providers have an obligation to assess the best interests of a child and should conduct a BIA. A BIA should be conducted as soon as a child has been identified to be at risk. It is an on-going process that places the child’s best interests at the centre of any action and as a primary consideration and objective of any measure affecting him/her. Determining what constitute “the best interests of the child” will involve weighing a range of factors, in light of the various reintegration options available (including what is realistic given an individual child’s circumstances and possibilities) as well as the consequences of each of these alternatives. Such assessments are highly individual and can, in practice, be very complex and difficult. Undertaking such determinations will require a range of considerations.²¹

When deciding upon a durable solution for a child VoT, a Best Interests Determination (BID) is required.

¹⁷ Article 39 CRC.

¹⁸ That is: “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration” Article 3 CRC.

¹⁹ SCEP (2009) Statement of Good Practices, 4th Revised Edition, at D9.

²⁰ The BIA is essential before any action affecting a child is taken, unless a Best Interests Determination (BID) is also required. A BID is a formal process with specific procedural safeguards and documentation requirements that is conducted for certain children, whereby a decision-maker is required to weigh and balance all the relevant factors of a particular case, giving appropriate weight to the rights and obligations recognised in the CRC and other human rights instruments so that a comprehensive decision can be made that best protects the rights of children. UNHCR (2008) UNHCR Guidelines on Determining the

Best Interests of the Child, Geneva: UNHCR, p. 32. Altes, M. K. (2011) Field Handbook for the Implementation of UNHCR BID Guidelines, Geneva: United Nations High Commissioner for Refugees, p. 7. See also Save the Children (2010) Best Interests Determination for Children on the Move: A Toolkit for Decision-Making, South Africa: Save the Children UK South Africa Programme. Available online at <http://resourcecentre.savethechildren.se/sites/default/files/documents/3829.pdf>.

²¹ Surtees, R. (2014) Re/integration of trafficked persons. Working with trafficked children and youth. King Baudouin Foundation, GIZ and NEXUS Institute.

There were several overarching issues and considerations that service providers should keep in mind when providing all types of services, to support the reintegration of trafficked adults and children. The checklist below provides guidance in terms of ensuring that reintegration services are designed and implemented in ways that best meet the needs of trafficked persons and, in the case of trafficked children, are in their best interests. The box of good practices (below) offers some examples from the GMS where these overarching issues have been built into the reintegration response.

GOOD PRACTICE: SUPPORTING SUCCESSFUL REINTEGRATION

One Cambodian man trafficked to Thailand for work in a factory was rescued when the Thai and Cambodian police conducted a joint raid on the factory. After being screened and identified as a trafficking victim, he was referred to a shelter and a case was opened against his trafficker. He stayed at the shelter for three months during which time he was able to work. He described being treated well, with respect and dignity, by the assistance staff. After his stay in the shelter he was assisted to return home. He was escorted to the Cambodian border by embassy staff and accommodated overnight in a transit centre before being given money to go home to his village. Once home he received some initial humanitarian support and then was later provided with some pigs to raise as a means of income generation. He also found a job in construction which helped improve his economic situation. He was living again with his family and relations within his family and with the community were good.

One Thai man, trafficked to Israel for agricultural labour, was assisted in Israel in initiating a compensation claim against his employer for outstanding wages. He was also assisted in finding a properly paid job and was provided with accommodation and various other services while the case was pursued against his exploiters. Upon his return to Thailand he was met at the

airport by a social worker who provided him with financial assistance to return home. Shortly thereafter a state social worker visited his house and talked with him about his assistance needs, conducting a needs assessment. As he intended to return to farming he was provided with a grant, which he spent on tools, seed and other farming implements.

One Vietnamese woman returned home and reported her case to the commune authorities. Shortly thereafter she was contacted by staff of the state social work department. She received various forms of assistance as a result of this referral, including vocational training, accommodation, a stipend while in training, financial support for her family and assistance in finding a job after completing her training.

One Vietnamese woman received financial assistance from the department of labour, and agricultural implements from the department of social welfare. She also received training in vegetable growing techniques from the staff of a state agricultural station and funds from state social welfare to buy vaccines for her pigs and chickens. She was also referred to an anti-trafficking programme, which assisted her with various services, including vocational training.

Checklist for successful and sustainable reintegration

PROGRAMMING

✓ **Reintegration services should be individually tailored.**

Services should be tailored to the individual and specific needs of each trafficked person, based on an individual and on-going needs assessments. This includes the provision of specialised services for trafficked children and youth.

✓ **Ensure a comprehensive package of reintegration services.**

Reintegration support should be comprehensive; a full range of services should be offered to trafficked persons based on their individual needs. This may involve directly offering services or referring to other service providers. Partnerships with other agencies and institutions should be developed to ensure comprehensive services and a continuum of care. Some assistance may be designed for trafficking victims and some services may be available through assistance programmes for migrant workers, socially vulnerable populations and the population at large.

✓ **Comprehensive services should be available to all trafficking victims.**

Support and assistance should be designed to meet the needs of victims of all forms of trafficking exploitation, over the course of their reintegration. Appropriate, high quality services should be available to all trafficking victims, regardless of sex, age, ethnicity or nationality.

✓ **Trafficked persons should be fully informed about what services are available and to which they are entitled.**

Trafficked persons should be fully informed about the services available to them and any rules and requirements when participating in an assistance programme. When sharing information with children, it should be conveyed in a way that is consistent with their age, education and maturity.

✓ **All assistance and services should be voluntary.**

Trafficked persons have the right to decline some or all reintegration services offered to them. They also have the right to accept or decline services over time. Informed consent should be reviewed and revisited regularly over time.

✓ **Services should be offered by trained professionals.**

Services should be offered by professionally trained and accredited service providers. All service providers working with trafficked persons should have access to on-going training and re-training over time, which enhances their skills and capacities to support reintegration. This should include training and expertise in working with trafficked children and youth.

✓ **Service providers should be sensitised and sensitive.**

All service providers working with trafficked persons during reintegration should be sensitised to the issue of human trafficking and its psychological, physical and social impacts. Service providers should be equipped with the skills and knowledge to work appropriately with trafficked persons, including further sensitisation to the needs of trafficked children and youth.

✓ **Ensure cultural sensitivity.**

Educate all service providers to be knowledgeable about and sensitive to the backgrounds, experiences and cultures of the individuals they assist. This requires attention to different issues, including different nationalities, ethnicities and religions.

✓ **Ensure high quality services and programmes.**

Services and support should be of the highest possible quality, to ensure reintegration success. Minimum standards of care should be developed for reintegration services and monitored for compliance.

✓ **Make services available from trafficking-specific organisations and other assistance organisations or institutions.**

Assistance to trafficked persons may be provided by anti-trafficking organisations or those working with other vulnerable groups including child protection services. Ensure that the service is high quality, staff is professionally trained and services meet the needs of trafficked persons.

✓ **Ensure adequate case supervision.**

Implement procedures for case supervision of all programme beneficiaries. Assign each beneficiary's case to a case manager to ensure that services are appropriately provided and needs met according to minimum standards of care.

✓ **Refer cases for assistance.** Refer victims to other service providers, to ensure that they have access to a full range of high quality services. Not all services can be provided by one organisation and service providers should refer beneficiaries to other programmes/ organisations as needed.

✓ **Offer community-based services and support.** Residential care should be considered a temporary solution and only in some cases. Various forms of assistance and services should be available to trafficked persons living with their families and communities. Service providers should ensure that trafficking victims who return to a community setting are provided with comprehensive services to support their reintegration.

✓ **Services should be available in the native language of the victim.** Services should be provided in a language that victims can understand and communicate in. When not possible, trained and sensitised cultural mediators and translators should be used to ensure that a victim understands and is able to give informed consent to any involvement in an assistance programme. All information shared with children should be in line with their age, education and maturity.

✓ **Accountability to trafficked persons.** Service providers who work with trafficked persons must be accountable in their work. This includes being available and able to answer questions that trafficked persons have about services they receive, being responsible for decisions pertaining to those services and being liable for the effects that those services have on trafficked persons who receive them. Trafficked persons should have access to complaint mechanisms to ensure accountability.

✓ **Ensure beneficiary participation.** Programme beneficiaries, both adults and children, should be actively engaged in the design and implementation of their reintegration plan and should be fully informed of rights, options and opportunities, including all decisions about the services they do (and do not) wish to receive.

✓ **Support the empowerment of trafficked persons.** Interventions and interactions should be designed and implemented in ways that support beneficiary empowerment, autonomy and resilience. Service providers should work with trafficking victims to foster their autonomy and avoid dependence on reintegration services or service providers.

✓ **Establish and adhere to ethical guidelines and codes of conduct.** Any provision of reintegration support or services should adhere to the highest ethical standards including principles of confidentiality, non-discrimination, being non-judgemental and respect for privacy. Professionals working in and across service areas should adhere to the ethical guidelines and codes of conduct for those specific professions.

SPECIAL ATTENTION TO CHILDREN

✓ **Appointment of a legal guardian.** Trafficked children should be appointed a legal guardian to advise them and to protect their rights and interests, whenever their parents are temporarily or permanently unable, unwilling or unsuitable to exercise their parental rights. The appointed guardian should be consulted and informed regarding all actions taken in relation to the child.²²

✓ **Specialised, child friendly services for trafficked children.** Services to support the reintegration of trafficked children must be tailored to their individual and specific needs and be designed and implemented in a child friendly way. Child-rights principles and child-specific protocols should underpin this work.

✓ **Professionals are trained in working with children.** Assistance and support should be provided by service providers who are professionally trained and sensitised in working with trafficked and/or vulnerable children.

²² Please see SCEP (2009), Statement of Good Practices, 4th Revised Edition, section D3, for further details of the guardian's roles, responsibilities and qualifications.

✓ **Programmes adhere to child protection policies.** All organisations and institutions working with children should design and implement a child protection policy. All staff and consultants should be trained in and adhere to this child protection policy, including administrative and support staff.

✓ **Child participation in the reintegration process.** Children should be fully informed about and engaged in all decisions about their individual reintegration, including as their situation and needs change over time. Service providers should be specifically trained in the principles and practice of child participation.

POLICY/ADVOCACY

✓ **Foster and enhance partnerships and referrals amongst service providers.** Build and maintain partnerships and trust amongst service providers and agencies working on reintegration, at local and national levels. Organisations and governments working in partnership can lead to a genuine continuum of support and care. Partnerships are needed amongst services providers from government agencies and civil society.

✓ **Establish a national referral mechanism.** Advocate for the establishment of national referral mechanism (or similar means of referrals) to ensure that trafficking victims have access to services and support and are treated in a dignified manner. This should include trafficked children having access to existing child protection services at national and local levels. National referral mechanisms should also tap into existing services available to migrant workers, socially vulnerable populations and the population at large.

✓ **Advocate for transnational referral systems.** Advocate that government partners work to coordinate transnational referrals in ways that ensure trafficking victims' have access to services and reintegration support and are treated in a dignified manner. Governments in destination and origin countries will need to coordinate efforts to ensure high quality services and a continuum of care across countries.

✓ **Draft and implement ethical guidelines and codes of conduct.** Reintegration support or services should be guided by ethical guidelines including principles of confidentiality, non-discrimination, being non-judgemental and privacy. Professionals should adhere to codes of conduct. Advocate for the drafting and implementation of these guidelines and codes of conduct where they are not already in place.

✓ **Design and implement programmes and policies to tackle stigma and discrimination.** Ensure that all programmes and policies are designed in ways that do not cause stigma or discrimination for trafficking victims as they seek to recover and reintegrate. Sources of stigma and discrimination (including for different types of victims and forms of trafficking) should be identified and communicated amongst service providers and policy makers.

✓ **Ensure budget allocation for reintegration.** Reintegration programmes and policies should be accompanied by an adequate allocation of government funding and resources. Advocate for the allocation of adequate resources to support reintegration services and the human resources needed to implement such services over the course of reintegration and undertake case management.

The subsequent sections (service areas #1 to #10) will outline each of the different types of services that are part of a comprehensive package of assistance to support the reintegration of trafficked persons. Each service area section will present: 1) needs related to that service area, including specific issues related to reintegrating trafficked children; 2) issues and challenges faced in the provision of services; and 3) a checklist to design and implement reintegration interventions.

SERVICE AREAS FOR REINTEGRATION INTERVENTIONS

Service area #1.	Housing, care and accommodation
Service area #2.	Medical assistance
Service area #3.	Psychological support and counselling
Service area #4.	Education and life skills
Service area #5.	Economic empowerment programmes
Service area #6.	Administrative support
Service area #7.	Legal assistance and support
Service area #8.	Safety and security assessments
Service area #9.	Family mediation and counselling
Service area #10.	Case management

Service area #1. Housing, care and accommodation. The provision of safe, satisfactory and affordable accommodation.

HOUSING AND ACCOMMODATION NEEDS

Housing, care and accommodation is important as part of trafficked persons' initial stabilisation – i.e. in terms of feeling safe and secure after trafficking. Suitable housing and care options is also critical in the longer term as an essential ingredient of recovery and reintegration. International human rights law recognises the human right to an adequate standard of living, including adequate housing.²³ Housing, care and accommodation should be safe, affordable and of a satisfactory standard.²⁴

In the short term, accommodation and care needs are met for some trafficked persons through residential programmes, like shelters. This may be critical for trafficked persons who lack a safe environment to which they can return after trafficking or who require intensive support in the immediate aftermath of trafficking. Being able to stay in a shelter (temporarily) is also critical while family and security assessments are conducted to evaluate the advisability of returning home.

Longer term, sustainable accommodation and care options typically involve returning to live with one's family – e.g. to live with parents, spouses, children, siblings or extended family. When this is not safe, advisable or desirable, alternatives may include state subsidised housing programmes, housing allowances for vulnerable persons and so on.

Some trafficking victims may need longer term accommodation option for independent living, when they chose not to live with their family. For children, alternative placements might include family/kin-based care, foster care, group homes and so on.

SPECIAL NOTE ON CHILDREN

Family reunification is the first and preferred option in accommodating children. This should be pursued in all situations where this is deemed safe and healthy for the child. The child's right to live with his/her family is prescribed in several sections of the CRC.²⁵ Any family and risk assessment for trafficked children should be part of a broader BID process to identify the most suitable solution for each individual child in the long term.

When this is not possible, alternative placements might include extended family care/kin-based placement, foster care, small groups homes and so on. Shelter and institutions should be considered as a last resort in the case of trafficked children and, when necessary, should be a temporary solution. However, in the region, there were very few instances when kinship care was pursued and few alternative placement options for children (e.g. foster care, small group homes or semi-independent living). There was also limited support for trafficked children and youth in transitioning to an independent life – e.g. semi-independent living.

Trafficked children and youth are a diverse groups, differing by age, maturity, stage of development, trafficking experience, their personal and family situation, assistance needs and so on. A wide range of accommodation options, therefore, may be required to meet the needs of these different children and youth, including potentially different models at different stages of their recovery and reintegration.

²³ Adequate housing, as part of the right to an adequate standard of living, is enshrined in the 1948 Universal Declaration of Human Rights (Article 25) and in the 1966 International Covenant on Economic, Social and Cultural Rights (Article 11). See OHCHR (2009) The Right to Adequate Housing. Fact Sheet No. 21/Rev. 1, p. 1. Available online at http://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf.

²⁴ This will differ from country to country within the GMS and should be adapted to each country context and local conditions.

²⁵ Article 9 provides that a child shall not be separated from his or her parents against his/her will, except in accordance with applicable law when separation is necessary for the best interests of the child. Article 7 of the CRC gives a child "as far as possible, the right to know and be cared for by his or her parents".

International law specifically recognises the right of children to safe, satisfactory and affordable accommodation, with Article 27 of the CRC obliging States Parties to recognise “the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development”. Further, Article 25 of the CRC gives any child placed in care the right to a regular review of the circumstances of his/her accommodation. In the case of children, family and risk assessments should be part of a broader BID process to identify the most suitable long-term solution for each individual child.²⁶

CHALLENGES IN ACCESSING HOUSING AND ACCOMMODATION

Some trafficked persons had access to housing and accommodation after trafficking, both in the short and long term. Some had access to short term shelter, which allowed them to then make plans for longer term accommodation. Others were able to return to live in their own homes.

GOOD PRACTICE: ACCESS TO HOUSING AND ACCOMMODATION

Trafficked men assisted in Thailand were, in some cases, permitted to work while staying at state shelters. Shelter staff assisted them in finding jobs and obtaining legal registration as migrant workers. Men typically stayed in the shelters but were able to move about freely. In cases where trafficked men had legal documentation (e.g. worker registration), they were able to live off-site, typically in accommodation provided by their employer.

Many men spoke about the importance of being able to work and save money as well as their freedom of movement while assisted abroad. For many, this was the most important form of support they received.

Thai men trafficked to Israel were assisted by a local organisation to bring a legal case against their traffickers. While awaiting the legal process, they were assisted to find good, fairly paid jobs. They lived in open, accommodation provided by the organisation and were able to move about freely.

One boy from Myanmar, trafficked to Malaysia for street selling, returned to live with his family after trafficking. His family situation was tense as his parents faced difficulty in meeting their daily needs. They received assistance to repair his family’s house, which went some way towards alleviating his stress upon returning home without money and meant that income was spent on other (also urgent) needs.

That being said, many trafficked persons in the GMS did not have access to safe, satisfactory and affordable housing, care and accommodation after their trafficking experience. Some continued to face problems with housing and accommodation even after some period of time. Main issues and challenges identified by trafficked persons were:

1. No accommodation for some victims
2. No place to live
3. Home was not safe
4. Unsatisfactory living conditions
5. Housing was not affordable

²⁶ Committee on the Rights of the Children, General Comment No. 14 (2013) on the right of the child to have his or her best interests taken into account as a primary consideration (art. 3, para. 1), 52-84.

1. No accommodation options for some victims.

Not all trafficked persons had access to (even temporary) housing in the immediate aftermath of trafficking. Some victims were accommodated in prisons, jails and detention centres rather than appropriate shelter facilities or other forms of temporary safe accommodation. This was particularly common for trafficked men and boys, for whom shelter facilities were generally not available. This was also an issue in some destination countries where trafficked women and children were also housed in jails and police stations.

2. No place to live. Some trafficked persons did not have homes. Some lost their homes because they were unable to make house payments while trafficked; others had mortgaged their homes and land to fund migration but were unable to repay that debt because of trafficking. While some returned trafficking victims were able to stay with extended family members, this was often fraught with tension and economic worries. It was particularly a problem when trafficked persons had dependent children who also needed to be housed. In some cases, former trafficking victims (including parents with children and unaccompanied children) were homeless (living on the streets and in public spaces), posing not only physical danger but also negatively impacting their mental and overall well-being.

3. Home was not safe. Some trafficked persons were not able to return to their homes for safety reasons – including threats and violence from traffickers, a general fear of traffickers, problems in the family (including violence and/or rejection) and risks related to the wider community environment (including stigma, discrimination and violence).

4. Unsatisfactory living conditions. Some trafficked persons had homes that were sub-standard, which meant living in very poor conditions. This included lack of sanitation, no electricity or running water, inadequate living space and so on.

CHANGES OVER TIME.

Trafficked person's housing situation and needs can change – i.e. improve or deteriorate – over the course of (re)integration. Some trafficked persons may be able to return home but then face a housing crisis, due to debt or economic problems or problems within the family. Others may initially require housing but later be able to house themselves or return to the family as (re) integration progresses. It is critical to assess and address accommodation needs over time, to ensure that trafficked persons have access to housing at all times.

5. Housing was not affordable. Paying rent for a house or room was difficult for some trafficking victims, particularly immediately after trafficking when they generally lacked a steady (or reasonable level of) income. Some relied on assistance organisations to assist them, at least temporarily, with paying rent. Even those with a reasonable income often faced problems in finding affordable accommodation. Rents, especially in cities, outpaced salaries, for jobs that many formerly trafficked persons were able to get. The prohibitive cost of housing meant trafficked persons were generally unable to live and work in another town where they could not rely on family support/accommodation.



CASE STUDIES: ISSUES IN ACCESSING HOUSING AND ACCOMMODATION

One man from Myanmar was facing economic problems at home and decided to migrate. He mortgaged his house for 30,000 kyats [approx. 34 USD] to try to manage his economic problems and then needed to migrate to repay the debt. He ended up trafficked aboard a fishing boat in Thailand. Because he was unable to send money home while trafficked, his family could not pay back the debt in time and lost their house, and in addition, had a debt of 60,000 kyats [approx. 70 USD]

One woman, trafficked to China for forced marriage, returned to Myanmar but had no place to live. She initially stayed at her sister's house but her sister's family was also very poor and could not accommodate her and her son over the long term. She did not have money to rent a room and was forced to live on the streets. She was never able to sleep through the night because of safety concerns for herself and her son. They were also often disturbed by police checks and forced to move and find another place to sleep. As she was currently heavily in debt, there was a very low likelihood of being able to afford suitable accommodation in the near future and without outside intervention.

One woman, trafficked to Thailand for prostitution, faced problems when she returned home to Myanmar to live with her husband and his parents. Relations in the family were not good because her parents-in-law did not want her to live there as she was a "problematic woman" (referring to her forced prostitution). Her husband

beat her, blaming her for her forced prostitution, and also began abusing drugs. She did not want to stay in this home but she had an infant son and no other family that she could live with (her parents were dead and she had no siblings).

One Vietnamese woman, trafficked to China for forced marriage, was threatened by her trafficker when she returned home. This continued for some time and eventually her family arranged for her to live in another town to be safe. No one but her family knew of her whereabouts.

One Vietnamese girl, trafficked to Cambodia for prostitution, explained that the assistance she needed most after her return was help in rebuilding her family home, which was in extremely poor condition and her family did not have the money to renovate it.

One Vietnamese woman, trafficked to China for forced marriage, lived initially with her parents when she returned home. She was later offered an opportunity to train and work in another town but declined as she could not earn enough from this job to be able to pay for housing for herself and her son.

One trafficked woman in Vietnam was eligible to receive support to build a house through a state programme for persons without homes. However, the high administrative costs involved in transferring land from her parents on which the house was to be built (60,000 million VND or approx. 3000 USD) meant she was unable to receive the (free) house.

Checklist. Key considerations in providing safe, satisfactory and affordable accommodation

PROGRAMMING

✓ **Ensure access to temporary, emergency housing.** All trafficked persons (regardless of sex, age or nationality) should, when needed, have access to emergency housing, which meets a minimum living standard in that country.

✓ **Ensure access to long-term housing options.** Ensure that housing is available in the long term to all victims who do not have a safe, adequate and affordable place to live. This should meet the minimum living standard in the country.

✓ **Identify alternative accommodation when unable to return home.** Identify and access alternative housing options when living with one's family is not safe or advisable. This might be through anti-trafficking programmes, state housing subsidies for the socially vulnerable and other such programmes.

✓ **Ensure that all shelter stays are voluntary.** All shelter stays should be voluntary, based on the victim's informed consent. Consent for shelter stays should be sought initially upon entry and at regular intervals over time.

✓ **Conduct family assessments.** Family assessments are needed to assess the advisability of trafficking victims returning to live with their families. This should also include an assessment of risk within the family and the broader community environment. Risk assessments should be part of on-going case management and done regularly over time and in response to different and evolving circumstances.

✓ **Assess victims' accommodation situations over time.** Because reintegration is a long term process, accommodation options are likely to change (improve or deteriorate) over time. Assessing trafficking victims' housing and living situations should be part of on-going case management.

SPECIAL ATTENTION TO CHILDREN

✓ **Support family reunification for children, in all feasible circumstances.** Children should ideally live with their family members. Shelter and residential facilities should be considered as only a last resort in the case of trafficked children and, when necessary, should be a temporary solution. In the case of children, family and risk assessments should be part of a broader BID process to identify the most suitable long-term solution for each individual child.

✓ **Identify alternative care and accommodation options for children.** When returning to the family is not (temporarily or permanently) in their best interests, alternative placements should be identified, like extended family care or kin-based placement, foster care, small groups homes and so on. Because children and youth are a diverse group (differing by age, maturity, stage of development, trafficking experience, their personal and family situation, assistance needs), a diverse range of accommodation options should be made available. Changes amongst different care arrangements and placements should be kept to a minimum.

✓ **Involve children in decisions about accommodation, care and housing.** Involve children (and their parents or guardians) in an assessment of the best accommodation or care options for them, including as their reintegration progresses and their situation and accommodation needs change over time.

POLICY/ADVOCACY

✓ **Include accommodation as part of a comprehensive package of reintegration services.** The provision of adequate, appropriate and affordable housing should be considered one of the services that constitute comprehensive reintegration support. This goes beyond short term shelter programmes to include longer term housing support and alternative accommodation options. Advocate for suitable housing for all trafficked persons.

Service area #2. Medical assistance. Providing appropriate, adequate and sensitive medical care.

HEALTH PROBLEMS AND MEDICAL NEEDS

The right to the physical and mental health is a fundamental human right enshrined in international human rights law.²⁷ All trafficked persons, including children, should be entitled to medical assistance as part of reintegration services.

Trafficked persons had a wide range of (often very serious) health problems and medical needs. This was the case for male and female victims as well as adults and children. Trafficked persons suffered health problems regardless of form of trafficking, although specific needs were often linked to the nature of trafficking exploitation. Causes of health problems were, in many cases, linked to the individual trafficking experience including: violence and abuse suffered while trafficked; the impact of living and working conditions while trafficked; and limited access to medical care while exploited. At the same time, some trafficked persons had pre-existing medical problems when trafficked, which were typically exacerbated by their exploitation and lack of medical care.

Violence and abuse suffered while trafficked. Many health problems were related to violence and abuse inflicted upon victims while trafficked – by “employers”, supervisors or other persons tasked with controlling them. Trafficked persons suffered (often very brutal) physical and sexual violence and abuse, leading to physical injuries, illnesses and disability. In some instances this resulted in chronic and life-threatening infections, such as HIV/AIDS, hepatitis and tuberculosis. Trafficked children were extensively exposed to physical and sexual violence and abuse while trafficked.

Living and working conditions while trafficked. Some health problems were caused by living and working conditions while trafficking. Many trafficked persons lived in crowded and unsanitary conditions, exposing them to illness and disease. Trafficked persons often did not have enough food to eat or were forced to eat unhealthy, poor quality food. Some were forced to consume drugs and alcohol. Working conditions were extremely hazardous, with many victims suffering (often serious) injuries. Such conditions were particularly debilitating for trafficked children whose development was often impeded by the brutal living and working conditions to which they were exposed.

Limited access to medical care while exploited. Health issues were generally left untreated for weeks, months or even years while individuals were trafficked. Access to medical care was generally only available to trafficked persons in the most extreme medical emergencies like those that were immediately life threatening. While many trafficking victims were exposed to conditions that resulted in life-threatening infections (e.g. HIV/AIDS, hepatitis and tuberculosis), they did not receive treatment while trafficked. Those who did receive medical care while trafficked described it as sub-standard and inadequate.

Pre-existing medical problems. Some trafficked persons had medical conditions that preceded trafficking and that were not resolved or were exacerbated while exploited. In some cases, it was victims’ family members that had pre-existing medical problems that led to their migration/trafficking and weren’t resolved as a consequence.

²⁷ First articulated in the 1946 Constitution of the World Health Organization (WHO), the right to health is also mentioned in the 1948 Universal Declaration of Human Rights as part of the “right to an adequate standard of living” in Article 25 and in the 1966 International Covenant on Economic, Social and Cultural Rights. OHCHR and WHO (2008) The Right to Health. Fact Sheet No. 31. Geneva: Office of the United Nations High Commissioner for Human Rights and World Health Organisation. Available online at: <http://www.ohchr.org/Documents/Publications/Factsheet31.pdf>. Furthermore, several articles of the UN CRC enshrine children’s rights to health. Article 24 recognises every child’s right to “the highest attainable standard of health and to facilities for the treatment of

illness and rehabilitation of health”. States parties are “to strive to ensure that no child is deprived of his or her right of access to such health care services” (Article 24) and to “take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim” (Article 39). Moreover, Article 23 recognises the right of children with disabilities to enjoy a full and decent life and to receive special care, which is of critical importance given that some trafficking victims have disabilities that preceded or were a consequence of their trafficking exploitation.

SPECIAL NOTE ON CHILDREN

Medical care is important for trafficked children given that the living and working conditions suffered while trafficked will have had a negative effect on their physical development. In addition, many trafficked children were subjected to physical and sexual violence while trafficked.

All trafficked children suffered violence while trafficked, regardless of form of exploitation. This included physical, sexual and psychological violence. Children who came from poor families often had very limited access to medical care before trafficking and were unlikely to receive such services when they returned home. Children from areas without easy access to medical care – e.g. rural villages – faced particular difficulties in accessing medical care. Many children's families were unable to afford the high cost of health care, which meant that, for many trafficked children, trafficking related injuries and illnesses went untreated.

Medical staff should be trained and skilled in providing sensitive and appropriate services to trafficked children. Institutions and agencies should develop and implement child-friendly protocols and standards. This is of particular importance when treating highly traumatised children and those who have been exposed to extensive violence and abuse.

CHALLENGES IN RECEIVING MEDICAL CARE AND RESOLVING HEALTH PROBLEMS

Medical care was often a key aspect of recovery and reintegration. Trafficked persons who had access to health care highlighted the important contribution that this assistance made in their lives after trafficking. One girl who was trafficked into prostitution from Vietnam to China returned home and reported what had happened to the local police. They referred her to a shelter programme where she received various services including medical care. She explained that for both her and her family healthcare was the most important

assistance she received: "My family is too poor to take me to the hospital... When I was assisted to receive healthcare this made my family feel relieved because my family could not afford my healthcare".

"My family is too poor to take me to the hospital... When I was assisted to receive healthcare this made my family feel relieved because my family could not afford my healthcare".

(Vietnamese girl who received medical care after trafficking)

By contrast, being physically unwell had a negative impact on many aspects of life and factored into a constrained reintegration process. Poor health and medical problems impacted trafficked persons in different ways, most pressingly in terms of their inability to work and earn money. As importantly, being ill or injured impacted trafficked persons' psychological conditions and sense of well-being, another factor in reintegration success.

The main findings and challenges in managing health problems described by trafficking victims were:

1. **Insufficient access to medical services after trafficking**
2. **Lack of long-term medical care for trafficked persons**
3. **Medical services available only for trafficking-related problems**
4. **Medical care costs led to economic problems, including debt**
5. **Health problems inhibited the ability to work**
6. **Poor health had a negative effective on victims' sense of well-being**

1. Insufficient access to medical services after trafficking. Many trafficked persons received no medical care in the initial aftermath of trafficking. Most trafficked persons who returned to their homes and communities did not have access to free or subsidised medical care and could not afford to pay for health care. In some countries, while medical assistance was, on paper, available to trafficked persons, administrative requirements and bureaucratic procedures prevented

GOOD PRACTICE: ACCESS TO MEDICAL CARE

One man trafficked for labour to Malaysia injured his hand in the factory where he was exploited. Upon return to Myanmar he was unable to work because the wounds in his hand were not yet healed. His wife worked as a labourer on other

people's farms but was unable to earn enough for the family. He received medical assistance, which included spending two months in a hospital and receiving medicine for on-going treatment. Once he recovered, he was provided with economic assistance including training in various aspects of farming and animal husbandry and received some animals to breed as income generation.

victims from accessing health services.

Medical care was more commonly available in shelter programmes. And indeed some trafficked persons accepted shelter programmes precisely because it offered them access to free medical services. Nonetheless, it was sometimes limited to an initial medical check-up or offered only for the duration of the shelter stay. Moreover, not all trafficked persons staying in shelters were given medical check-ups or health services, even when this was the policy of the programme or organisation/institution. This happened in both destination and origin countries.

2. Lack of long-term medical care for trafficked persons. Some medical needs could be remedied with initial emergency and/or short term medical care. In other cases, illnesses and injuries resulted in long term, chronic health problems that required on-going medical care, which was not always (or even often) available. Some trafficked persons were disabled as a result of trafficking abuse and/or workplace injury, which similarly required on-going medical care.

3. Medical services available only for trafficking-related problems. Some trafficked persons had health problems that existed before being trafficked; others developed health issues after trafficking. While health issues were not a direct result of trafficking for some people, medical care was often the paramount assistance need and had a significant impact on prospects for reintegration. Nonetheless, in some cases, medical assistance was not provided because health problems were not directly linked to the individual's trafficking experience.

4. Medical care costs led to economic problems, including debt. Access to medical care was limited for trafficking victims; many paid for their own health care. Medical costs were often prohibitively expensive and frequently led to indebtedness, especially for those with chronic conditions or recurring health problems. Many trafficked persons lacked resources to pay medical costs; some went into debt as a result. Rural residents faced additional costs linked to travel and loss of income when they needed to travel to a nearby town or city for medical care.

5. Health problems inhibited the ability to work. Some trafficked persons could not find (or keep) a job because of injuries and/or ill-health. Those with serious medical problems were also less likely to be hired by employers. Many trafficked persons risked losing their job if they were unable to work well or were frequently absent from work due to poor health. Those who were self employed often could not earn enough income because of their inability to work. In some cases, trafficked persons were offered vocational training as a first step toward job placement or running a small business but were unable to attend because of their ill-health or injuries. In some cases children may be unable to attend school because of untreated illnesses or disabilities.

6. Poor health had a negative effective on victims' sense of well-being. Being unwell led to a range of negative feelings for trafficked persons, including stress, anxiety, hopelessness and depression. This was further exacerbated when trafficked persons were not able to work and earn money because of their health problems.

CHANGES OVER TIME.

All trafficked persons should have access to medical care upon exit from trafficking. Assessing the physical well-being of trafficked persons is an important component of any needs assessment and in the development of a (re)integration plan. Some trafficked persons require only emergency medical care; others suffer disabilities or chronic illnesses that endure or recur over time. It is important to assess and address trafficked persons' medical needs over the long term, to ensure their on-going physical well being and health. Assessing an individual's medical needs and access to health care should be part of on-going case management work. This is key in ensuring that health problems do not derail recovery and (re)integration.



CASE STUDIES: HEALTH PROBLEMS AND ISSUES IN MEDICAL CARE

One man trafficked from Myanmar to Thailand described extreme violence and injuries suffered by men trafficked onto fishing boats: "I saw that the owner did not like the workers to take time off even when they were not feeling well. They whistled to start working and if some did not appear, they would pour boiling water on them. Some died from the injuries. They also threw ice at them, beat them with tools. One Thai man died from the beatings he suffered. I also saw one [foreign-looking] man who was beaten up and lost his teeth because he could not work well as he did not understand the language and instructions. I also saw some people die from accidents [on board]. If someone fell into the water, they would not bother rescuing them."

One boy trafficked within China for begging described being regularly beaten by his exploiter as a mean of controlling him. He was told that if he ever tried to escape he would inflict serious physical injury on him.

One Cambodian woman trafficked to Malaysia for domestic work worked long hours (generally 14 to 18 hours per day) and was deprived of food (she was allowed to eat only one meal a day). She was beaten regularly by her employer and forced to drink detergent as punishment when her employer was not satisfied with her work.

One girl from Myanmar trafficked to Thailand for prostitution described being forced to drink alcohol with clients. She also contracted sexually transmitted diseases that were left untreated. Moreover, she was forced to provide sexual services to clients even when sick.

One Vietnamese woman trafficked to China for prostitution described how she contracted a serious gynaecological infection as a result of forced sexual intercourse with many clients. She was taken to a local health clinic for treatment, but as she described it, was given the cheapest

services and poorest treatment so her infection did not heal. She was forced back into prostitution before the infection healed.

One boy, trafficked for factory work within China, worked 18 hours a day and was fed only rice porridge. When anyone at the factory was injured or ill, they were left untreated.

One Vietnamese woman was trafficked to China for forced marriage. When asked what form of assistance she required but had not received, she spoke about her medical needs. She had requested a general health check but had not yet heard anything back from the service provider. She also said that the organisation had promised to help her to get a health card, which would allow her access to healthcare, but she had received no further information on this and did not know how to follow-up.

One Thai woman was trafficked to Japan for sexual exploitation as a girl. Now living in her village, she had on-going medical assistance needs, which required medication and treatment. She had access to this medical care and received regular treatment and medication. However, she could not get treatment or medicine close to home, which posed obstacles and challenges for her in terms of affordability and being able to access the needed care.

One man trafficked from Myanmar to Thailand for labour required treatment for stomach problems that were caused by trafficking. He was given some minor assistance - e.g. processing his national registration card and some cloth - but no medical care. He was forced to borrow from a money-lender at a prohibitively high interest rate to cover his hospitalisation.

One Vietnamese woman trafficked to China for prostitution contracted a serious gynaecological infection, which was inadequately treated and

continued to cause her health problems many years after her trafficking. She received medical treatment while trafficked and once she returned home also went for a medical check-up but her health problems remained. She explained how she had recently tried to work at a restaurant to earn money to send back to her parents and to take care of her daughter. However, her health

wasn't good enough to continue working. She was frustrated both by her weak health and her poor economic situation. She described being discouraged and stressed by her economic dependence on her husband, which prevented her from making independent decisions. She was also nervous and concerned about her condition, as her health had been deteriorating further of late.

Checklist. Key considerations in providing appropriate and adequate medical care

PROGRAMMING

✓ **Ensure access to emergency and on-going medical care.** Ensure that all trafficked persons have the right to medical care and can access these services in the short and long term. All trafficked persons should have access to medical care immediately upon identification to address emergency medical concerns. Over the long term service providers should provide or facilitate access to long term medical care for individuals with on-going medical needs, like chronic health conditions, diseases, infections, disability and so on.

✓ **Consider the medical situation and health needs of victims' families.** Medical practitioners should consider how a victim's medical problems may impact the family, including in terms of the transmission of disease like tuberculosis and HIV/AIDS. It is also important that the health needs of victims' families are identified and addressed by healthcare providers.

✓ **Map medical services.** Identify medical assistance available through the government as well as NGO and IO programmes and refer trafficked persons to these various services. This may include specialised medical services for different types of medical needs. Develop partnerships and cooperation protocols to allow for efficient referrals to these various health services.

✓ **Provide adequate and appropriate medical care.** Ensure that the medical needs of trafficked persons are met, whether within state or private medical systems. Ensure that all trafficked persons are treated, regardless

of whether they are able to pay for medical care. All medical needs should be treated, regardless of whether or not these were a direct result of trafficking.

✓ **Provide information about available medical care.** Inform trafficked persons about their right to medical services and provide them with clear and comprehensible information about what health services are available to them and how to access it. Victims of trafficking should be fully informed about their medical condition and the risk of having contracted chronic or life-threatening infections while trafficked (e.g. HIV, hepatitis, tuberculosis).

✓ **Ensure that all medical treatment is voluntary and provided with the victim's informed consent.** Trafficking victims should not be forced to be tested for illnesses or infections (e.g. HIV/AIDS, STIs) but should be provided with clear and comprehensible information about risks so that they are able to make an informed decision about being tested and treated.

✓ **Help navigate administrative barriers to healthcare.** Inform and provide clear and complete information to trafficking victims about how to access medical care and any administrative requirements and procedures that they may face in accessing medical care - e.g. necessary documents, fees (if any), etc. Assist trafficked persons in navigating these administrative procedures, when needed.

✓ **Educate and sensitise medical personnel about the impacts of trafficking and how to work with trafficking victims.** Ensure that medical staff is educated and informed about the impact of trafficking on one's physical and mental health and well being and how to work with this target population in the most appropriate, professional and sensitive ways. All medical personnel should also be sensitised to the issue and be trained so that they are able to work with and interact with trafficking victims in a sensitive, professional and appropriate manner. This should include not only frontline medical staff but also clinic and hospital administrators who may come into contact with trafficked persons at admission as well as administrators who may be involved in processing applications for health services.

✓ **Pay transportation costs.** Facilitate or fund transportation costs for individuals who must travel to receive medical services. Such travel subsidies should be part of the medical care provided by the state.

✓ **Enhance identification of trafficking victims amongst medical professionals.** Train medical personnel on what constitutes human trafficking and signals/ indicators of trafficking, to enhance victim identification amongst medical personnel. This should include identification of individuals who are still in a trafficking situation and those who have left trafficking but may not have been formally identified.

✓ **Establish and adhere to ethical codes of conduct.** Any provision of medical care needs to adhere to the highest legal and ethical standards including principles of confidentiality, non-discrimination, being non-judgemental and respect for privacy.

✓ **Ensure accountability.** Develop and implement systems of accountability within the medical field, allowing for trafficked persons and service providers to report any instances of discrimination, maltreatment or negligence.

✓ **Assess medical needs over time.** Because reintegration is a long term process, medical needs are likely to change (improve or deteriorate) over time. Medical staff should assess an individual's medical needs over time and access to health care should be part of on-going case management.

SPECIAL ATTENTION TO CHILDREN

✓ **Ensure children's access to medical care.** All trafficked children should have access to preventable, remedial and emergency health care in their home country or on an equal basis with national children, if in a different country.

✓ **Employ medical staff specialised in working with children.** Medical staff should be trained in providing sensitive and appropriate services to trafficked children. This is of particular importance when treating highly traumatised children and those who have been exposed to extensive violence and abuse.

✓ **Develop and use child friendly protocols in health services.** Develop and implement child friendly protocols and procedures for medical personnel working with trafficked and exploited children.

✓ **Inform children and their parents or guardians about their physical health and medical needs.** Children should be fully informed about their health situation and needs and engaged in all decisions related to medical treatment and/or intervention.

✓ **Implement a child protection policy.** Ensure that all medical personnel and administrators who come into contact with trafficked children have agreed to and adhere to a child protection policy. Implement monitoring systems/supervision to ensure compliance and sanction in case of any violation/breach.

POLICY/ADVOCACY

✓ **Advocate for medical care in the long-term.** Because many trafficking victims have on-going medical needs after and as a consequence of trafficking (e.g. chronic health conditions, disease, disability), medical care should be available in the longer term, over the course of reintegration. This may require advocacy with state and private medical practitioners to address these medical needs.

✓ **Advocate for free medical care.** Where victims do not have access to medical care, advocate for trafficked persons' right to free of charge medical care. Identify barriers for trafficking victims in accessing medical care and advocate for change amongst administrators, policy makers and service providers.

✓ **Enhance cross-border medical referral and cooperation.** Establish protocols for cross-border medical referral and cooperation, including the appropriate and ethical transfer of medical records (both physical and mental) between countries and service providers.

Service area #3. Psychological support and counselling. Supporting mental health and well-being.

MENTAL HEALTH AND PSYCHOLOGICAL NEEDS

International human rights law recognises that the right to health includes enjoyment of the highest attainable standard of mental health.²⁸ Many trafficked persons described feeling “mentally unwell” at some stage of their post-trafficking lives. They described a range of different emotions, including feeling stressed, forgetful, angry, anxious, depressed, desperate and hopeless. Being psychologically “unwell” had two main sources: difficulties caused by trafficking and difficulties when trying to recover from and move on from trafficking.

Stress, anxiety, depression and trauma caused by trafficking. Trafficked persons were exposed to a wide range of brutal and horrific experiences while trafficked. They were abused and violated, they witnessed the abuse of others, they suffered harsh and often unhumane living and working conditions, they had no freedom or choice and they did not have access to medical care. They were separated from their families and communities for long periods of time and generally lacked support of any kind while trafficked.

As a consequence, victims of trafficking faced a wide range of mental health disorders and psychological problems. They described being stressed, forgetful, anxious and depressed and feeling hopeless and desperate. Many suffered from severe trauma as a result of trafficking including post-traumatic stress disorder (PTSD). In addition, in some cases, trafficked persons suffered from psychiatric problems, which may have been a consequence of trafficking exploitation (or may have preceded it).

Stress, forgetfulness, anxiety, depression and trauma suffered after trafficking. Trafficked persons faced a range of problems and stressors- at different stages after trafficking and in different contexts. Being stressed, forgetful, anxious, depressed and, in some cases, traumatised had a serious impact on the daily lives of trafficked persons and their long term reintegration. Trafficked persons were stressed and anxious when they went unidentified and unassisted, as this often meant being interrogated (instead of interviewed), arrested and detained (instead of referred for assistance), criminalised and deported (instead of being assisted to return home) and/or being unassisted (instead of assisted) once home.

Sometimes stress and anxiety were linked to the initial stages of assistance, particularly during compulsory and closed shelter stays (which meant not being able to return to their family) and when they were obliged to be involved in the legal process as victim/witnesses (which many found frightening).

“It was very disappointing because we wanted to go home and we were not even allowed to call home. My friends and I yelled at the teachers ‘Why do you keep us here? Why don’t you send us home?’”

(Girl from Myanmar trafficked to Thailand for prostitution, upset at being kept in the shelter for a long time)

²⁸ OHCHR and WHO (2008) The Right to Health. Fact Sheet No. 31. Geneva: Office of the United Nations High Commissioner for Human Rights and World Health Organisation. Available online at <http://www.ohchr.org/Documents/Publications/Factsheet31.pdf>.

Once home, stress, anxiety and depression were caused by different factors including, but not limited to, returning home without money; debt incurred through migration and/or the inability to remit money; being unemployed after returning home and/or being unable to work; tensions and problems within the family; lack of emotional support within the family or community; stigma and discrimination in the family or community; and lack of assistance and support to cope with life after trafficking.

For instance, one man trafficked from Myanmar to Thailand to work on a fishing boat described being ashamed after his return as he had not been able to bring home any money. His friends invited him to socialise in the evenings but he did not feel like going out. He described “feeling small” because he had lost his house, was in debt and was facing many economic and personal problems. Similarly, one Vietnamese woman, trafficked to Hong Kong for domestic work, felt ashamed for her failed migration and did not even want to leave her house for some time. She described how she cried and cried during the first months after her return and how even the encouraging words and support of her family made her feel worse and inferior. The complexity and interconnected issues means that for many trafficking victims the trauma that they suffer is not from one single event (i.e. trafficking) but rather is a complex trauma.

SPECIAL NOTE ON CHILDREN

Of particular concern is the psychological impact of trafficking on children who typically have less developed coping skills due to their age, maturity and education. Trafficked children may be particularly traumatised after their exploitation experience; trafficking will have had specific and significant impacts on their cognitive, emotional and relational development. Many were extremely young when trafficked (as young as five years old), the psychological (and developmental) impact of which should not be underestimated.

While differing by age and stage of development, trafficked children are generally less likely to have developed coping strategies and, thus, more urgently need support in processing and coming to terms with exploitation. Trafficked children require guidance and support to help them cope with their emotions and relationships, skills that many lack as a consequence of trafficking. There is a need for culturally and child appropriate counselling as well as support in developing coping tools like how to deal with stress, anger, conflict and so on.

Trafficked children have the right to psychological assistance and counselling as part of reintegration services, not only as a subset of rights under medical assistance, but also in accordance with Article 39 of the CRC, which obligates states to take all appropriate measures to promote the physical and psychological recovery of a child victim of “any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts”. To promote such psychological recovery, trafficked children should be provided with psychological support and counselling.²⁹

²⁹ Gallagher, Anne (2010) Commentary to the Recommended Principles and Guidelines on Human Rights and Human Trafficking, UNOHCR, p. 166.

CHALLENGES IN THE PROVISION OF PSYCHOLOGICAL SUPPORT AND COUNSELLING

Many trafficked persons talked about the importance of being able to share their experiences with others and receiving encouragement and support. Some trafficked persons talked explicitly about needing to speak with a service provider about their problems and identified this as a gap in available assistance.

One man from Myanmar trafficked to Malaysia for labour, when asked what message he would like to convey to help improve assistance to trafficked persons, focused on the need for emotional assistance and encouragement as well as access to professionals who can provide advice and suggestions. Those who had had access to counselling often found this an important type of assistance. One Thai woman trafficked abroad for sexual exploitation described counselling as the most important form of assistance she had received: "I didn't want to keep all the bad experiences to myself. I felt relief to talk to someone who could understand my situation".

Because trafficking experiences are often deeply traumatic, managing life post-trafficking can be very difficult and may require intensive psychological support or counselling. Some victims who try to cope on their own may find, over time, that they need professional support. Moreover, there are challenges and crises that may emerge in victims' lives over time and they may need counselling and support to manage these emerging issues. This means that many trafficking victims may need access to counselling months or even years after trafficking.

"I didn't want to keep all the bad experiences to myself. I felt relief to talk to someone who could understand my situation"

(Thai woman, trafficked for sexual exploitation abroad)

"Joining the programme benefits me a lot because I have someone to share my feelings with..."

(Vietnamese women trafficked for labour)

GOOD PRACTICE: ACCESS TO PSYCHOLOGICAL SUPPORT & COUNSELLING

One Vietnamese woman, trafficked to China for forced marriage, described feeling better after joining a self-help group and having the opportunity to speak with people with similar experiences: "I have become happier and more confident from sharing my experiences with others."

One Vietnamese woman who was trafficked to Hong Kong for domestic work described attending this group meeting once a month in which the participants were able to talk about their problems, their work and also do recreational activities like singing: "Joining the programme benefits me a lot because I have someone to share my feelings with and I know how to keep other people informed about my bad experience."

That being said, there were significant barriers in the provision of psychological support and counselling, including:

1. Limited access to psychological support or counselling
2. Inadequate supply of professionally trained psychologists and counsellors
3. No distinction between professional counselling and informal support
4. Lack of specialised psychological support to trafficked children
5. Language barriers; counselling in a foreign language

1. Limited access to psychological support or counselling. Psychological assistance and support were largely offered within the framework of shelter programmes. Some programmes offered highly developed, specialised counselling programmes. However, even within shelter programmes this was not automatic, and, in some shelters, inadequate attention was paid to the psychological well-being of victims. Moreover, counselling in some settings was ad hoc – i.e. provided when trafficked persons asked to speak with someone, rather than as a one of the services offered as part of a comprehensive reintegration plan and programme. Some shelter programmes did not offer counselling or psychological support services at all.

Organisations providing assistance in communities did not generally include counselling as part of their package of reintegration services. There were few options to access counselling and psychological assistance once trafficked persons had returned to their homes and communities. Access to such services was especially limited outside of towns and cities.

In part, lack of access to counselling and psychological services may be a function of the low priority placed on this form of support, by victims as well as service providers, in the face of so many other urgent needs. It may also be that, because counselling/therapy often takes time to realise results, trafficking victims may not feel that they are in a position to invest the time required.

2. Lack of professionally trained psychologists and counsellors. There is a general dearth of trained professionals in the field of psychology, counselling and social work in the region. Many service providers working with trafficked persons did not have professional training and/or experience in counselling and/or psychological support. Many did not have even basic training in working with traumatised and vulnerable people. This necessarily limited access and opportunities for professional counselling and psychological support for many trafficked persons. Even those who were professionally trained did not necessarily have all of the skills to meet the needs of victims. For example, not all psychologists have been trained in trauma-informed care practice. There is also inadequate case supervision to ensure quality care.

This situation also had the potential to cause harm to trafficked persons in that they will not receive the appropriate treatment. For example, service providers without adequate skills or capacity in recognising trauma may misinterpret trauma-related behaviours and actions, such as forgetfulness and extreme fatigue as the individual being uncooperative, badly behaved or lazy and, as such, fail to respond appropriately. There is also a risk of re-living trauma if the psychologist, counsellor or social worker has not been well trained.

3. No distinction between professional counselling and informal support. In the absence of trained professionals, some service providers offered informal emotional support – “listening to problems” and “encouragement”. While informal support and encouragement can be valuable, it should not replace professional counselling and care, particularly in instances when trafficked persons are traumatised. There are also risks that trafficked persons will not be counselled and treated in appropriate, professional and sensitive ways. It is important to make the distinction between formal, professional counselling from individuals who have been professionally trained in this work and this more informal support.

4. Lack of specialised psychological support to trafficked children. Trafficked children generally did not receive formal counselling or psychological support. For those who did, it was not always provided by trained counsellors, using child friendly and appropriate tools

and methodologies, due to inadequate specialisation in professional counselling for trafficked children in the region. Trafficked children also did not receive adequate guidance and support to help them cope with their emotions and relationships, skills that many likely lacked as a consequence of trafficking. There is a need for culturally and child appropriate counselling as well as support in developing coping tools like how to deal with stress, anger, conflict and so on.

5. Language barriers; counselling in a foreign language. Language posed an obstacle when counselling was conducted in destination countries or amongst ethnic minorities in their home country. Counselling was sometimes unavailable in the victim's native language, even in destination countries that received a large number of a specific nationality. Counselling through interpretation is far from ideal; trafficked persons described it as uncomfortable and unsettling. It also poses ethical breaches in terms of confidentiality and safety (if the interpreter is not suitable/ethical).

CHANGES OVER TIME.

Trafficking experiences are often deeply traumatic and managing life post-trafficking can be very difficult. Some trafficked persons require intensive psychological support immediately after trafficking and for some time afterward. Others may not require long term assistance. That being said, psychological needs change over time. Trafficked persons may face crises and problems over the course of their (re)integration and need counselling and support to manage these. Others may try to cope on their own and then later on realise that they need psychological support. Providing trafficking victims with the opportunity to access counselling at a later stage - months or even years later - may be important as some people learn only over time that they cannot cope on their own. It is also critical to assess psychological support not only as part of an initial needs assessment when preparing a (re)integration plan but also regularly over time, to ensure mental well-being if realised, an essential aspect of successful and sustainable (re)integration.



CASE STUDIES: MENTAL HEALTH NEEDS AND ISSUES IN PSYCHOLOGICAL SUPPORT

One man trafficked from Myanmar to Thailand to work on a fishing boat described being ashamed after his return home as he had not been able to bring home any money. His friends invited him to socialise in the evenings but he did not feel like going out. He described “feeling small” because he had lost his house, was in debt and was facing many economic and personal problems.

One Cambodian woman trafficked for domestic work to Malaysia described being mentally unwell and unhappy since her return, suffering from “a disease of the spirit.” This also prevented her from being able to work, even five years after trafficking. This was a source of considerable stress in her life; she spoke about desperately wanting to be healthy and working in a job that she liked.

One Vietnamese woman who was trafficked to China for forced marriage described feeling upset and depressed after returning home from trafficking, even contemplating committing suicide at one stage.

One girl from Lao PDR, trafficked to Thailand for prostitution, was assisted in a shelter programme in Thailand while awaiting completion of the criminal case against their trafficker. She felt well-supported in the shelter and the staff there encouraged her to speak with them whenever she felt distressed or upset. She described feeling relief after talking about her experience.

One girl from Myanmar who was trafficked to Thailand did not tell her family about her full experience because she felt ashamed and wanted to put it behind her. She also feared being looked down upon by her family and community members if they knew the full story of what had happened to her including her sexual exploitation. She told others only that she had been exploited as a housemaid. She also did not feel able to share her bad experiences with her friends: “They do not

know about my bad experiences. If they knew, our relation would be bad and they would not want to talk with me and they would look down on me and discriminate against me.”

One Vietnamese woman trafficked to China for forced marriage when she was a girl initially declined to participate in group meetings of former trafficking victims because she was embarrassed and afraid. Later on, she attended one meeting but did not understand the purpose of the meeting or the various activities. She was disappointed and confused and had not returned since.

One woman, trafficked for forced marriage to China from Vietnam, was approached by a woman in her commune (and former trafficking victim) about participating in the self-help group. However, her husband didn’t like “these kinds of activities” and discouraged her from attending. She also did not have free time to attend and felt that, as her life was stable, she did not need the support.

One Chinese woman, trafficked for prostitution, described receiving counselling through interpretation as it was provided by persons who did not speak Chinese, or had very poor Chinese language skills. She described these counselling sessions as very awkward and how she did not feel comfortable to speak about such intimate issues in front of an interpreter and with someone who she could not directly communicate with. She described how she dreaded these counselling sessions.

Checklist. Key considerations in providing psychological support and counselling

PROGRAMMING

✔ Offer professional counselling and psychological support. Ensure that trafficked persons have access, if they wish, to counselling or psychological support. This may be offered “in house” by service providers within an organisation or institution or through public and private practitioners. Ensure that psychological assistance and counselling is offered only by trained professionals with the requisite skills and sensitivity to work with trafficked persons, including trauma-care practice.

✔ Train counsellors and psychologists and regulate the provision of assistance. Ensure counsellors and psychologists are professionally trained and have the appropriate credentials to undertake this work. They should be trained in how to work with trafficking victims (adults and children) and the specific psychological impacts of human trafficking on victims. Professional psychologists and counsellors should be licensed and their work regulated and monitored by the state. Case supervision should be a part of all counselling and psychological assistance work.

✔ Develop a network of counsellors and psychologists. Systematic networking amongst psychological service providers should be enhanced. Identify assistance available through the government as well as NGO and IO programmes and refer trafficked persons to these range of services. Develop partnerships and cooperation protocols to allow for efficient referrals to various services.

✔ Provide alternative forms of psychological and/or emotional support. Some trafficked persons may prefer to receive alternative forms of psychological or emotional support including, for example, mindful meditation, yoga, dance therapy, art therapy and so on. Ensure all support is tailored to the individual's needs and situation, including to the specific complexities of working with trafficked children.

✔ Offer counselling to support victims/witnesses in legal proceedings. To address the stress, fear and anxiety that victims/witnesses may feel, professional counsellors should be available to work with and support trafficking victims throughout legal proceedings and provide counselling, if needed. These counsellors or

psychologists should be trained in how best to support victim/witnesses.

✔ Offer sensitive and appropriate psychological support. Ensure that psychological support and counselling offered are sensitive and appropriate for trafficking victims. This requires attention to different needs according to victims' culture, sex, age and experience of exploitation.

✔ Increase capacity of service providers to identify trauma and psychological problems. Build the capacity of social workers and other frontline professionals to identify trauma and other forms of psychological problems in working with trafficking victims. Ensure identification leads to referral to professional psychologists and counsellors, when needed and requested.

✔ Establish terms of references for non-professionals in terms of counselling and support. Establish terms of references, standards and protocols for service providers in their work to support trafficked persons. Outline the parameters of what is (and is not) appropriate in terms of support that may be offered by service providers who are not trained as psychologists or counsellors.

✔ Ensure adequate case supervision when working with trafficking victims. Case supervision is essential in ensuring high quality care and accountability. All organisations and institutions should set up a system for supervision. Appointing an individual to supervise cases will aid in ensuring that cases are coordinated, monitored and that the services offered to trafficked persons meet minimum standards. A support and supervision system will also increase the capacity of professionals in working with trafficking victims.

✔ Cover transportation or communication costs. Provide transportation subsidies when individuals do not have access to psychological support in their home communities, to ensure that they can continue to access psychological support and counselling, as needed. Explore if and when some counselling or support can be offered in ways that take into account logistical issues like travel costs and distance – e.g. over the phone or via Skype.

✔ **Provide counselling and support to victims' families.** Work not only with victims but also their families. Engage family members in counselling and family mediation, when needed, to ensure mutual support and understanding within the family once the trafficking victim returns home and as the individual and family seek to move on from trafficking. This should be done only with the informed consent of the victim.

✔ **Offer tools for coping and stress management.** Service providers support trafficking victims to enhance their capacity to cope with the impact of trauma in their daily lives. This might include developing different types of coping skills and tools for stress management.

✔ **Adhere to ethical guidelines and codes of conduct.** Any provision of psychological support and counselling should adhere to the highest ethical standards including principles of confidentiality, non-discrimination, being non-judgemental and privacy. Psychologists and counsellors should be guided by professional codes of conduct and ethical guidelines in their work with trafficking victims. Where such guidelines do not exist, these should be developed and implemented within organisations and institutions.

✔ **Develop assessment tools for trafficking cases.** Because of the specific nature of human trafficking and its impacts, there is a need for specialised assessment tools for victims of trafficking. This will need some adaptation relative to the form of trafficking and profile of victim.

✔ **Assess psychological needs over time.** Because reintegration is a long term process, psychological needs are likely to change (improve or deteriorate) over time. Assessing an individual's mental health needs and access to psychological support and counselling should be part of on-going case management.

SPECIAL ATTENTION TO CHILDREN

✔ **Psychological professionals specialised in working with children.** Professionals providing psychological assistance and counselling to children should be trained in providing sensitive and appropriate services to trafficked children. This is of particular importance

when treating highly traumatised children and those who have been exposed to extensive violence and abuse.

✔ **Support the development of coping skills.** Some children, because of their age, maturity and trafficking exploitation, are less likely to have developed healthy coping strategies. Service providers should support trafficked children in developing coping tools like how to deal with stress, anger, conflict and so on.

✔ **Develop and use child-friendly protocols.** Develop and implement child friendly protocols and procedures for psychological staff working with trafficked children. These should be in accordance with international standards and protocols.


✔ **Inform children (and their parents or guardian) about their mental health and psychological needs.** Children should be fully informed about their mental health status and any assistance or counselling needs. Children should be engaged in and fully informed about all decisions around treatment or intervention.

✔ **Implement a child protection policy.** Ensure that all psychologists and counselors working with trafficked children have agreed and adhere to a child protection policy. Ensure effective roll-out and implementation of the policy and set up a system to monitor compliance and institute sanctions in the event of violations/breaches.

POLICY/ADVOCACY

✔ **Advocate for access to psychological care.** Identify barriers that trafficking victims faced in accessing psychological support and advocate for necessary administrative or legislative change amongst administrators, policy makers and service providers to increase access to this form of assistance.

✔ **Advocate for professionalised psychological support.** Advocate for and/or increase the education and training opportunities for psychologists and counsellors working with trafficked persons including capacity building and technical assistance in reintegration of trafficking victims.

 **Advocate for ethical guidelines and codes of conduct.** Psychologists and counsellors should be guided by professional codes of conduct and ethical guidelines in their work. Advocate for the drafting and implementation of codes and/guidelines when they do not exist.

Service area #4. Education and life skills. Providing access to formal and informal education.

EDUCATIONAL AND LIFE SKILLS NEEDS

Many trafficked persons had low education and lacked basic literacy and numeracy skills. This was especially the case for trafficked children, some of whom had never been to school. Others left school when they had migrated and were then trafficked. However, lack of education was also an issue for trafficked adults, many of whom had also not attended or completed primary education. Some trafficked persons lacked adequate education to receive training, get a job or run a small business. In a number of cases, trafficked persons could not attend vocational training because they lacked basic literacy and numeracy. Issues of literacy were, in some cases, inadequately taken into account in assistance programmes, including in offering economic opportunities.

Trafficked persons needed access to a wide variety of educational settings and programmes. These included formal education, non-formal education and informal education. Formal education refers to institutionalised education, which is generally provided by certified teachers in a state-certified or state-run school, according to a formalised curriculum. Non-formal education refers to education that occurs in settings such as after school programmes and community-based organisations. Non-formal education does not usually have the level of curriculum; accreditation or certification associated with formal education, but still is more structured than informal education. Informal education is sometimes referred to as “learning through experience” and does not follow a set curriculum. An example is meeting with a mentor or interacting with peers at a community-based organization.

Some trafficked persons also lacked basic life skills, which were vital in helping them move on from trafficking and function successfully and positively in their family/ community over the long term. This was particularly common amongst those who had been trafficked as children and young people. Many trafficked children and

youth interviewed for this study suffered from a lack of confidence and low self-esteem; learning basic life skills was one area that seemed appropriate, even urgent, in the case of such respondents. Such services need to be made more widely available to trafficked children as well as to vulnerable children as a means of prevention (and, arguably, to all children through the formal education system). International human rights law recognises that education is a fundamental human right and is essential for the exercise of all other human rights.³⁰

SPECIAL NOTE ON CHILDREN

Education and life skills are critically important to the reintegration of trafficked children and youth. Working to return trafficked children to school is vital not only in helping them move on from trafficking but also in ensuring their right to education. For children who are assisted abroad it is important that education in the destination country fit with their long term reintegration plan – whether they will stay in the destination country or return home. An individual education plan should be prepared and children should receive both second language support and have access to education in their mother tongue to preserve their cultural identity.³¹ For those returning home, education should be consistent with national curriculum from their home country.

That being said, for some trafficked children, school reinsertion is not a viable or preferred option. Some may feel that they are too old to return to formal education. And yet they still have education needs – not least in terms of basic literacy and numeracy. Informal education options should be made available, particularly at the community level, to meet these needs. To realise the development of the child’s fullest potential, it is necessary to offer wide ranging educational opportunities in formal and informal

³⁰ The right to education is asserted in numerous international treaties and texts and has been affirmed by both legally binding and non-binding instruments. For example, see Article 28 of the CRC and the United Nations’ Committee on Economic, Social and Cultural Rights (CESCR) states that the right to education “epitomizes the indivisibility and interdependence of all human rights” UNESCO

(2014) The Right to Education: Law and Policy Review Guidelines. France: United Nations Educational, Scientific and Cultural Organization. Available online at <http://unesdoc.unesco.org/images/0022/002284/228491e.pdf>.

³¹ SCEP (2009) Statement of Good Practices, 4th Revised Edition, section D 8.3.

settings. While school reinsertion should be a goal for all trafficked children and youth, it may not be appropriate in all cases. When this is the case, alternative education options should be pursued. Life skills are an important type of educational opportunity for all trafficked children.

The CRC recognises the right of a child to education in Article 28. The CRC obliges States Parties to make primary education compulsory and available free to all and to make educational and vocational information and guidance available and accessible to all children.³² Article 28 further sets forth that States Parties shall make higher education accessible to all, an important provision for trafficked youth who may require higher education in order to eventually secure sustainable, satisfactory employment.

CHALLENGES IN PROVIDING EDUCATION AND LIFE SKILLS TO TRAFFICKED PERSONS

Many trafficked persons identified education as a key assistance need, for themselves and their family members. Access to education was a driving factor for trafficked persons both before and after trafficking. In a number of instances, trafficked persons migrated to earn money for the education of their children or siblings. And many also highlighted this as one of their primary needs during reintegration. One Cambodian man, who was trafficked for labour, had migrated to earn money for his daughter's education. When asked what assistance he needed after trafficking, he explained that the most important assistance was education for his daughter: "I want my oldest daughter to continue her education. I would like organisations to provide assistance for her to continue her education."

Accessing educational opportunities and life skills programmes involved a raft of challenges, including:

1. Limited education opportunities outside of shelter programmes
2. Administrative barriers to school reinsertion
3. Lack of resources for education-related costs
4. Focus on vocational training rather than education
5. Difficulty in adjusting to formal school environment after trafficking
6. Lack of non-formal or informal education opportunities or alternative education models

"I want my oldest daughter to continue her education. I would like organisations to provide assistance for her to continue her education."

(Cambodian man, trafficked for labour exploitation)

1. Limited education opportunities outside of shelter programmes.

Options for educational opportunities were generally limited to children assisted in shelter programmes. A number of trafficked children and their families accepted assistance precisely because it afforded them access to education, which they would not otherwise have had. Many assistance organisations did not support trafficked children's return to school when they went home to live their families nor were state social workers or community leaders generally involved in supporting school reinsertion.

2. Administrative barriers to school reinsertion.

There were administrative barriers to school reinsertion, often linked to bureaucratic regulations and procedures. School reinsertion was generally only possible with the help and intervention of assistance organisations rather than as a matter of policy within schools and departments of education. In some cases, much work, time and negotiation was involved on the part of service providers and/or families to re-enrol trafficked children into formal education.

³² Article 28(a) and Article 28(e) CRC.

GOOD PRACTICE: EDUCATIONAL OPPORTUNITIES

One Vietnamese boy trafficked within the country migrated for work to help improve his family's economic situation, including ensuring that his sisters were able to go to school. Once released from trafficking, the assistance organisation arranged for him to return to school and assisted his parents with income generation activities so that he would not need to work. The organisation also supported his two sisters to attend school to prevent him from needing to work to send them to school.

One woman was trafficked to China for forced marriage at the age of 17 and was kept there for seven years. Upon her return to Myanmar she was assisted in a shelter programme because social

workers were unable to trace her parents and her extended family did not accept her. At the shelter she learned life skills that were vital for her reintegration, as she had never learned about these things growing up. Important skills included learning how to budget one's income and have savings, to open a bank account and to look for a job.

One Vietnamese boy, trafficked internally for labour, was supported to return to school in his home community by a local NGO working with exploited children. Staff from the NGO worked with school administrators in advance of his return to advocate and arrange for his reinsertion into school. The NGO also provided him with support for other school related costs like tuition fees, school materials, books and school uniforms.

3. Lack of resources for education-related costs. Even when it was possible to return to school, trafficked children often lacked the resources to cover the associated costs - e.g. for school uniform, books, transportation and so on. These ancillary costs served as barriers to education for many trafficked children.

4. Focus on vocational training rather than education. In some cases, trafficked children were routed toward vocational training rather than formal education, without adequate assessment or consideration given to whether this option met their wishes, needs and capabilities. All trafficked children and youth should have access to formal education. In some cases adults were offered vocational training but other educational opportunities for adults (such as literacy or numeracy classes) were generally lacking in the region.

5. Difficulty in adjusting to formal school environment after trafficking. Some children faced difficulties in returning to school - e.g. being placed with very young children or difficulties in adjusting to

the (structured) school environment. There was also an issue of how children were treated when they returned to school. Some children described feeling inferior to the other students. This was sometimes a function of their absence from school and/or trafficking experience. In other cases, this was because they had fallen behind in school and/or were in classes with much younger peers.

6. Lack of non-formal or informal education opportunities or alternative education models.

For some trafficked children, school reinsertion was not a viable or preferred option. Some felt that they were too old to return to formal education and did not want to have classmates many years their junior. And yet they still had education needs - not least in terms of basic literacy and numeracy. Informal education options, however, were often unavailable, particularly at the community level. More than one trafficked child was told that they were "too old" to return to school but not offered "catch-up classes" or information about alternatives like non-formal education or vocational education/training. There was a lack of school support programmes (e.g. "catch-up classes" and support

classes). Trafficked adults generally did not have access to alternative models of education that would allow them to complete basic education levels. There was a general lack of adult education programmes, like night school or correspondence courses.

CHANGES OVER TIME.

Trafficked persons require different education programmes and opportunities over time and at different stages of their post-trafficking lives. Trafficked persons may initially access literacy classes and then pursue correspondence or night classes to complete a certain school grade. Trafficked children and youth may initially require “catch-up classes”, which subsequently allow them to be reinserted into the formal school system. Education is an important (re)integration service and education needs must be assessed and re-assessed over time.



CASE STUDIES: ISSUES IN MEETING EDUCATION AND LIFE SKILLS NEEDS

One woman trafficked to China for forced marriage was unable to attend tailoring training when she returned to Myanmar because she lacked basic literacy and numeracy needed to participate in the training.

One boy, trafficked to Thailand for begging on the street, wanted to return to school on his return home to Myanmar. However, the teacher said he was too old to enrol in school. At the same time, he was too young to attend vocational training, which he could only start from age 15 or 16. When interviewed, he was still hoping to be able to return to school, and considered education his most important assistance need, which had gone unmet. Completing formal education was also important in terms of his ability to benefit from any future vocational training.

One Vietnamese girl, trafficked within the country for prostitution, explained that she wanted to return to school after escaping her trafficking situation but that she lacked funds for books and school uniforms and so was unable to do so.

One Vietnamese girl who had been trafficked domestically for labour found it hard to return to school after trafficking. She was assisted in returning to school by a local NGO but she faced some problems in the initial return, feeling “inferior” to the other students. She struggled to adjust to the school environment and felt uncomfortable amongst her classmates. However, after some months, the situation improved and she gained more confidence in the school setting.

One Laotian girl, trafficked to Thailand for domestic work, returned home and was offered assistance in a shelter programme. She accepted and received various forms of training including in cooking, weaving and beauty skills. When asked if there was something she needed but did not get help with, she explained that she would like to study as she had only completed grade one education. However, she hadn't been offered this as an option by service providers while staying in the shelter and she didn't think she would have this opportunity.

Checklist. Key considerations in providing educational and life skills opportunities

PROGRAMMING

Offer education options to all trafficked persons. A wide range of educational opportunities should be offered in formal, non-formal and informal settings. These opportunities should also be available outside of formal shelter settings, to allow trafficked persons to access educational and life skills opportunities in their home communities and regardless of their stage of reintegration. In appropriate cases, adults as well as children should be encouraged and supported to complete formal schooling.

Work toward school reinsertion wherever possible. Efforts should be made to support reinsertion into formal education, including non-formal educational programmes aimed at eventual reinsertion. Service providers should offer alternative education programmes that allow older children and adults to return to complete formal school – e.g. night classes, part-time school and correspondence courses. This may include offering support once trafficked children and youth enter formal schooling – e.g. tutoring, help with homework, meeting basic needs, etc.

✓ **Ensure that trafficked persons are offered literacy and numeracy skills support in addition to vocational training.** Vocational training opportunities, while valuable in the reintegration process, should not replace educational opportunities. Many jobs require basic literacy and numeracy skills, which should be offered as part of vocational training, regardless of age or educational background. Such programmes should be offered in communities as well as shelters.

✓ **Offer life skills programmes.** Age-appropriate programmes focused on the development of life skills should be offered to trafficked persons (adults and children) to allow them to function successfully and positively in their family and community over the long term.

✓ **Support the ancillary costs of formal education.** Provide free or affordable transportation to trafficked children and youth who must travel to attend school. Provide support for school materials like books, uniforms and so on. These costs should, in the long term, be assumed by the state.

SPECIAL ATTENTION TO CHILDREN

✓ **Ensure trafficked children have educational opportunities.** Ensure access to education for all trafficked children who wish to pursue education, whether formal or informal.

✓ **Work with families or guardians to support completion of formal education.** Mediate with trafficked children and their families about the importance of education. Undertake family mediation and offer assistance to families to build a network of family support for trafficked children and youth to remain in school. Consider also income generation activities for families to prevent school dropout because of the need for children to contribute to the household economy.

POLICY/ADVOCACY

✓ **Address administrative barriers to school reinsertion.** Service providers should work with the appropriate government and school officials to

overcome administrative and bureaucratic barriers to school registration and reinsertion. Ensure that trafficked children and youth are able to register for school by providing them with identity documents and allowing for open enrolment.

✓ **Provide support to trafficked children in adapting to school.** Develop programmes within the formal school system to help trafficked children and youth adjust to the school environment. Work with school officials and teachers to address the special needs of trafficking victims who return to school (e.g. mental disabilities, behavioural issues and learning disabilities) as well as issues of confidentiality.

✓ **Advocate for alternative education opportunities.** Advocate for the provision of alternative education programmes that allow older children and adults to return to complete school – e.g. night classes, part-time school and correspondence courses. Such programmes should be offered by the state or with accreditation from the state.

✓ **Address discrimination and stigma within the school system.** Work with teachers and school administrators to eliminate possible discrimination and stigma against trafficked children and youth. Develop programmes within schools to eliminate discrimination, violence and stigma generally within peer groups, including toward trafficked children and youth. Education personnel should be vigilant concerning peer violence and bullying towards child trafficking victims and measures should be put in place to prevent their occurrence.

✓ **Train teachers and school officials on human trafficking and social vulnerability.** Engage with school teachers to support the integration of trafficked children and youth in the school environment. Train and sensitise educational staff in working with trafficked or vulnerable children and youth and provide resources to support the educational success of these children and youth. Train teachers on how to work with students who have been abused and exploited and may be traumatised, including how to refer for appropriate care.

Service area #5. Economic empowerment programmes. Supporting economic empowerment opportunities.

ECONOMIC AND PROFESSIONAL NEEDS

Economic empowerment – i.e. starting a job or small business – was often the primary need identified by trafficked persons after trafficking. Trafficked persons needed to immediately work and earn money to support themselves and their families as well as to redress economic problems that preceded or resulted from trafficking.

Many trafficked persons migrated originally because of economic problems and needs at home. Generally their economic situation had not improved after trafficking and, most commonly, had further deteriorated. Some had incurred debt to fund their migration and had been unable to pay off their debt because they had ended up trafficked. Others incurred debt to pay their travel home or as a ransom to be freed from their trafficking situation. Many trafficked persons were unable to work after trafficking because of illness or injury or being unable to find work, which meant not being able to earn money, and commonly, incurring debt (or further debt). Owing debt was often the source of a great deal of stress for victims (and their families). It was, therefore, not surprising that both trafficked persons and their families considered economic issues to be primary concerns and factors in reintegration.

Being able to work was often key to mental well-being. Economic well-being impacts personal identity, self-esteem and social recognition. Economic opportunities should align with individual aspirations, capacities and interests. International human rights law recognises the right to work.³³

SPECIAL NOTE ON CHILDREN

Children are affected by the economic situations of their families and this can put them at risk of

trafficking (and even re-trafficking). Facing a weak economic situation upon one's return home can also impede the child's reintegration success.

Exploring economic options necessarily involves deciding when to work directly with the child toward his/her skills development and economic empowerment as well as when and how to work with the child's parent or guardian. A comprehensive understanding of the child's situation (including different power dynamics within the family) is needed and depends on various factors, including the child's age, maturity and stage of educational development.

Depending on the age and needs of the trafficked child, vocational training may be a more appropriate form of assistance than formal education. Older children should be offered vocational training as it is likely to enhance their life chances. In some countries, there were restrictions in terms of when children could start vocational training. A determination of when a child should (and should not) attend vocational training and pursue employment options requires a flexible approach from service providers.

Article 28 of the CRC states that States Parties shall "encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need". This means that trafficked children have the right to professional/vocational training and economic opportunities as part of reintegration interventions. Access to the labour market should always be according to

³³ The Universal Declaration of Human Rights states "Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment". The International Covenant on Economic, Social and Cultural Rights recognizes the right to work and states that it includes "the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts" and requires States Parties to the Covenant

to take steps to safeguard this right, including offering technical and vocational guidance and training programmes. IHRIP and Forum-Asia (2000) "The Right to Work and Rights at Work", Circle of Rights: Economic, Social & Cultural Rights Activism, Module 10. Minnesota: University of Minnesota Human Rights Resource Center. Available online at <http://www1.umn.edu/humanrts/edumat/IHRIP/circle/modules/module10.htm>.

the country's age restrictions for employment and economic opportunities should always be in line with minimum wage and health and safety regulations.

Some trafficked children and youth received direct economic assistance but assistance was more commonly offered to their parents or guardians (or handed over by children to their parents/family). Supporting the child's family appeared to be particularly successful when coupled with assistance for the child to return to school (i.e. school fees, money for books and uniforms, transportation). However, some families depended on children to work and providing small business opportunities to the family could mean that the child worked for his/her parents in that business (sometimes in lieu of attending school). Even in cases when children didn't work in the family business, they often still needed to work in some way to contribute to the family income.

Some children had no voice in how economic assistance was used. Some assistance agencies made special arrangements when providing assistance to ensure that trafficked children would directly benefit from the support. Filial duty and other culturally determined behaviours need to be factored into how trafficked children are offered assistance. The overarching factor, ultimately, should be a determination of the child's best interest, which can only be assessed by involving the child in this decision-making process.

CHALLENGES IN SUPPORTING THE ECONOMIC EMPOWERMENT OF TRAFFICKED PERSONS

Economic empowerment involves trafficked persons equipping themselves with the skills, resources and confidence to economically support themselves and their families. Sustainable reintegration approaches need to respond to the economic needs (and aspirations) of trafficked persons. Comprehensive reintegration programmes include an economic empowerment

component—either through vocational training and job placement or through business training, planning and start up support.

Some economic empowerment programmes were well-designed and implemented by specialists. These interventions were based on knowledge of the local labour market, involved access to (high quality) vocational training and offered by service providers who worked with trafficked persons to build their capacity (and confidence) to meet labour market needs. These programmes had well-thought out processes, such as exit exams upon completion of training, apprenticeship programmes, job readiness programmes, piloting skills before funding a business, offering business management training and so on. Some also offered ancillary support, like literacy classes, counselling and life skills, that further enhanced work place skills. These programmes were also monitored over the longer term and, when needed, additional support and counselling was provided to prevent setbacks and galvanise success.

However, in other cases, economic empowerment efforts were not well-designed and, as a consequence, less effective. Economic empowerment was complex and involved a raft of challenges, any of which could directly inform (and derail) the individual's success. These included:

1. Vocational training was unavailable or did not provide a satisfactory skill level
2. Lack of professional capacity in economic empowerment work
3. Limited training and job options; limited attention to individual interests/skills
4. Economic plans did not align with the local economic situation
5. Business training was not offered, under-supported or ill-conceived
6. Lack of economic opportunities
7. Few options for trafficked persons with special needs
8. Inadequate attention to other needs, including the needs of victims' families
9. Lack of confidence in one's own capacity
10. Practical barriers to economic empowerment
11. Limited monitoring of and support to economic empowerment

GOOD PRACTICE: ECONOMIC EMPOWERMENT

One Vietnamese girl trafficked internally for factory labour was assisted by a local NGO to return to school in her community while her parents were assisted to do fish farming. She had been in school for the past three years and continued to receive support. Her family's economic situation had progressively improved because of earning from the fish farm; her parents now earned a higher income. For her, the most helpful assistance she received was help to her parents in setting up the fish farm as it improved the life of her family overall.

One man from Lao PDR trafficked to Thailand for labour was trained as an electrician while being assisted in a shelter in Thailand and pursuing the legal case against his trafficker. When asked how he assessed this training, he said it was very useful and relevant and a skill that he could use in his home country and village. He said that would be able to find work as an electrician when he returned home.

One Cambodian man, trafficked for work aboard a fishing boat, was trained as a barber upon his return home. He finished the training and had

since set up a barber shop in his home village. The business was doing well; he had both old and young men and customers. He was planning on expanding his business to offer haircuts in the neighbouring villages.

One Vietnamese woman was trained in hairdressing and beauty skills after returning from her trafficking experience in Malaysia. For her, this training was the most important assistance she received as it gave her a skill and occupation that she enjoyed and allowed her to make and save money. Her parents and then boyfriend also saw this as an important opportunity and supported her attending the training. She has since married her boyfriend and now runs a beautician service out of her home. She enjoys her work and describes her economic situation as stable.

One Thai woman was assisted to set up her business after her return from abroad. She prepared a business plan to open a photocopy shop after which she was provided with a loan of 45,000 THB [approx. 1500 USD]. She also needed to borrow some money from the bank, which took her about a year to pay off. At the time of the interview she described her business as stable, with regular customers. She was planning on expanding her shop.

1. Vocational training was unavailable or did not provide a satisfactory skill level. Vocational training was often unavailable. Many trafficked persons were given implements for income generation - e.g. farming or animal husbandry - even when they lacked the technical/professional skills for this work. Vocational training was sometimes not offered even when individuals were accommodated in shelters for long periods of time (e.g. while pursuing a legal case against their trafficker).

Vocational training was of variable quality and some training did not translate into sufficient skills and professional competencies to find a job or generate income with these skills. Private training opportunities

are often more flexible, available and responsive but most trafficked persons could not afford the tuition fees and associated living costs, which meant only being able to access programmes for which assistance organisations subsidised the costs.

2. Lack of professional capacity in economic empowerment work. Not all staff working on economic empowerment programmes were specifically trained in this field of work. Commonly this work was undertaken by social workers and other programme staff as part of their general reintegration work. Many lacked the background and expertise in economic empowerment programmes and did not have a resource person within the organisation or as

a consultant who had this skill or expertise and could support the programme.

3. Limited training and job options; limited attention to individual interests/skills. When training was available, it was often limited in scope and was not based on an assessment of the individual's needs, skills, aspirations or likelihood of employment. Trafficked persons were generally offered vocational training options from a handful of pre-set choices – i.e. for women: hairdressing, weaving, dressmaking/tailoring, cooking/baking or animal-raising; for men: barber training, animal-raising, motorbike repair, radio repair, electrical repair or air conditioner repair. Offering a standard package of (often gender segregated) training can lead to a surplus of some skill sets and saturation in the supply of job seekers in those industries, making it difficult to find a job. Gender-specific training may also perpetuate gender stereotypes and may not fit with the aspirations and ambitions of beneficiaries, particularly those whose experiences abroad have changed their life and material expectations. Some trafficked persons expressed disappointment at the available options as they had neither the interest nor capabilities in those fields of work. Trafficked persons also did not receive a great deal of guidance and counselling to orient their decisions about vocational training options.

4. Economic plans did not align with the local economic situation. In many situations, there appears to have been inadequate assessment of the labour market where the trafficked person would be reintegrating. Their choice of training and economic options was not generally tailored to their local environment. Many trafficked persons received training in a field in which they were subsequently unable to find work or set up a business. As a result, professional skills did not translate into viable job or business opportunities. Vocational training offered in some destination countries was particularly divorced from the economic realities to which trafficked persons would return. There seemed to have been very little coordination and cooperation between services providers offering vocational training abroad and service providers in the origin country to advise on local employment and business conditions.

CHANGES OVER TIME.

The labour market and economies change, making it critical to assess economic empowerment programmes over time, to ensure that they are appropriate and responsive to local conditions. In addition, the life situation of trafficked persons changes over time – sometimes improving and sometimes deteriorating. Some trafficked persons face financial crises at various stages after trafficking – e.g. due to an illness in the family, the high cost of living, school costs – that can derail their economic progress and stability. Economic empowerment of individual trafficked persons must be monitored over the longer term, and when needed, additional support and referrals (e.g. counselling, training) should be provided.

5. Business ideas and plan were not offered, under-supported or ill-conceived. Business ideas and training (e.g. skills in drafting a viable business plan, marketing, accounting) was not always offered. Some trafficked persons expressed concern about setting up a business without this support, particularly given that failure can lead to debt and other serious economic ramifications. Still others described failed (or failing) businesses, attributable at least in part to their lack of business training and acumen. High levels of competition, including a saturated market, can further exacerbate this weakness. In some cases, the original business idea was ill-conceived.

6. Lack of economic opportunities. In some communities there were very few economic opportunities for trafficked persons. In other cases, they faced poor conditions or low salaries. Trafficked persons also often lacked economic options while assisted abroad, even when staying for long periods of time. Female trafficking victims were less likely to have access to employment while accommodated in shelters in some destination countries. Trafficked persons expressed a great deal of frustration about being unable to work during long shelter stays abroad.

7. Few options for trafficked persons with special needs. Some trafficked persons had special needs, which inhibited their ability to benefit from standard forms of economic assistance. Some trafficked persons lacked adequate education to receive training, get a job or run a business. A number of trafficked persons could not attend vocational training because they lacked basic literacy. Other trafficked persons had special needs, which made it difficult to find (and maintain) suitable economic options for them – for example, persons with mental or physical disabilities, mental illness, chronic health problems or trauma. They were often unable to find employment nor could they sustain a business.

8. Inadequate attention to other needs, including the needs of victims' families. Circumstances of reintegration – including family situation and the socio-economic environment – played a significant role in determining economic options and effectiveness. Meeting and addressing the non-economic needs of trafficked persons was often critical to their overall well-being, which, in turn, directly impacted their economic success. In some cases, this involved ensuring that the family environment did not inhibit economic success. In other cases, this meant supporting the economic empowerment of the family (or specific family members) of trafficked persons. This was particularly common in the case of trafficked children, but it was also the case for trafficked persons with special needs. When such needs were left unmet (or were not met in a timely fashion), this led to failed reintegration. This broader set of needs and vulnerabilities required the availability of reintegration services and a functioning referral system involving state and NGO service providers.

9. Lack of confidence in one's own capacity. Many trafficked persons did not have confidence in their own abilities – whether to keep a job or run a business. Building self-confidence was often an important part of the economic empowerment of trafficked persons. This meant helping them to identify their skills and strengths in a professional setting and helping them feel secure in their capacities. This generally involved intensive, long term counselling and monitoring as well as on-going encouragement.

10. Practical barriers to economic empowerment. Some trafficked persons faced practical barriers to

attending vocational training – particularly victims with children and when training was only available far from home. Some trafficked persons relied on the support of family members, most commonly grandparents, to look after their children while they were trained. However, the length of training (several months to a few years) often made this unviable (and undesirable). Many trafficked persons did not wish to be separated from family members, especially after their absence while trafficked. Additionally, while some assistance agencies subsidised cost (training fees, transportation and living costs during the training), being unable to work and support one's family while training was a barrier for many people.

Some beneficiaries faced practical barriers to accepting and continuing with a job or in operating a small business. Beneficiaries with dependent family members – particularly small children – often faced difficulty in balancing work with family responsibilities. A particular issue was lack of access to childcare. When working away from one's family support network (for example, in a town with greater access to jobs), the living costs were often prohibitive, especially for single mothers. For others, barriers were due to the cost or lack of transportation between the work place and home. Shift work also involved travelling at potentially unsafe times (i.e. very late at night, very early in the morning).

11. Limited monitoring of and support to economic empowerment. In many instances, trafficked persons received economic assistance but were not subsequently monitored during implementation. Ongoing assistance was needed by most beneficiaries – initially to develop a long term economic empowerment plan, during any vocational training that is needed, while job seeking or business start-up and once the job or business was underway. Typically beneficiaries faced problems and issues in the context of their employment or business operation, which, without support, could lead to failure.

Monitoring and support was also needed to retain job placements over the long term. Some trafficked persons found it difficult to adapt to their work environment, handle workplace stressors and face interpersonal and communication problems with co-workers or employers. Many trafficked persons required multiple

job placements and on-going counselling in order to stabilise their employment prospects. Job retention was significantly enhanced when trafficked persons were able to communicate with service providers about workplace problems. Monitoring and mentoring was also vital in terms of small business success and was needed in the initial start-up phase as well as while running the business.



CASE STUDIES: CHALLENGES IN ECONOMIC EMPOWERMENT

One man from Myanmar explained that he borrowed 1,200,000 kyats [approx. 1360 USD] to migrate to Malaysia for work and 200,000 kyats [approx. 225 USD] more for his wife to give birth. With a 10% interest rate, he had been unable to clear the debt. He still owed about one million kyat [approx. 1135 USD], including interest.

One Vietnamese woman, trafficked to China for forced marriage, explained how her family incurred debt to pay for her and her sister's escape from trafficking exploitation and how this continued to be a source of tension in the family: "Sometimes, my parents still scold me for being trafficked. My family had to spend more than 30 million VND to rescue my sister and me [1500 USD]".

One man from Myanmar explained how his family's economic situation was worse after he was trafficked to Thailand for work on a fishing boat. In addition, he now has a child and his wife, who previously worked, cares for the child instead of working outside the home. Before he went to Thailand he didn't have any debt but now he has a debt of more than 300,000 kyat [approx. 340 USD] plus interest.

One Cambodian man was provided with funds to raise ducks in his village after returning home. However, he lacked the skills and resources to raise the ducks and after a few months, the ducks died. He then went into debt to buy more ducklings, which also died. The organisation had not monitored his case or been available to "troubleshoot" when he faced problems. When interviewed he was unemployed and in debt.

One woman from Myanmar was in a shelter for two years in Thailand after being exploited for labour. She received vocational training but it did not meet her needs or interests. She explained:

"They gave us vocational training. I learned sewing with a sewing machine. I didn't do well as I was unenthusiastic..." Now back in Myanmar she described the training as "useless" and felt hopeless because she had no skills to help her find a job or run a business.

One woman trafficked for prostitution to Thailand returned to Myanmar where she set up a small business selling snacks in her village. However, this business failed because most of the villagers did not have disposable income and they bought snacks on credit, never paying off their debt.

One man from Myanmar, accommodated in a shelter in Thailand after being exploited aboard a fishing boat, stressed the importance of offering vocational training to trafficked persons in anticipation of their return home. To return home with a skill would, he felt, go some way towards mitigating the stigma of having been trafficked and returning without money. He also felt that he would be better received in his community if he returned with a skill. He felt it was important to be active while waiting for the legal process, to use his time abroad effectively, which would help him better cope with tension and depression.

One Vietnamese woman was offered training in producing handicrafts through a shelter programme. She was trained in making handicrafts for three years during which time she was separated from her children (her parents looked after them in her absence). She received only a small stipend in this time. After three years, the programme was closed because it was not successful in selling the handicrafts that the residents and staff produced. She returned home to her children without a marketable skill or a viable job or business opportunity.

Checklist. Key considerations in providing economic empowerment opportunities

PROGRAMMING

✔ Offer individualised and high-quality vocational training. Offer vocational training tailored to an individual's skills and interests. Vocational training should align with individual aspirations, capacities and interests as well as the local labour market.

✔ Training should translate into adequate skill set. Training should be of sufficient quality and length to allow trainees to gain adequate professional skills, which can translate into viable job options in the local labour market.

✔ Vocational and business training should be provided by specialists. Vocational and business training should be provided by specialist professionals or agencies/institutions to ensure sufficient quality, a variety of options and appropriateness to the labour market and/or business environment.

✔ Hire a specialist in micro-business management. Monitoring and mentoring are vital in terms of small business success and will be needed in the initial start-up phase as well as while running the business. A micro business management specialist can assist in making small businesses profitable and sustainable in the long term. On-going monitoring allows organisations to identify any additional needs that arise specific to a small business or job placement and to provide additional support and mentoring to galvanise success.

✔ Conduct labour market assessments. Appraise the local economic situation and adapt job placements or small business programmes accordingly. Such assessment must take place regularly over time, to take into account a changing economic situation and labour market.

✔ Offer economic opportunities in destination countries. Offer work options in destination countries where many trafficked persons' stay long periods of time, commonly as part of legal proceedings. This would include, for example, facilitating job placements and obtaining the appropriate documentation to work legally in the destination country.

✔ Training should take into account the family situation. Offer training schemes that work around existing work schedules and family commitments. The time commitment must also be considered given that many trafficking victims have dependent family members to support and may not be able to commit to some types of training programmes.

✔ Evaluate and monitor other assistance needs. Attention should be paid to other assistance needs, including the needs of family members and how these may impact an individual's economic success. Common issues that should be assessed include family tensions and conflict, health problems, lack of motivation, lack of experience in the field of work or lack of self-confidence.

✔ Include assistance to migrate legally/formally through trusted companies and labour exchange programmes. When no (or poor) economic opportunities exist in one's home community, moving to another community, city or even country may be the most viable economic option. For trafficked persons who wished or needed to re-migrate, economic empowerment efforts might include assistance for safe migration.

SPECIAL ATTENTION TO CHILDREN

✔ Ensure economic assistance benefits the child. Ensure that all economic assistance efforts, whether for the child or parent, will benefit (and not inadvertently harm) the child. This requires a clear understanding of the family situation and the involvement of the child in assessing his/her needs.

POLICY/ADVOCACY

✔ Develop economic empowerment programmes to ensure economic success. Economic programmes should be designed and implemented by experts, with the skills to ensure economic success. Examples of well-thought out processes include exit exams upon completion of training, apprenticeship programmes, job readiness programmes, piloting skills before funding a business, offering business management training, including financial management and so on.

Service area #6. Administrative support. Addressing administrative issues.

ADMINISTRATIVE NEEDS

Trafficked persons faced a range of administrative issues post-trafficking, both in countries of destination and at home. Some were a direct function of trafficking – for example, needing to replace documents lost or taken while trafficked. Others issues were not a direct result of trafficking but had the potential to adversely affect reintegration – for example divorce and custody issues. In some cases, administrative issues were those of the individual trafficked persons; in other cases, needs were related to family members, particularly children. International human rights law establishes that everyone has the right to recognition everywhere as a person before the law.³⁴ Article 8 of the CRC protects children’s right to preserve their identity, including their nationality, name and family relations, without unlawful interference. In addition, states are required to help children regain any aspect of their identity that has been taken away from them illegally.

Identity documents and other forms of legal registration. Identity documents and other forms of legal registration (e.g. family or household registration) were needed to access post-trafficking services (e.g. education, healthcare, training) as well as for a wide array of day-to-day activities (e.g. to open a bank account, get a job, own a house or procure a loan). Lack of identity documents also posed challenges for trafficked persons in destination countries leading to long periods of stay while their national identity was verified and documents processed.

Civil/birth registration of VoTs and their children. Some trafficked persons were not registered before trafficking and therefore needed to initiate the birth registration process for themselves (and sometimes also family members). In other cases, trafficked persons needed to register their children who had been born while trafficked. This was a particularly important issue for women trafficked for forced marriage or prostitution who returned home with children. Children who were not legally registered had limited access

to services and support, which negatively affected them as well as the mothers’ reintegration outcomes.

Residence registration. Most countries in the region required citizens to be registered in the area where they were living, with identity documents linked to this registration. In some countries, even a temporary move – for example, to stay in a shelter – required administrative procedures. Not being registered in the area where one lived had implications in terms of access to services – e.g. being able to attend school (or for trafficked persons’ children to attend school), obtain identity documents, access to medical care and so on. Registering in another community involved administrative steps that were costly and time consuming. There was no special dispensation in the case of trafficked persons needing to move to a new community.

Permits and registration when staying abroad. Trafficking victims who stayed in shelters in destination countries were not typically provided with legal status/documents that formalised their stay – e.g. temporary residence permits (TRPs). Consequently they were restricted in their movements – i.e. not permitted to leave shelters for months and years – and ability to work.

Certification as a trafficking victim. In some GMS countries, trafficked persons must be formally identified and certified as a trafficking victim to be entitled to anti-trafficking support and services. Some trafficked persons were informed about their rights and assisted by authorities to gain this status as a trafficking victim. However, the process was not always direct and trafficked persons faced difficulties in understanding their rights and opportunities as well as in completing the necessary administrative steps. Obstacles included not being fully informed about the process and interacting with officials who refused to explain and help with the procedures. Many trafficked persons also did not know where to go for help or what rights and assistance options they had available to them as trafficked persons.

³⁴ United Nations (1948) Universal Declaration of Human Rights, Article 6. The Universal Declaration of Human Rights further states in Article 7: “all are equal before the law and entitled without any discrimination to equal protection of the law.” Further, the Universal Declaration of Human Rights guarantees every person the right to a nationality in Article 15.

Other administrative or legal issues – e.g. divorce issues and child custody. Some trafficked persons needed support in navigating other legal issues such as divorce, child custody and land ownership/rights. In some cases, these needs arose directly from trafficking – for example, obtaining legal custody for children born of trafficking or divorce proceedings when trafficked for forced marriage. In other cases, legal issues preceded trafficking and had contributed to trafficking vulnerability. This included assistance in divorcing abusive husbands and gaining custody of children. Leaving these issues unresolved exacerbated existing vulnerabilities and undermined reintegration success.

SPECIAL NOTE ON CHILDREN

Children's access to rights and opportunities, including reintegration services is directly linked to their legal status, making their identity documents and registration critical. An important service that required legal registration is children's eligibility for school. Many trafficked children have low education levels and often lack basic literacy and numeracy skills. Some have never been to school, whereas others left school when they migrated/ were trafficked. Their right to access education as part of their reintegration is dependent upon their legal status in a country.

Post-trafficking services for trafficked children should include administrative support, such as the provision of information, providing trafficked

children with identity documents, civil registration and so on. The appointment of an independent and qualified guardian is critical in protecting trafficked children's rights and interests, when children are temporarily or permanently deprived of parental care.³⁵

Children born of trafficking were especially likely to face issues with documents and registration, which limited and delayed their reintegration. This category of children merits special attention. Children born of trafficking may not initially have legal status in their mother's country of origin and accessing these documents can be difficult. Children born of trafficking need to be registered in the country in which they reintegrate to have legal status, and to be able to access basic rights like education and healthcare.

International human rights law recognises the child's right to identity, which would include legal assistance in attaining identity documents as established in Article 8 of the CRC.³⁶ One route to re-establish a trafficked child's identity is civil registration, which can address some of the civil and administrative needs of trafficked children.³⁷

³⁵ Article 20 CRC. "Typical tasks for a guardian would include ensuring the child's best interests remain the paramount consideration in all actions or decisions taken in respect of the child; ensuring the provision of all necessary assistance, support and protection; being present during any engagement with criminal justice authorities; facilitating referral to appropriate services; and assisting in the identification and implementation of a durable solution." Gallagher, Anne (2010) Commentary to the Recommended Principles and Guidelines on Human Rights and Human Trafficking, UNOHCHR, pp. 169-170. For more on the qualifications and duties of a guardian, please see Smith, Terry (Ed.) (2009) Statement of Good Practice, 4th Revised Edition, Denmark: Separated Children in Europe Programme. Available at <http://www.refworld.org/pdfid/415450694.pdf>.

³⁶ Article 8 of the CRC requires 1) States Parties to undertake to respect the right of the child to preserve his or her identity, including nationality, name and family

relations as recognized by law without unlawful interference and 2) Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

³⁷ UNICEF defines registration as "the compilation of key personal data: full name, date and place of birth, nationality, father's and mother's name, former address and present location. This information is collected for the purpose of establishing the identity of the child, for protection and to facilitate tracing. Documentation is the process of recording further information in order to meet the specific needs of the child, including tracing, and to make plans for his or her future. This is a continuation of the registration process and not a separate undertaking." UNICEF (2006) Guidelines on the Protection of Child Victims of Trafficking, NY: UNICEF, p. 18.

CHALLENGES IN THE PROVISION OF ADMINISTRATIVE ASSISTANCE

Some trafficked persons received support in managing administrative issues that arose as part of their reintegration. Some good practice is detailed in the box below.

GOOD PRACTICE: ADMINISTRATIVE ASSISTANCE

One woman from Myanmar trafficked to China for forced marriage explained how state social work staff assisted her in getting new identity documents after her return to Myanmar by preparing a certified letter to confirm her identity. In addition, an assistance organisation paid the fees required for processing these documents.

One girl from Myanmar, trafficked to Thailand for prostitution, was assisted by the police in Myanmar in making an identity card. The police provided her with a recommendation letter, which she took to the appropriate authorities. She was also exempt from any fees for issuing her identity card.

One man from Myanmar trafficked aboard a fishing boat in Thailand escaped from the boat and was hidden by a woman when the supervisor and brokers came to look for him. She then helped him get work on another boat that she knew to be better (the crew hid him until the boat was out at sea). He worked there for a few months and was regularly paid but he remained afraid of encountering the previous bosses and brokers. He took a bus to another location and met a man who helped him find work in a local sawmill. He worked there for one year and was assisted by his employer to get his migrant worker documents. After a year he found another job on a construction site.

One Thai man, trafficked to Israel for agricultural work, was rescued by the

police and offered the opportunity to open a legal case against his exploiter, to claim outstanding wages. He accepted this offer and during the course of the legal process, was provided with temporary stay in the country including legal (and fairly paid) work.

One man from Myanmar, trafficked aboard a fishing boat in Thailand, managed to escape from the boat when it was in port. He and his friend took a bus and called a friend for help. The friend helped them find work in a saw mill where he worked for more than a year. His employer assisted him to obtain formal working documents.

One Cambodian man, trafficked to Thailand and Malaysia for labour, was offered vocational training through an assistance organisation. He required assistance and permission from his village chief to process the application form to attend the training, which the village chief provided. He has since received the training and is working in his field of expertise.

That being said, many trafficked persons faced barriers in resolving administrative issues. And victims of some forms of trafficking were particularly affected. For example, women trafficked for forced marriage, in addition to often needing identity documents, also often needed to register their foreign born children upon their return home, while simultaneously grappling with issues of divorce and sometimes child custody. Main challenges included:

1. **Complicated, confusing and sometimes circular procedures**
2. **High (often prohibitive) costs**
3. **Obstructive (and sometimes discriminatory) behaviour of authorities**
4. **Practical barriers like travel costs, loss of income, lack of childcare**

1. Complicated, confusing and sometimes circular procedures. Trafficked persons described confusion in trying to manage administrative processes. Not only were regulations and procedures hard to understand but the bureaucracy itself was also often daunting and confusing. Interacting with officials was intimidating and uncomfortable for some trafficked persons.

Some procedures were especially difficult – e.g. the registration of children born to mothers while trafficked abroad. In some cases, authorities did not seem to know how to resolve the issue and the process took a great deal of time and energy to be resolved. Similarly, establishing one's status as a trafficked person involved a complicated and time consuming process involving numerous supporting documents with official stamps and notarisations. In some cases, administrative requirements prevented trafficking victims from accessing support.

CHANGES OVER TIME.

Administrative issues often take some time to resolve and involve on-going attention and support. Administrative needs of trafficked persons may also change over time and in response to different challenges in the (re)integration process. Trafficked persons may initially require some assistance in accessing identity documents or birth registration. They may subsequently face problems within the family that leads to needing assistance with other issues, like divorce and custody proceedings. Trafficked persons may require access to this form of (re)integration support over quite some period of time, albeit intermittently.

2. High (often prohibitive) costs. Administrative procedures (e.g. registration, processing identity documents) often involved prohibitive costs. Some trafficked persons did not apply for new documents because they could not pay the requisite fees. Other costs were related to transportation costs when required to travel to different towns/districts and loss of income while spending time trying to resolve administrative issues.

3. Obstructive (and sometimes discriminatory) behaviour of authorities. Authorities, in many cases, did not ease the administrative procedures faced by trafficked persons. The judiciary was often inflexible and did not take into account the trafficking experience in terms of affording special dispensation. For example, some women trafficked for forced marriage were unable to divorce their “husbands” because the court required consent from the “husband”, which was not only difficult but also potentially dangerous. Some officials were not only unhelpful but even hostile when trafficked persons faced problems. One trafficked woman, who had been exploited in China for forced marriage and had returned home with a child, was told by local authorities that it was not possible to resolve the issue of documents for her child and that she “should just go back to China”.

4. Practical barriers like travel costs, loss of income, lack of childcare. Trafficked persons faced everyday challenges in resolving administrative issues. Administrative centres are frequently located in cities, which may be a great distance from the communities where trafficked persons live, making travel an obstacle, both logistically and financially. The time consuming nature of administrative procedures may also mean that trafficked persons have to leave work to attend to these procedures and, therefore, suffer loss of income. For trafficked persons with children, finding and affording childcare for the time required to be involved in administrative proceedings may be a challenge.



CASE STUDIES: LEGAL AND ADMINISTRATIVE ISSUES

One woman from Myanmar was trafficked to Thailand for labour in a factory. She carried both her identity documents and family registration documents with her; her employer held both which meant she did not have them when she returned. When she returned to Myanmar she approached her ward authority to apply for new identity documents. However, the official said this was not possible because she did not have her family registration documents. While there is a policy to issue national registration cards for trafficking victims, she had not been formally identified as trafficked and, therefore, faced many difficulties.

For one Vietnamese woman it took more than ten years after her return from trafficking for forced marriage to be able to register her children, who had been born abroad. Until then her children were not registered nor listed in her family book, which meant that they were not allowed to attend school and she was not entitled to any social support on their behalf. She described feeling discouraged, frustrated and stressed about being unable to adequately support her children during this ten year period.

One Chinese man, trafficked as a boy within the country for begging, did not know his formal, legal identity nor did he have any means of finding it. He had lived his entire life without documents, which meant never having been to school, not having access to any services, never being able to have a formal job or open a bank account. For him, his lack of identity was a source of considerable stress and his most important assistance need:

“Without an identity, I sort of lose hope in the future. I have told myself that whoever gets me identity documents or gets me registered in the household system, I will treat him or her as my parents, taking care of them in their old age and their burial.”

One Vietnamese woman trafficked to Taiwan, China for marriage, described facing many problems when she tried to divorce her “husband.” When she applied to the court, she was told that she could not divorce him without his signature. She did not feel safe to approach him having been exploited by him. She would like to get married but cannot because she cannot find a way to safely proceed with her divorce.

One Laotian girl required the signature of local authorities before she was permitted to leave her village and stay at a shelter for assistance. For her, the process was unclear: “The organisation asked me to process the documents and I had to go to the village chief and district officer to sign the documents for me. It was a bit confusing and difficult for me.”

Some women were unable to return home with their children who were born during their trafficking experiences. In such cases, women needed access to legal assistance in gaining custody of their children. One woman from Myanmar, trafficked to China for forced marriage, had two children with her Chinese “husband.” When she was identified, she was returned home to Myanmar without her children who were thus separated from her. This was a source of great sadness for her: “I miss my kids every day and night”. It also most likely had an extremely negative impact on her children.

Checklist. Key considerations in providing administrative support

PROGRAMMING

✓ **Provide all necessary documentation to trafficked persons.** Ensure that all trafficked persons have access to identity documents and civil registration. Trafficking victims should be provided with (free of charge) identity documents and registration procedures. Waive court and other administrative fees for victims of trafficking.

✓ **Train and sensitise administrative staff.** Sensitise administrative staff in government departments to the needs of vulnerable people, including trafficking victims, and ensure that they behave with sensitivity and respect. Inform trafficking victims about existing reporting mechanism in the event that they are mistreated by authorities.

✓ **Anticipate practical and logistical barriers.** State authorities should be aware of practical and logistical barriers to accessing legal status, like travel distances and costs. Authorities should ensure that these barriers do not inhibit the accessing of rights like legal documents and implement mechanisms to address these issues - e.g. applying for documents by post, having a proxy representative, etc.

✓ **Provide information about administrative procedures.** Provide complete and comprehensible information about the steps and requirements involved in administrative procedures, like processing documents and birth registration. Ensure this information is available in all languages and is tailored to different ages and education levels.

✓ **Assist victims with administrative procedures when needed.** Service providers may, in some cases, need to initially assist trafficked persons in navigating administrative procedures. Part of this process will be educating trafficked persons in how to do this independently in the future.

SPECIAL ATTENTION TO CHILDREN

✓ **Support birth and legal registration of trafficked children.** Service providers should assist trafficked children (and their families or guardian) in processing birth and legal registration and accessing identity documents.

✓ **Provide trafficked children with needed administrative support.** Ensure that trafficked children have access to administrative support, such as the provision of information, appointment of a guardian, providing trafficked children with identity documents, civil registration, and so on.

✓ **Appoint a legal guardian, when needed.** Ensure that trafficked children who are temporarily or permanently deprived of parental care are immediately identified, referred to appropriate child welfare authorities and appointed a legal guardian who can advise them and protect their rights and interests.

POLICY/ADVOCACY

✓ **Revise bureaucratic procedures for trafficked persons.** Simplify and streamline administrative procedures, with special consideration for trafficking victims. Establish procedural exceptions and/or guidelines that allow trafficked persons to have immediate (and free of charge) access to necessary documents and legal support.

✓ **Options for legal residence in the destination/host country.** In the case of separated child victims of trafficking, from the moment of identification until the implementation of a durable solution, there should be the possibility for the child to reside legally in the host country.

Service area #7. Legal assistance and support. Assisting victims/witnesses in legal proceedings.

NEEDS OF VICTIM/WITNESSES DURING THE LEGAL PROCESS

Many trafficked persons were involved as victim/witnesses in legal proceedings against their traffickers – for criminal cases and compensation claims. International human rights law establishes that all victims have a legitimate role to play in criminal or civil actions against their exploiters, including the right to be heard; the right to information; and the right to be kept informed.³⁸ The UN Recommended Principles and Guidelines on Human Rights and Human Trafficking state:

Trafficked persons, as victims of human rights violations, have an international legal right to adequate and appropriate remedies. This right is often not effectively available to trafficked persons as they frequently lack information on the possibilities and processes for obtaining remedies, including compensation, for trafficking and related exploitation. In order to overcome this problem, legal and other material assistance should be provided to trafficked persons to enable them to realize their right to adequate and appropriate remedies.³⁹

In the GMS, many trafficked persons did play a role in criminal or civil actions against their traffickers. This was the case in most destination countries and in many origin countries. Trafficked persons who served as victims/witnesses in legal proceedings needed support throughout the legal process, including having legal representation, being provided information and explanations so that they could understand the legal process and, in some cases, receiving protection from their trafficker(s) and/or his/her associates as retribution for their participation in the legal process. The legal process provides trafficked persons with an

opportunity to access justice and to receive prompt redress for the harm that they have suffered. The right to justice is a further means to protect and enjoy other rights guaranteed in international law. Therefore post-trafficking services should include legal assistance and support.

SPECIAL NOTE ON CHILDREN

Many trafficked children were involved as victim/witnesses in legal proceedings against their traffickers, raising questions about how the rights and best interests of children were (and were not) protected in the legal process. Interviews with trafficked children (as with adults) suggested limited options to decline to be involved in the legal process, raising further concerns about their role in the legal process.

Of critical importance is recognition of the “precarious position of child victims in the criminal justice system,” particularly “in the case of children who are asked, or required, to participate in the investigation and prosecution of their exploiters.”⁴⁰ Child witnesses may be at serious risk of intimidation and reprisals from traffickers and involvement in legal proceedings can cause trauma for child victims, who may not always comprehend what legal proceedings entail or be asked to give their informed consent.

Comprehension and consent were particularly complicated in the case of trafficked children and varied according to their age, experience and maturity. It was not clear to what extent service providers conveyed information about the legal

³⁸ The Universal Declaration of Human Rights states: “Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.” United Nations (1948) Universal Declaration of Human Rights, Article 8. The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (United Nations General Assembly resolution 40/34) states that victims of crime “should be informed of their rights to seek redress, of the role of judicial and administrative processes, of the scope, timing, and progress of the proceedings and of the disposition of their cases, especially where serious crimes are involved”. UNODC (2008) “Justice for Victims”, Toolkit to Combat Trafficking

in Persons. New York: United Nations, pp. 430-431. Available online at http://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_8-16.pdf. Gallagher, Anne (2010) Commentary to the Recommended Principles and Guidelines on Human Rights and Human Trafficking, UNOHCHR, p. 170.

³⁹ Robinson, Mary (2002) Recommended Principles and Guidelines on Human Rights and Human Trafficking, Addendum to the Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council, UN document E/2002/68/Add.1, 20 May 2002, p. 11.

⁴⁰ Gallagher, Anne (2010) Commentary to the Recommended Principles and Guidelines on Human Rights and Human Trafficking, UNOHCHR, p. 170.

process in ways that took into account their differing ages, maturity, individual experiences and comprehension capacities. Interviews with a number of trafficked children suggested that they had not been informed about the legal process in ways that they fully understood, including the potential stresses and risks that this would entail, and their right to decline to be victim/witnesses. In some cases, children had been “encouraged” to testify, and given power dynamics between adults and children (especially adults in a position of authority), this encouragement might more accurately be understood as pressure or perhaps even coercion.

Children were also required to appear in court on many occasions and provide testimony. There was also little indication of legal proceedings being tailored to the needs of children and youth. Trafficked children generally did not describe any special arrangements made in terms of their involvement in the case – for example, closed chambers or video testimony. It was also not clear what type of support was provided to children who served as victim/witnesses in terms of victim support in police stations and at court, support in preparing to give testimony, support from victim/advocates or psychological counselling after giving testimony or in terms of being accompanied and assisted by a guardian.

Language, or perhaps more accurately literacy, may also be an issue in terms of children who serve as victim/witnesses. Further, due to lack of education, immaturity or impeded intellectual development, trafficked children may not have the capacity to provide useful testimony in legal cases. Moreover, the circumstances of children’s involvement as victim/witnesses was very

problematic in that it commonly involved long stays in shelters in destination countries, with little to no contact with their family members during this time.

In all cases the relevant authorities and actors must consider the best interests of each individual child in determining whether a child victim should be involved in criminal proceedings.⁴¹ Children have the right to be protected during criminal proceedings⁴² and providing legal representation should serve to ensure that right.⁴³ For separated child victims, a qualified and independent guardian should be immediately appointed to – among other things – ensure that the child has suitable legal representation, and assist the child to keep in touch with his or her family where appropriate.⁴⁴

CHALLENGES TO PARTICIPATION IN LEGAL PROCEEDINGS

In some cases, trafficked persons were interested in being involved in court cases against their traffickers – generally in the context of compensation claims. Some were concerned about justice and that their trafficker(s) be punished for what they had done to them. In some cases, trafficked persons described positive experiences as victim/witnesses whereby their rights were protected in the legal process and they were able to speak out against their exploiters.

Not all involvement in the legal process was voluntary and based on informed consent. Many trafficked persons described confusing, uncomfortable and generally negative experiences when serving as victim/witnesses. Trafficked persons identified a number of issues they faced as victim/witnesses in the legal process, including:

⁴¹ Gallagher, Anne (2010) Commentary to the Recommended Principles and Guidelines on Human Rights and Human Trafficking, UNOHCR, p. 170.

⁴² Article 40 CRC. See also United Nations (2002) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, A/RES/54/263, which outlines appropriate measures to protect the rights and interests of child victims at all stages of the criminal justice process in Article 8.

⁴³ Children should be granted legal assistance by adequately trained legal representatives in all legal proceedings affecting them, such as claims for international protection and best interests determination procedures. Article 12 & 22, CRC.

⁴⁴ SCEP (2009) Statement of Good Practice: Separated Children in Europe Programme. STC, UNHCR & UNICEF, section: D3.

1. Lack of full information and informed consent; no option to decline involvement
2. Long, compulsory shelter stays during legal proceedings abroad
3. Long and delayed legal proceedings
4. Re-interviewing and providing multiple statements
5. Not being regularly updated and informed about the legal process
6. Risks to victim/witnesses
7. Delays and complications in receiving compensation
8. Maltreatment by law enforcement and legal actors
9. No funds available for costs incurred by victim/witnesses
10. Stress, fear, anxiety of being a victim/witness
11. Language barriers

GOOD PRACTICE: INVOLVING VICTIM/WITNESSES

One Thai man trafficked to Israel was rescued by the police and a local assistance organisation. An interpreter was on hand to translate and ensure that he understood what was happening and his different options in terms of assistance and involvement in the legal process. The police and assistance organisation asked whether he would like to go home or get a new job in the country. He was also asked whether he would like to prosecute his employer/exploiter for unpaid wages. The police and assistance staff explained what this process would entail, including that court proceedings would take some time to complete and they could not be assured of a positive result. However, they also explained that if he did win the claim, he would receive money as compensation for unpaid wages. The man agreed to pursue this compensation claim through the courts (as did eleven of the victims identified in the raid). During legal proceedings, the organisation regularly updated the man and his colleagues about the status of the legal case and what to expect in the coming period.

1. Lack of full information and informed consent; no option to decline to be involved. Some trafficked persons were provided with full and reliable information about legal proceedings against their traffickers, after which they made a decision about their involvement as victim/witnesses. More commonly, however, trafficked persons did not seem to have been fully informed about what would be involved in pursuing a legal case against their traffickers – what the legal process would entail, their rights as an injured party, their responsibilities as a victim/witness, how the process generally played out, the length of time it would take, any challenges they may face with regard to the case or options for returning home prior to the completion of the case.

Trafficked persons seldom received legal advice in terms of their role as victim/witnesses and their rights and responsibilities within the framework of legal proceedings. They often had limited contact with legal representatives, which meant relying on information from social workers and administrators who were not experts on these issues. Moreover, shelter staff was not generally kept abreast of legal proceedings by prosecutors and law enforcement, inhibiting their ability to update trafficked persons about the legal process and satisfactorily answer their questions and concerns.

Many trafficked persons were not advised of their right to decline to be involved in legal proceedings nor offered the option to decline to participate. Most were informed or under the impression that they were (legally) required to provide statements and testimony. In other cases, trafficking victims were informed about but did not fully understand the legal process. This was a particular issue for victims immediately after exiting trafficking. Given that this period is typically stressful and confusing, victims may not be able to fully comprehend or make informed decisions at this stage. This requires revisiting this decision at a later, more “stable” phase, which may potentially also involve trafficked persons withdrawing their participation.

2. Long, compulsory shelter stays during legal proceedings abroad. Trafficked persons were generally required to stay in shelters while victim/witnesses in legal cases abroad. Shelters were closed, which meant restricted freedom of movement, being

unable to work and little to no contact with family. Not being in regular (or sometimes any) contact with family at home was a source of great stress for many trafficked persons, especially trafficked children. In some countries, trafficked persons were accommodated in police stations and other criminal justice facilities while legal cases were pursued by the authorities, which were inappropriate, uncomfortable, stressful and, arguably, unsafe for trafficked persons. A handful of trafficked persons were allowed to live and work outside the shelter while awaiting court rulings, which went some way towards assuaging concerns and frustrations about being involved in legal proceedings and unable to immediately return home.

CHANGES OVER TIME.

Cases against traffickers may be quite lengthy and therefore an individual's needs and wants during legal proceedings may change with time. It is critical to assess the provision of support during legal proceedings over time. It is also necessary to continue to regularly provide full information about the legal case and obtain informed consent for each step throughout legal proceedings, continuously advising trafficked persons of their rights. In cases that take a long time, trafficked persons, who initially agreed to be involved as victim/witnesses, may decide that this is not in their best interests and wish to withdraw from a case. It is also important to consider how long or delayed legal proceedings may impact the mental well-being of trafficking persons, including inhibiting their ability to move on with their life and (re)integrate in their families and communities .

In the case of children, there was a lack of legal representation and assistance. Generally they were not appointed a qualified guardian nor a suitable legal representative, which meant that they were not assisted to keep in touch with their family, not consulted and advised, nor had their views and opinions considered in all decisions affecting them. They also did not typically have access to formal education in this time.

3. Long and delayed legal proceedings. Trafficking cases generally took a long time to resolve; trafficked persons spent literally years awaiting resolution of their cases. There were few options to provide advance testimony or to return to testify at the time of the court proceeding. Technological options – like video testimony – were not generally available. This was a source of considerable stress as it involved staying abroad for the duration of the legal case. In the case of children, this meant on-going separation from family and community, which impacted their social and emotional development and well-being. Long proceedings were also linked to delays in receiving compensation claims, even after a successful case. In a number of cases, compensation payments were not paid in a timely fashion, which further delayed returns. While there was sometimes an option to return home while compensation was processed, trafficked persons did not always trust this process and opted to wait for final resolution and payment.

4. Re-interviewing and providing multiple statements. Trafficked persons were often interviewed many times by the authorities, and in addition, were required to give testimony multiple times over the course of a legal case. This was a source of considerable stress, anxiety and frustration for trafficked persons. It was particularly taxing and damaging for trafficked children.

5. Not being regularly updated and informed about the legal process. Many victim/witnesses were not informed about the status of their case. There did not appear to be a mechanism for regular updating victim/witnesses, even when being assisted in shelters where law enforcement or prosecutors could easily provide information to victim/witnesses. Information that was provided was commonly from shelter staff and social workers who were often constrained in that they themselves were not regularly updated about legal cases. In other cases, shelter staff and social workers were overburdened with their caseload and did not have the time or resources to look into the status of legal proceedings for beneficiaries.

Moreover, shelter staff (generally social workers or administrators) likely do not have had adequate legal knowledge to provide full and complete information to trafficked persons. Very few trafficked persons

reported having contact with and information from legal representatives, specialist legal NGOs or prosecutors. Information exchange was also an issue when trafficked persons returned home from destination countries while cases were on-going. Some had not received an update on the status of their case and did not know how to go about asking for this information including whom to contact.

6. Risks to victim/witnesses. Trafficked persons involved as victim/witnesses in legal proceedings did face risks to their safety and security – facing threats as well as actual violence from traffickers. This was particularly an issue when trafficked persons returned to their home communities where their traffickers often also lived. In some cases, trafficked persons avoided the legal process as a means of preventing threats or violence against themselves or their families. There was an overall lack of an effective victim/witness protection scheme in the country.

7. Delays and complications in receiving compensation. A number of trafficked persons were awarded compensation by the court but did not receive the amount awarded or received only a portion of it. In most cases trafficking victims did not know why the full compensation had not been received or payment was delayed. Some trafficked persons remained in the destination country awaiting payment. Others returned home, hoping to receive the money through government to government procedures.

8. Maltreatment by law enforcement and legal actors. Many trafficked persons reported being treated politely and correctly when they were identified and interviewed or when they reported their case to the authorities. However, others were mistreated in the process of reporting their case and giving statements. In addition, in some cases, trafficked persons who approached authorities to report their case were ignored or sent away. This was particularly concerning in the case of trafficked children for whom such encounters were uniquely stressful and intimidating.

9. No funds available for costs incurred by victim/witnesses. In some situations, trafficked persons received (partial or full) support associated with the legal process (e.g. transportation, interpretation,

legal representation when available). Not uncommonly, however, trafficked persons themselves bore the financial burden of their involvement in criminal cases and compensation claims. They paid for their own expenses and, in addition, suffered lost income when missing work. Given that many trafficked persons were obliged to appear in court and give statements on multiple occasions, this was often a serious problem.

One woman trafficked internally within Myanmar for prostitution was required to be a witness in the case against her trafficker on three occasions. However, she was pregnant and not able to work since her return and therefore relied on her sister to cover the costs of travel, food and accommodation. This caused tension between the two sisters, as she explained: “[My sister] nagged so much about me costing her money. Sometimes I didn’t even have a meal. I wish that I had someone to cover the costs [of going to court] and to help me face the trial”.

10. Stress, fear, anxiety of being a victim/witness. For many trafficked persons, being involved in the legal process was unpleasant, stressful and even frightening. Discomfort was due to various issues, including having to face their traffickers in court, feeling scared and intimidated in the courtroom environment and the stress of reliving their trafficking experiences. Few trafficked persons were able to use alternative tools to serve as victim/witnesses, such as advance statements or video testimony. Stress and anxiety endured and indeed was amplified when legal cases dragged on for long periods of time and victim/witnesses were unable to move on from trafficking. This was particularly the case when forced to stay in shelters abroad for the duration of the legal case.

One woman trafficked for prostitution was upset and distressed at having to appear repeatedly in court to confront and testify against her trafficker. While she was happy that her trafficker had been punished, the experience in court had been very difficult. One girl from Myanmar, obliged to testify in a case against her trafficker in Thailand, described being frightened of going to court and not wanting to be involved in the legal process at all.

11. Language barriers. It was unclear to what extent victim/witnesses had access to interpretation

during all stages of the legal process. Many reported interpretation being available when identified or when giving statements but not for the full duration of legal proceedings. This meant being unable to understand the legal process in which they were involved. A number of trafficked persons described being disoriented and uncomfortable with their inability to understand and follow their case. Language was a barrier for trafficked persons abroad but also within their own country, for example, for ethnic minority victims who did not speak the majority language. Further, due to lack of education, immaturity or impeded intellectual development, trafficked children may not have the language capacity (or literacy) to provide useful testimony in legal cases.



CASE STUDIES: CHALLENGES TO PARTICIPATING IN LEGAL PROCEEDINGS

One girl from Myanmar, exploited in Thailand, described being pressured to prosecute her trafficker. She explained that she was encouraged by the police to prosecute the trafficker but did not want to because she was afraid of going to court. She explained how she explicitly told the police officer that she did not want to participate in court proceedings but they opened the case anyway: “I had to go to the court. There was no choice for me.” Upon reflection and despite her trafficker being imprisoned, she would have preferred not to have been involved in the legal case.

One girl from Myanmar, trafficked to Thailand to sell candy on the streets, was rescued by the police who opened a case against her trafficker. She stayed at a shelter for children, and in that time, was required to give testimony several times – as she put it, “so many times that she could not remember.” She was six years old when she was trafficked and was exploited for approximately four months, making her perhaps six or seven years of age when having to repeatedly testify in court.

One girl from Myanmar trafficked to Thailand was frustrated and disappointed by her involvement in legal proceedings against her trafficker as no one had told her how long she would have to stay in the shelter. In hindsight, she said she would not have agreed to give testimony if she had known what this process entailed.

One man, trafficked from Myanmar aboard a fishing boat in Thailand, was involved in a case that took two years to resolve during which time he had to stay in Thailand and be available to the prosecutor and police. He described being asked about the case every day, sometimes being called and asked questions several times a day. He described this experience as extremely frustrating and stressful.

One Thai woman, trafficked to Japan for prostitution, explained that when she first arrived at the shelter in Japan she had many health

problems and was not psychologically well. Nonetheless, police came to interview her, which she said annoyed and upset her, as she was not ready to speak about her experiences at that time. She described being asked the same questions repeatedly and being irritated and stressed because her condition was not stable at the time.

One Laotian woman, trafficked within the country, said that she would like to know the progress of her legal case but had not been able to get this information from assistance providers. She had called them many times but they said she would have to wait because there were so many cases that they were dealing with. For her, this was a barrier to reintegration as she wanted to put this behind her and start her new life, but she did not feel able to do so unless she won the compensation claim.

One Thai man trafficked to Israel for labour was initially assisted in Israel to file a legal case against his trafficker. He worked for some time in Israel but decided to return to Thailand before the legal case was resolved. When asked whether there was some problem that he could not get help with, he explained that he would like to know the status of his compensation claim in Israel. He hadn't heard anything about the case since he returned home and he didn't know whom to contact to follow up. He had also lost contact with those with whom he had been trafficked and so was unable to ask them for information about the case or whom to contact.

One Vietnamese girl, trafficked to Cambodia for prostitution, was visited by the police one week after she returned home. She explained that she and her family were badly treated by the police: “They threatened me. They banged their hand on the table whilst telling me to be honest. They threatened to arrest me if I did not give a statement. They claimed that we gave a false statement so they sent a written invitation to give a statement at the commune police station.”

One woman trafficked internally within Myanmar for prostitution was upset and distressed at having to testify in court. Having to appear repeatedly in court to confront her trafficker was a source of further stress and anxiety for her. While she was happy that her trafficker had been punished, she made it clear that the experience in court had been very difficult.

Checklist. Key considerations in supporting trafficked persons during legal proceedings

PROGRAMMING

✔ Provide full information about legal procedures and obtain informed consent.

Trafficked persons who participate in legal proceedings against their trafficker(s) should be provided with full and reliable information about legal proceedings against their trafficker(s) throughout the process – from investigation to the conclusion of the case; including possible alternatives to criminal cases, such as mediation and labour courts, etc. Only after such information is provided should trafficking victims be asked to decide about their involvement as victim/witnesses and provide informed consent. Informed consent should be revisited over the course of the legal process.

✔ Develop mechanisms to ensure that victims are informed about their legal case.

Develop mechanisms – e.g. terms of reference (ToRs) or standard operation procedures (SOPs) – to ensure that law enforcement and prosecutors provide information to victims and service providers and that there are clear channels to gather information on legal proceedings. Information should be provided to trafficked children in a way that is appropriate to their age and maturity by knowledgeable and trained staff.

✔ Provide legal representation to victim/witnesses.

Legal representation should be provided to victims at every stage of legal proceedings, including information about referral services; defining time frames and timelines; informing victim/witnesses about all relevant information related to their case;

accompanying beneficiaries throughout the criminal case or other cases such as labour courts; contacting relevant authorities involved in the proceedings on the victim/witness's behalf; counselling the victim during the legal proceedings; informing the victim/witness about the outcome of the case and keeping the victim/witness abreast of information pertaining to the case after legal proceedings have ended.

✔ Provide a service provider or victim advocate to accompany victim/witness through legal proceedings.

A service provider (e.g. social worker or psychologist), victim advocate or qualified guardian in the case of children should be available to support a victim/witness through legal proceedings. Court proceedings may involve subjecting victims/witnesses to hostile questioning, and personal testimony about their traumatic experiences. The support of a social worker or psychologist (or qualified guardian for children) will help to protect the rights and interests of the victim/witness.

✔ Ensure that participation in legal proceedings does not require staying in a shelter.

Develop options for trafficked persons to participate in legal cases without long shelter stays. This might include providing advance testimony or trafficked persons returning to testify at the time of the court proceeding. Technological options such as video testimony can also help to unlink shelter stays from participation in legal proceedings. Provide channels for victims to gain legal status to live and work in the country, while awaiting legal proceedings.

✔ **Provide freedom of movement and work opportunities for victim/witnesses, while abroad.**

Allow and support trafficked persons to work over the course of their involvement in legal proceedings. This will aid in their ability to stay and participate in legal proceedings and allow them to earn money, which can support their eventual return home and reintegration.

✔ **Ensure that trafficked persons are not housed in detention centres or jails while participating in legal proceedings.**

Trafficked persons should not be held in detention centres or jails, including when serving as victim/witnesses in legal cases against traffickers. Appropriate housing should be provided to all victim/witnesses, with the appropriate level of security made available.

✔ **Develop guidelines for how to interact with victim/witnesses.**

To protect victims from being re-interviewed and providing multiple statements, establish guidelines about how to interact and involve victim/witnesses in legal proceedings. An official should be appointed to manage each case and advocate for the victim/witness to ensure that unnecessary interviews are not conducted.

✔ **Regularly update victims/witnesses about the case.**

Trafficked persons who serve as victims/witnesses should be provided with full and accurate information about the status and progress of the case against their trafficker(s) throughout the process – from investigation to the conclusion of the case.

✔ **Develop witness protection and programmes to keep witnesses safe.**

Address safety and security issues related to victim/witness participation in legal proceedings. Offer witness protection programmes or other security measures to trafficked persons who face safety risks due to their participation as a victim/witness. Anticipate long as well as short term risks to victim/witnesses.

✔ **Address delays in providing compensation.**

Develop protocols to ensure the timely payment of compensation to victims in trafficking cases, including when they have returned to their home country.

✔ **Develop a fund to support victims/witnesses in participating in legal proceedings.**

Provide funds to provide support to victims who participate in legal proceedings (e.g. accommodation, food, childcare and loss of income), to help support their (voluntary) participation.

✔ **Address language barriers.**

Provide translators and interpretation services for all meetings with trafficked persons who are serving as victims/witnesses as well as during court proceedings. Ensure that trafficked persons understand the information provided about legal proceedings against trafficker(s) and their right to decline to participate. Ensure that all translators are trained, victim-sensitive, are impartial and do not pose a risk to the trafficking victim (e.g. allied with the accused or are otherwise partial).

SPECIAL ATTENTION TO CHILDREN

✔ **Ensure the best interests of the child in legal proceedings.**

Relevant authorities and actors must assess the best interests of each individual child in determining whether a child victim should be involved in criminal proceedings. Children have the right to be protected during criminal proceedings. In the case of separated children, a qualified guardian should be appointed to ensure that all decisions (including about being involved in legal proceedings) have the child's best interests as a primary consideration, that his/her views and opinions are considered in all such decisions and to consult and advise with the child.

✔ **Provide child victim/witnesses with legal representation.**

Ensure that all child victim/witnesses have access to legal representation to ensure that their rights and best interests are safeguarded. These legal representatives should be skilled in representing children, be gender-sensitive and be aware of child-specific forms of exploitation.

✔ **Implement child-friendly procedures during all stages of the legal process.**

Implement special arrangements for child victim/witnesses in police stations and at court – e.g. offering support in preparing to give testimony, support from victim/advocates, psychological counselling after giving testimony and special arrangements (for example, closed chambers or video testimony).

✓ **Consider and address the precarious position of child victim/witnesses.** Child witnesses may be at serious risk of intimidation and reprisals from traffickers and involvement in legal proceedings can cause trauma for child victims, who may not always comprehend what legal proceedings entail or be asked to give their informed consent.

✓ **Ensure children's access to and communication with their families.** Ensure that children keep regularly in contact with their family when appropriate, if it has been decided that it is in their best interests to be involved in legal proceedings. Explore all family reunification options pending the procedure.

✓ **Ensure suitable care and placement while in the legal process.** Ensure that trafficked children are afforded suitable care and placement while involved in legal processes including as victim/witnesses in criminal justice procedures and are under no circumstances subjected to detention.

Special protocols must be developed for child victims/witnesses and law enforcement and officials must be trained and sensitised in dealing with children. Special protocols must be developed for child victims/witnesses and law enforcement and officials must be trained and sensitised in dealing with children.

POLICY/ADVOCACY

✓ **Enhance efforts for compensation claims.** Advocate for the prompt payment of compensation claims. Being able to return home with money was a priority for many trafficked persons, and in some cases, was identified as a means of avoiding (or reducing) discrimination and stigma for trafficking/failed migration.

✓ **Shorten legal proceedings in trafficking cases.** As much as possible cases against traffickers should be fast-tracked and unnecessary delays avoided to alleviate the burdens placed on victims/witnesses who are unable to move on with their lives until the conclusion of a case. Judges and officials should consider the impact of lengthy legal proceedings on trafficked persons and take decisions accordingly.

✓ **Train and sensitise law enforcement and court officers in dealing with trafficked persons.** Train law enforcement and officials who interact with trafficked persons during legal proceedings on the impacts of violence and trauma to ensure they do not maltreat trafficked persons and to reduce the stress and anxiety of victims who participate in legal proceedings.

Service area #8. Safety and security assessments. Ensuring trafficking victims are safe and secure.

SAFETY AND SECURITY NEEDS

A safe and stable social environment is critical to the recovery and reintegration of trafficked persons. The right to security is guaranteed in international human rights law.⁴⁵ Trafficked persons faced very real safety and security problems after their trafficking experiences. In a noteworthy number of cases, trafficked persons faced risks to their physical safety and well-being, including exposure to threats or violence by persons involved in their trafficking or their family or collaborators. In other cases, trafficked persons faced safety and security issues in their personal environment – within their family or the broader community. In still other cases, trafficked persons had not been violated or threatened but feared that this would happen, which served as a source of considerable stress, anxiety and fear for trafficked persons as well as their families.

In some cases, the degree to which there were real and probable safety and security threats was unclear. While there were numerous (and sometimes quite dramatic) instances of safety and security issues for trafficked persons, this was not always the case. Many trafficked persons returned home to their families and communities and reported no such problems.

This highlights the need for a thorough risk assessment as part of return and reintegration processes. Whether victims faced risks (by traffickers, within the community or from family members) should be taken into account in the design of any reintegration plan. Equally important was not to automatically assume risks as this may lead to anxiety, fear and stress for trafficked persons, which will negatively impact reintegration outcomes. Risks to trafficked persons should be assessed continuously over time to ensure that trafficked persons are secure in their return environment, not threatened by traffickers or others in the community and feel safe in moving on with their lives.

SPECIAL NOTE ON CHILDREN

Providing for the safety and security of trafficked children and youth requires special attention and it must be one of the substantial elements assessed in a BID to identify a durable solution for the child concerned. Due to their age and (thereby lack of) legal status, trafficked children have specific vulnerabilities that must be considered, including whether the adults responsible for them (e.g. family members) were complicit in their trafficking. In some cases, returning children to their families may further jeopardise their safety. Trafficked children may face risks not only from traffickers, but also from their families, their communities, law enforcement and even from service providers at times. When such concerns are not created by the family members, family reunification options should be explored and acted upon to reunite the child with his/her family. International human rights law requires states to ensure the protection of every child against any form of neglect, abuse, violence and exploitation.⁴⁶

In the case of separated trafficked children, states need to provide special protection and assistance to children deprived of their family environment.⁴⁷ One Cambodian girl, trafficked to Thailand for begging, was accommodated in a residential programme in Cambodia after her return. She was happy to be assisted in this programme because it meant she could study and was treated kindly by the staff there. She explained that living in the centre was important for her because it “protected me from being beaten by my parents.” A wide range of safety and security plans are required to meet the diverse and individual needs of different children and youth.

⁴⁵ “Everyone has the right to life, liberty and security of person”. United Nations (1948) Universal Declaration of Human Rights, Article 3.

⁴⁶ Articles 19, 32, 34, 35, 36 UN Convention on the Rights of the Child (CRC). Other CRC articles relevant to children’s right to protection are: 9,10, 11, 16, 20, 21, 22, 23, 24, 25, 37, 39, 39 and 40.

⁴⁷ Article 20 CRC.

All children must be protected as required by their status as children without discrimination of any kind due to race, sex, language, religion, ethnic or social origin, birth or other status, including immigration status.⁴⁸ A critical part of the Bests Interests Determination (BID) is the undertaking of risk assessments, jointly with law enforcement, prosecutors, the child's guardian and social workers, to ensure that reintegration plans provide for the safety and security of trafficked children and youth.

CHALLENGES IN ENSURING SAFETY AND SECURITY

Violence suffered by trafficked persons had a very direct and tangible effect on their physical well-being. There was also the psychological effect of this violence (and threat of violence) as well as the fear of potential retribution. Efforts to anticipate and address safety and security issues were important in terms of being able to move on from trafficking. The main safety and security concerns trafficked persons faced in reintegration are listed and discussed below.

1. Risks posed by 'traffickers'⁴⁹
2. Risks and safety concerns within the community and local environment
3. Safety issues in the family environment
4. Feeling unsafe and insecure

1. Risks posed by 'traffickers'. Many trafficked persons faced threats and violence from their traffickers. This was a serious issue when returning home. Brokers and traffickers commonly lived in or nearby their local community and many trafficked persons were violated or threatened by them. Even when traffickers had been arrested and imprisoned their presence was sometimes felt because their relatives and friends remained in the

local community and threatened them. Some trafficked persons were even threatened by traffickers' families. In some cases, trafficked persons had not been directly threatened or hurt by their "traffickers" but expressed concerns about this possibility.

Most respondents were trafficked or recruited by someone known to them, commonly from their family or community, which meant that these individuals could track them down afterward if they wished to do so. This highlights the need for monitoring safety and security as part of the reintegration process and regularly over time. It also necessitates the exploration of emergency responses and intervention options in instances when trafficked persons face threats to their safety and security at any stage in their recovery and reintegration.

2. Risks and safety concerns within the community and local environment.

Risks were also posed by persons in the community. One woman from Myanmar was trafficked to Malaysia for labour with her husband and children. Her husband died while trafficked and when she came home she was given a house to live by an assistance organisation. People in the community gossiped about her, saying she was a prostitute in Malaysia. Some men harassed her, calling her a prostitute and her next door neighbour sexually harassed her, threatening that he'd "come and sleep at her house".

3. Safety issues in the family environment.

In some cases, trafficked persons were not safe within the family environment to which they returned. For some, this was a continuation of previous difficult and violent family relationships. In a number of instances, trafficked persons faced conflict or abuse before trafficking, which contributed to their decision to migrate. Returning home in such cases was not always a safe option and a number of victims were abused by their husbands or family members after returning home from their trafficking exploitation.

⁴⁸ Article 2 CRC; UNICEF (2006) Guidelines on the Protection of Child Victims of Trafficking, NY: UNICEF, p. 10.

⁴⁹ "Trafficker", in this context, refers to anyone complicit in the individual's trafficking experience. This might be a broker, a recruiter, a transporter, an employer, an exploiter and so on.

In other cases, trafficking led to safety problems, linked to tension and abuse within the family environment. The predominant pattern amongst respondents in this study was domestic violence, primarily against women returning home to live with their husbands. This was most common amongst women who had returned home from having been trafficked into marriage or prostitution, especially when returning home with a child born of trafficking. For some children, returning to their family did not appear to be in their best interests, as the child's parents were unsuitable or unwilling to properly care for them.

4. Feeling unsafe and insecure. In some cases, safety and security issues may have been less about actual threats and reprisals and more about feeling unsafe. Some trafficking victims described feeling unsafe since leaving their trafficking situation and/or returning home. Living in fear had a negative impact on their recovery and, for some respondents, became an on-going anxiety that influenced their post-trafficking choices and decisions. In some cases, it was not only the victim who was afraid but also their family members. Some victims described how their families were afraid after their trafficking experiences, even when there was no discernible risk. In a number of cases young women were "kept inside" by their families to prevent anything further happening to them, including being re-trafficked. One woman, trafficked from Vietnam to China for prostitution, explained how her parents were very frightened for her safety when she returned home and, for three months, they did not let her go outside, fearing that she would be re-trafficked.

CHANGES OVER TIME.

Safety and security need to be assessed and re-assessed over time. For some victims, the initial phase after trafficking was precarious, with traffickers remaining at large in the destination country, but risks lessened over time and with distance from their trafficking situation, including following their return home. Some trafficked persons faced immediate risks when they returned to their families, because of the presence of traffickers in the local community. In still other cases, risks and safety issues emerged only later - e.g. linked to involvement as victim/witnesses in the criminal justice process, when their trafficking became known in the community, etc. It is critical to assess and address safety and security needs over time and implement safety plans and intervention responses accordingly as part of case management work. It is also critical that risks be assessed not only vis a vis traffickers but also in terms of the family and community context in which trafficked persons (re)integrate.



CASE STUDIES: SAFETY AND SECURITY ISSUES FOR TRAFFICKED PERSONS

One woman, trafficked from Myanmar to China for forced marriage, was threatened by her trafficker after she returned home and brought a case against her. Even when the trafficker was in jail, she continued to threaten to kill the victim. The victim and her husband were so frightened that they considered moving to live with her mother-in-law, in spite of very tense relations with her in-laws who blamed her for her trafficking: "I do not even dare to go out and work since I am afraid that the trafficker would ask some bad people to harm me."

One boy, trafficked within China for begging, came from an abusive family environment and had not returned home after trafficking because of this abuse. He was physically disabled and his parents would often starve and beat him because, as he said, they felt that he should have been able to help out on the farm. Returning home would have been unsafe for him; he said he could never forgive his family for the things they had done to him.

One woman from Myanmar was trafficked within the country for prostitution. When she returned

home, the trafficker and her sister violently attacked her in public – hitting and kicking her in spite of her pregnancy. Her sister intervened and threatened to report the trafficker to the police, but the trafficker continued to threaten her, saying that she would mutilate her with a knife.

One girl, trafficked from Myanmar to Thailand, was accommodated in shelter while awaiting the trial of her trafficker. People from the brothel where she had been forced into prostitution came to the shelter and attempted to gain access to the girl. Shelter staff prevented this from happening but considered these individuals to be a serious threat to the girl's physical well-being and safety.

One woman from Myanmar, trafficked to China for forced marriage, was living in an abusive marriage prior to being trafficked. She returned home pregnant and her husband agreed to take her back. However, the abuse soon resumed and she eventually fled the house to live with her sister.

Checklist. Key considerations in ensuring safety and security

PROGRAMMING

✔ **Undertake family risk assessments.** Social workers and case managers should undertake individualised family risk assessments to assess each victim's risk level in terms of returning to live in his/her family as part of an individual reintegration plan. Such risk assessments should be part of on-going case management and done regularly over time and in response to different and evolving circumstances.

✔ **Undertake risk assessments.** Law enforcement should undertake a risk assessment to assess each victim's safety in the reintegration process. Safety/security risk assessments should examine both the

risk posed by traffickers as well as the community environment. They should be done over time and in response to evolving circumstances.

✔ **Ensure risk assessments include input from trafficked persons.** Involve trafficked persons, including children, in undertaking family and risk assessments. The input and perspective of trafficked persons is essential to a complete a thorough and informed risk assessment.

✔ **Monitor safety and security regularly over time.** Consider (and reconsider) risks over time. Trafficked persons may face threats to their safety and security at any stage in their recovery and reintegration

and therefore risk assessments must be undertaken continuously as part of case management.

✔ **Implement plans for emergency responses and intervention options.** In instances when trafficked persons face threats to their safety and security, emergency responses and intervention options should be exercised. These should be developed in cooperation and coordination with relevant authorities.

✔ **Work with law enforcement and the relevant authorities when facing risks.** Coordinate with law enforcement and authorities who can offer protection to trafficked persons, to ensure safety and security of trafficked persons when risks are identified.

✔ **Inform trafficked persons of options for additional safety.** Explore options such as witness protection programmes, where available, and other ways to ensure the safety of trafficked persons who are severely at risk.

SPECIAL ATTENTION TO CHILDREN

✔ **Involve children in family and safety/security assessments.** Children as well as their parent or guardian should be consulted as part of any risk assessment procedures. Develop and implement child friendly protocols and procedures for engaging with children in this process.

✔ **Inform children about their safety and security.** Children, depending on age and stage of development, should be fully informed about any risks they may face and their protection needs, if any. Information should be provided promptly and regularly updated, in a child appropriate way by specifically trained staff.

✔ **Consider safety as part of all best interests determination (BIDs).** Safety should be one of the key elements to be assessed as part of a BID aimed to identify a durable solution, particularly in the case of separated child victims of trafficking.

POLICY/ADVOCACY

✔ **Develop tools and protocols for family and safety/security assessments.** Develop tools and protocols for cooperation amongst professionals to conduct assessment (both family assessments by social workers and safety/security assessments by law enforcement).

Service area #9. Family assistance, mediation and counselling. Fostering and supporting a healthy family environment.

THE ASSISTANCE NEEDS WITHIN A HEALTHY FAMILY ENVIRONMENT

The family is recognised in international human rights law as the natural and fundamental group unit of society and is entitled to protection by states.⁵⁰ Children's right to protection and care in their family is enshrined in Article 9 of the CRC, unless it is determined by competent authorities subject to judicial review not to be in their best interests. Preserving the family environment or maintaining or restoring relationships should be one of the core elements assessed when deciding about a durable solution in the child's best interests.

The family environment to which trafficked persons returned was an important variable in terms of whether they realised successful reintegration. Family dynamics and relationships sometimes supported reintegration. In supportive settings, family members did a great deal to help trafficking victims recover and smoothed the trafficked persons' reintegration. When relations were more difficult, the family was at times, a barrier to reintegration success. Problematic family dynamics worked against and undermined the reintegration process.

There were two main areas of need in terms of working with victims and their families to enhance the likelihood of successful reintegration. These centred on: 1) managing relations and tensions within the family (some of which were a result of trafficking, some of which had other causes) and 2) the provision of assistance to meet the needs of trafficked persons' family members, which, if left unaddressed, had the potential to lead to a number of further complications and stresses for trafficked persons.

Managing and mediating family relations - 'bad families', 'good families': Trafficked persons faced very different family situations upon return. Some came from families with problematic relationships. Often problems existed before trafficking and had contributed to trafficking

vulnerability. Moreover, tensions and problems were generally not resolved during the victim's absence and were often amplified in the highly stressful post-trafficking period. Trafficked persons could not automatically count on family members for support nor was the family environment necessarily conducive to reintegration success. In more extreme situations, trafficked persons came from dysfunctional family environments, including domestic violence, abuse, substance abuse and so on.

By contrast, many trafficked persons had positive and healthy family relationships, with all or at least some of their family members. For these individuals, the family was a key source of support over the course of recovery and reintegration. Family assistance and support also served to backstop support from assistance agencies, which in many cases, were unable to provide a comprehensive package of services.

Even in the best circumstances, the post-trafficking period was often involved less than smooth interpersonal relations between victims and their families. Tensions and problems, when they existed, inhibited trafficked persons' ability to move on from trafficking, and reintegrate into their families and communities. Tension and conflict was primarily due to economic difficulties and tensions in interpersonal relationships within families, which had been disrupted, damaged, and in some cases, even destroyed as a result of trafficking.

Meeting the assistance needs of family members. In some cases, the assistance needs of family members were paramount. A number of respondents, when asked what advice they would give to service providers to improve services to trafficked persons, stressed the importance of paying attention to supporting not only trafficked persons but also their family members. Assistance needs of the family members were myriad, but priority issues included: economic assistance (due to unemployment, debt, low salaries), healthcare (including treatment for alcohol and substance abuse),

⁵⁰ United Nations (1948) Universal Declaration of Human Rights, Article 16. As humanitarian considerations support family reunification efforts, this means that to minimise distress resulting from a period of prolonged separation (such as in the case of trafficked persons) procedures, such as family mediation, are necessary to reunify family members. See, for example, UNHCR (2001) Background Note

for the Agenda Item: Family Reunification in the Context of Resettlement and Integration. Protecting the Family: Challenges in Implementing Policy in the Resettlement Context, Annual Tripartite Consultations on Resettlement, Geneva, 20-21 June 2001. Available at <http://www.unhcr.org/3b30baa04.pdf>.

education and psychological support (to cope with impact of trafficking on family members). Some family assistance needs were pre-existing and had contributed to the individual being trafficked. In these cases, the provision of social services to vulnerable families may have prevented trafficking in the first place. Other problems and needs were related to and caused directly by the individual's trafficking experience and, in this respect, family members were essentially "secondary victims of trafficking."

SPECIAL NOTE ON CHILDREN

Many trafficked children came from problematic family environments and were unable to return to live with their families or they returned but were not appropriately cared for and protected therein. However, in other cases, returning to the family environment may have been possible with appropriate mediation and counselling by service providers. This form of family intervention and community based assistance was generally lacking in the GMS region.

Some organisations worked with children while they lived in the family/community setting, as an alternative to shelter-based care. While not an option for all trafficked children (some originated from unsafe environments), it was a functional approach for many. When supported in this way during reintegration (e.g. through family mediation, monitoring, financial assistance), this helped to forge a functional family environment for returning children and youth.

The preferred option in the reintegration of trafficked children is to assist children to return to live with their families. This should be pursued in all situations where this is deemed a safe and healthy option

for the child.⁵¹ The child's right to live with his/her family is prescribed in several places in the CRC.⁵² Working with families in appropriate cases can ensure that children successfully return to the family environment and thereby protect their rights as prescribed in international human rights law.

CHALLENGES IN WORKING WITH FAMILIES OF TRAFFICKING VICTIMS

The family environment to which trafficked persons return is a critical part of reintegration success and organisations should offer support in improving family dynamics and fostering positive family relationships. Equally important is recognising and addressing the assistance needs of victims' family members. Some organisations did take into account and seek to accommodate the family situation of trafficked persons in the provision of services and in working with the family as a whole as part of reintegration. By contrast, some organisations and institutions assisted victims' family members or referred them to other agencies for assistance. In many cases, this was an important contributor to the individual's reintegration, or in galvanising reintegration successes realised to date.

However, many assistance programmes did not sufficiently take into account the family environment as part of case management and did not engage directly with the family in working toward trafficked persons' reintegration. Other organisations did not have the scope or resources to assist the family members of trafficking victims directly and did not refer their cases to other agencies or institutions for support. In many cases, family tracing and assessment was not (properly) undertaken as part of the assistance and protection provided to separated child trafficking victims, in light of verifying whether family reunification was the preferred option and to

⁵¹ See United Nations (2010) Guidelines for the Alternative Care of Children, A/RES/64/142, 14. Available at [http://www.unicef.org/protection/alternative_care_Guidelines-English\(2\).pdf](http://www.unicef.org/protection/alternative_care_Guidelines-English(2).pdf).

⁵² Article 9 provides that a child shall not be separated from his or her parents against his/her will, except in accordance with applicable law when separation is necessary for the best interests of the child. The article goes on to say that such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence. Article

7 of the CRC gives a child "as far as possible, the right to know and be cared for by his or her parents". Article 5 further states: "States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention".

GOOD PRACTICE: WORKING WITH FAMILIES

One young woman, trafficked from Myanmar to Singapore for domestic work, received not only assistance for herself while reintegrating, but also medical assistance for her mother who did not have any access to medical care to address her serious health issues. The assistance organisation referred her mother to another (non-trafficking) programme that provided her with the necessary medication for her condition. Not having to

purchase medication was a significant help to the family as a whole as it freed up funds for the woman to send her two younger sisters to school. One Cambodian woman, trafficked for sexual exploitation to Thailand, was assisted in a shelter programme after her return home. When asked if she had any unmet assistance needs, she explained that all of her needs were realised, including the provision of medical care for her child which she considered to be paramount and something she could not provide herself.

prepare the family and child for such reunification.

Issues and challenges that organisations and institutions faced in working with families of trafficking victims are listed and discussed below.

1. Organisations did not undertake family mediation
2. The needs of family members were not recognised as important to reintegration
3. Limited resources to support family members
4. Limited referral of family members to other services or service providers
5. Case management did not adequately consider the family environment

1. Organisations did not undertake family mediation.

Very few trafficked persons interviewed for this study described being assisted in managing and mediating tensions and issues in their family environment. This was the case even with trafficked children who were often particularly in need of support in navigating their return to the family setting and in re-building and repairing familial relationships. In many situations, it seemed that trafficked children were removed from families and placed in institutional care as a first rather than last measure, without efforts being made to explore a supported, monitored and mediated return to the family environment.

2. The needs of family members were not recognised as important to reintegration.

Trafficked persons spoke of requesting assistance for family members, which was generally not provided. In some instances, agencies explained to victims that they were unable to provide assistance to family members, that they assisted only trafficked persons. However, for many trafficking victims this was an arbitrary distinction as the needs of all family members were intertwined and coterminous.

Some agencies did not respond to these requests for family assistance from victims, which left trafficked persons unclear as to what assistance they were (and were not) entitled to. It also led to frustration on the part of trafficked persons who identified familial assistance as their most critical assistance requirement but one that was not recognised or prioritised and went unmet.

3. Limited resources to support family members.

Some organisations and institutions did not have the scope or resources to assist victims' family members. One boy trafficked within Myanmar was assisted to return to school. However, the organisation did not have the resources to assist his family to set up a small business or to help his parents to find work. This necessarily impacted the overall well-being of his family (his parents continued to struggle economically), which also limited the boy's reintegration options and, in a situation of crisis, may lead him to leave school to work and help support his family.

In other cases, assistance provided to family members was limited and did little to contribute to the reintegration success of trafficking victims. One Vietnamese woman, who had been trafficked to Malaysia for forced marriage, received training at a shelter for a short period before leaving the programme to get married. Her husband was assisted with a grant of four million VND [approx. 190 USD] to set up a motorcycle repair shop. He initially did well with the business and earned a fair bit of money, which positively impacted the family. However, before long he started abusing alcohol which used up much of the business earnings.

If and how agencies provide assistance to family members must be carefully considered. This consideration is particularly pressing in the case of trafficked children whose families may use funds in ways that do not necessarily focus on the reintegration needs of trafficked children. One boy in Myanmar, trafficked internally within the country for labour, was assisted by one organisation to raise a pig as a means of income generation. However, it was in fact his parents who received and were raising the pig he had been given and the money earned from pig raising was not earmarked for his reintegration. Instead his parents donated the pig when his brother became a monk, leaving the family without a means of income. Moreover, some use of funds by family may counteract the intention of services providers - e.g. when funds are given to parents for a small business so the child can return to school but the child is required to work for the business rather than attending school.

4. Limited referral of family members to other services or service providers. Referral of family members to other services or service providers can significantly support the reintegration of trafficked persons. One young woman, trafficked from Myanmar to Singapore for domestic work, received not only assistance for herself but also medical assistance for her mother who did not have access to medical care and struggled to cover the cost of her medication. The assistance organisation referred her mother to a (non-trafficking) programme that provided her with the necessary medication for her chronic health problems. Not having to purchase medication was a help to the family as a whole; it freed up funds for her two younger sisters to attend school.

5. Case management did not adequately consider the family environment. Not taking into account the assistance needs of victim's family members impacted, sometimes very immediately and directly, victims' reintegration success. Some trafficked persons intended to migrate again because they were unable to support and care for family members. Others were simply unable to move forward in a positive way because of these often urgent family assistance needs. One Myanmar national returned home after being trafficked and was assisted by an organisation to set up a small business. However, when a family member fell ill, it was necessary to use the funds intended as investment capital to pay for medical treatment. For this reason, the business failed and the assistance organisation was not willing to provide additional support as they assessed this case to be one of "failure." This example highlights not only the need to consider the broader family context in assessing reintegration success but also the need for case management, to analyse the case holistically (see service area #10).

CHANGES OVER TIME.

The family environment will change over time and relationships within the family often change (improve as well as deteriorate) over the course of (re)integration. Some trafficked persons spoke about being welcomed home, but also facing problems and tensions because of their social and economic situation after returning, which led to deteriorating family relations. By contrast, some trafficked persons faced problems initially upon return, but over time, these came to be resolved and family relations improved. It is critical to assess relationships between family members and the needs of family members over time to ensure successful and sustainable (re)integration. It is also important to make distinctions between different family members in terms of what constitute positive and negative relationships.



CASE STUDIES: WORKING WITH FAMILIES

One woman trafficked to Thailand for labour explained that it was tensions in her family that led her to migrate. The family business was not going well and she had incurred debt which needed to be repaid. In addition, her husband's family did not like or accept her and so she decided to leave the family setting and work abroad. She heard of a good job opportunity in Thailand and accepted it. She planned to return once she earned money from work abroad and could pay off her debt.

One Cambodian man explained that he migrated abroad for work because of illness within his family. He needed to earn money to pay for treatment for his sick wife and his four-year-old son who suffered from a life threatening heart condition. His migration resulted in being trafficked for labour.

One boy, trafficked internally within Myanmar for labour, decided to accept this work offer because his father had injured his leg at work and was unable to walk or work anymore. In addition, his mother was ill, with an undiagnosed and untreated lump on her neck and the family did not have money to go to the clinic for treatment.

One boy from Myanmar, trafficked to Malaysia, returned home to his village but found it difficult as he lived in the same home as his mother as well as father and stepmother. Relations within the household were extremely tense and stressful and there was often conflict between his mother and stepmother. His father also abused alcohol regularly and became abusive when he was drunk.

One Vietnamese woman, trafficked to Hong Kong, faced a heavy debt when she came home because of money her family had borrowed to fund her migration. She and her husband often argued because of this debt, which in turn, negatively affected her family's happiness and her children's school performance. Her eldest son eventually decided to quit school to work and to help the family.

One man from Myanmar was trafficked for labour to Thailand. He was away for more than three years and, as a result, had never met his youngest son. His older son, who had been very young when he left, did not remember him at all when he returned. He also had no contact with them while he was exploited in Thailand. His homecoming was the first time they came to meet and know their father and it took time to build their relationship.

One woman from Myanmar was trafficked to Thailand for sexual exploitation. She was rescued in Thailand and returned home by the police in Myanmar. Once home she did not tell her husband about her trafficking experience because she was afraid that he would divorce her. But her husband suspected that she worked in prostitution, a suspicion fuelled by community gossip. Her husband blamed her for her exploitation and began to physically abuse her. She was unable to leave this violent marriage though because she could not support her son on her own.

One woman, trafficked to Thailand from Myanmar, returned home with a small child. She explained that her mother was angry because she came back with a baby but without a husband. One day after a fight, her mother got angry and hit her and told her to leave the house with her son. She had no way to support her son but her mother would not allow him to live with her in her home. The woman was forced to give her son to relatives. She explained how very sad she felt about giving her son away but felt that she didn't have any other options.

One Cambodian girl, trafficked internally for prostitution, came from a very vulnerable family. She was accommodated in a shelter programme and received comprehensive care. She was concerned, however, about her family's well-being and asked the organisation to provide them with some rice each month to help meet their basic needs. The organisation did not provide this

support. When asked if there were any problems that she could not get help with, she explained that while she was well supported, she was not able to get any assistance for her family, which was a source of anxiety for her.

One young woman from Lao PDR, trafficked to Thailand for labour, temporarily declined assistance because she needed to help her family by working on the family farm. Staying in a shelter (the type of assistance she was offered) meant not being able to contribute to the family economy, which was not an option for her.

One Laotian girl, trafficked to Thailand for

prostitution, explained that she had requested economic assistance for her family but the organisation did not help her with this. Her family was poor and she did not understand why the organisation could not help them. For her this support to her family was an important part of the assistance that she herself required to reintegrate.

Checklist. Key considerations in working with trafficking victims' families

PROGRAMMING

✔ **Assist family members to support reintegration success.** Offer support and services not only to trafficking victims but also their family members, who have also suffered as a result of trafficking. This might include counselling and help to manage conflicts and tensions in the family, job placement for family members in need of work, medical care or educational support for children of trafficking victims. Develop resources to assist the family members of trafficking victims directly. Offer referrals to other assistance organisations when unable to meet the assistance needs of family members.

✔ **Help trafficked persons establish contact with family members before return and reintegration.** On-going contact with family members when assisted abroad is an important source of support for trafficked persons. Contact prior to return should be supported as a first step in (re)building relationships, which are often central in reintegration success.

✔ **Undertake direct work with families to address problems.** Engage in family mediation to address any barriers or risks to the victim's return to

his/her family (including stigma and discrimination and tensions/problems in family relationships) and also to help families develop effective, healthy communication and relationships that can increase the likelihood of reintegration success.

✔ **Explore alternative integration options.** When family relationships were not healthy or safe, family reunification did not generally translate into successful reintegration. Service providers should explore alternative integration options when family does not offer a supportive and healthy setting. In some cases, this might involve living with other family members or living separately from one's family.

✔ **Budget for family assistance needs.** Allocate funds to assist not only individual victims but also their family members. Include assistance for family members in work plans and budgets and advocate with donors and government for the inclusion of family assistance needs in reintegration programmes and policies.

SPECIAL ATTENTION TO CHILDREN

✔ **Undertake family tracing and contact.** Family tracing and contact needs to be undertaken as soon as possible, on a confidential basis and with the child's informed consent.

✔ **Assess the advisability of a child's return to family.** The ability and willingness of parents to take back the child and properly care for and protect her/him should be duly assessed to determine whether the child should be reunited to his/her family. Conduct a family assessment as part of the best interests assessment to assess the family situation for each trafficked child.

✔ **Support children's contact with family, whenever possible.** If separated, children should be supported in establishing and maintaining contacts with their family unless this is not safe or appropriate for them or for a family member.

✔ **Work with a child's family to build their skills and capacity to support reintegration.** This may include the development of parenting skills and guidance in terms of supporting children who are exhibiting negative and destructive behaviours linked to their exploitation. Where feasible and appropriate, offer livelihood support to parents to ease the economic situation within the family.

✔ **Assist children of trafficking victims.** Children of trafficking victims may be particularly affected by the exploitation of their parent and/or may be struggling to reconnect after a long separation. Ensure that the needs of children of trafficking victims is considered in the design of all reintegration plans and interventions. Consider and address also the assistance needs of children born of a trafficking situation.

POLICY/ADVOCACY

✔ **Advocate for increased attention to the family as a whole during reintegration.** Advocate for an inclusive and holistic picture of reintegration that takes into account not only the needs of trafficking victims but also their family members and the family context to

which they return. Advocate for the establishment and implementation of appropriate family tracing procedures.

✔ **Include assistance to family members in referral systems.** Advocate for referrals systems to take into account the needs of trafficking victims' family members in addition to individual trafficking victims.

✔ **Advocate for assistance for the family.** Assisting trafficking victims often means needing to also assist their family. Advocate for the recognition of the importance of the wider family context in realising successful reintegration. Include family assistance in the design and implementation of reintegration policies and programmes.

Service area #10. Case Management. Supporting reintegration in the long-term.

THE NEED TO MANAGE AND MONITOR CASES

Reintegration is a long term process. It generally took years before trafficking victims were sustainably reintegrated. And trafficked persons often faced “setbacks” and “failures” along the way, which risked undermining their efforts to recover and move on from trafficking. In some cases, when faced with setbacks and challenges in their lives after trafficking, trafficked persons felt that they had limited options, which led them to make decisions that negatively impacted their reintegration. One Vietnamese woman, trafficked to China, had been back for some years and her economic situation had progressively improved since her return. However, when her son had had a motorbike accident, she had had to borrow 30 million VND (approx. 1450 USD) for his medical care, which put her into heavy debt and jeopardised her reintegration. Some trafficked persons felt that they had no alternative but to migrate again, potentially putting themselves at risk of further exploitation and even re-trafficking.

Case management plays an important role in anticipating and addressing issues and problems faced by trafficked persons over the course of reintegration. Case management is a collaborative process that assesses, plans, implements, coordinates, monitors and evaluates options and services to meet an individual’s reintegration needs through communication and available resources.⁵³ It typically consists of the development and implementation of an individual reintegration plan, designed by the case manager (usually a social worker) in collaboration with the beneficiary. This case manager ideally works with a multidisciplinary team (e.g. psychologist, medical staff, lawyer, teacher/trainer) to realise the objectives and activities determined in the individual plan including the provision of assistance. The case manager also coordinates referral for services from other organisations or institutions (e.g. state social services, public health organisations, legal institutions, schools, vocational training centres, employment services, and so on) and, if needed, advocates on behalf of the beneficiary to

access needed services. Case management is needed to ensure trafficking victims’ access to reintegration services and the rights established in international human rights law. Three important outcomes of case management in the GMS were that it backstopped the reintegration process, led to referral for other services and contributed to a better understanding of reintegration amongst service providers.

Backstopped the reintegration process. Case management played a significant role in backstopping the reintegration process, allowing some “setbacks” to be avoided. In other instances, it served as a safety net when “setbacks” occurred. Because cases were managed over time, services and support was available in response to crises, which, in turn, served as a means of galvanising reintegration success. On-going management of individual cases allowed organisations to identify problems at an early stage and work with beneficiaries to address them. Case management often directly correlated with (positive) reintegration outcomes.

Led to referral of victims for services. Case management linked up with an effective referral process. When organisations monitored and worked with beneficiaries on an on-going basis, they were in a position to identify any issues and refer beneficiaries (and their families) to other organisations to receive appropriate services. Referrals were to both specialised anti-trafficking organisations/institutions and for general social services.

Contributed to a better understanding of reintegration. Case management contributed to service providers’ knowledge and capacity in the field of reintegration. It allowed them to more closely monitor and understand various reintegration pathways and what did (and did not) commonly lead to successful and sustainable reintegration. Long term case management allowed programme staff and donors to assess reintegration outcomes, using clear standards and concrete, verifiable indicators. Case management and on-going follow-up should be voluntary. It should be undertaken in consultation with trafficked persons and with their informed consent. Some trafficked persons preferred not to be visited by assistance agencies in

⁵³ See Case Management Society of America (2010) Standards of Practice for Case Management, Arkansas: Case Management Society of America. Available at <http://www.cmsa.org/portals/0/pdf/memberonly/standardspractice.pdf>.

their home villages as this “identified” them to people in the community and could lead to discrimination and even stigma. Some were willing to be contacted by telephone or meet in a nearby town. Working with trafficked persons to identify the best way to conduct case management is essential in terms of ensuring that it is done ethically and appropriately and does not infringe on their rights and well-being.

Adhering to ethical principles, for both adults and children, requires that those monitoring reintegration programmes are adequately trained in ethics and a human rights based approach. This includes training not only the reintegration staff themselves, but also all other persons who come into contact with trafficked persons or data collected – translators/interpreters, administrative staff, field assistances, organisational management, donors and so on.

SPECIAL NOTE ON CHILDREN

Children were likely to require a longer period of case management and follow-up as part of reintegration, given their specific situation and vulnerabilities and because they were not in a position to care for themselves. In addition, the types of assistance needed by children – e.g. formal education – is generally longer term, often a matter of several years. In some cases, trafficked children were supported and followed by service providers for years. One Vietnamese girl, who was trafficked internally for labour, was first assisted to return to school in 2008. When interviewed in 2012 she was still receiving educational assistance and other support, if needed. She was in regular contact with the NGO staff that supported her and her progress was regularly and systematically monitored. By contrast, some trafficked children received little to no case management and monitoring.

In the case of children, case management should also involve the child’s family or guardian. Case managers use methods of establishing working relationships

with beneficiaries and families to empower, enhance their well-being and problem-solving capacities, resolve outstanding issues, provide information on how to obtain services and resources in their communities, and work towards the protection of beneficiaries and their families, who sometimes are not in a position to do so themselves.

Case management work with trafficked children and youth should ensure their active participation and engagement. The CRC imposes legal obligations on states to ensure that a child who is capable of forming his or her views has the right to express those views in all matters affecting him or her, and that these views be given due weight in accordance with the age and maturity of the child.⁵⁴ This was not always the case in the GMS, with the needs of trafficked children and youth often determined solely by service providers or by service providers in consultation with parents or guardians. One girl from Myanmar was trafficked to Malaysia for begging and selling. When she returned, she was provided assistance by an organisation that she required and was grateful to receive. However, when asked about whether she had any concerns about receiving assistance, she expressed frustration at not having been actively involved in decision making about the assistance she received and plans for her reintegration and life over the longer term. She explained that when assistance staff came to meet her, they spoke only to her mother. They did not consult with her.

Article 25 of the CRC establishes that children in reintegration programmes have the right to case management and monitoring.⁵⁵ This involves the rights of a child to be fully informed about the reintegration programme, including the opportunities it offers as well as any risks or limitations, and to give or withhold informed consent (and on-going consent) to participation in the programme. Any reintegration plan for a trafficked child should ensure that the child is actively engaged in the design, implementation and revisions of the plan.

⁵⁴ Article 12 CRC.

⁵⁵ Article 25 CRC states: “States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection

or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.”

CHALLENGES IN CASE MANAGEMENT

Case management was central in reintegration work. Some organisations or institutions in the region monitored beneficiaries for two to three years, regularly following up on their cases, and, as importantly, were available in cases of need or crisis. This had a positive effect on reintegration successes and led to many instances of successful and sustainable reintegration.

GOOD PRACTICE: CASE MANAGEMENT

One Laotian woman had been assisted over a period of a few years while she was trained in hairdressing and supported to set up her shop. She no longer received assistance, but the service provider was nonetheless in regular contact: “I am not currently receiving any assistance but [the organisation] calls me once a month to ask if I am okay with my job.”

One woman from Myanmar, trafficked to China for forced marriage, when asked what assistance was the most helpful, said that it was the on-going contact were social workers who visited and checked in on her and her family. She expressed her satisfaction and appreciation for the case management component, saying: “I like that assistance the most.”

One Vietnamese woman, trafficked to Malaysia for forced marriage, appreciated the on-going contact that she had with assistance staff over a period of years. She explained that the staff was kind and checked in with her every now and then, although some time had now passed, and this made her feel comfortable and reassured.

One Thai woman, who was trafficked for prostitution to Japan, was in regular contact with her social worker over the course of reintegration. The social worker called her

regularly to see how she was doing in various aspects of her life and to see if she had any problems or unmet assistance needs. Because she had a chronic medical condition that required medication, the social worker also ensured that she had access to the medication she needed for her condition and medical treatment, if needed.

One young man trafficked internally within Myanmar for labour described how he was in regular contact and received individualised assistance from his case manager. His case manager had designed a reintegration plan with him and meets with him every three months to see how things are going and to discuss any problems or needs that have come up since they last met. He explained that, for him, this type of on-going contact and support was very important and helped a great deal in his reintegration.

Long term case management and monitoring was not the norm for many trafficked persons. Indeed many reported that, once home, they had very limited and sometimes no further contact with assistance organisations or social support institutions. This generally had a negative impact on their well being and reintegration. Challenges in long term case management included:

1. Little to no case management was provided
2. Case management was only short-term
3. Lack of resources

1. Little to no case management was provided.

Case management did not occur in the cases of many trafficked persons, which meant not receiving long term assistance and not being referred for help with problems they faced at various stages of reintegration. Most service providers did not seem to employ a systematic approach or standard tool in conducting needs assessments. In many cases, individual needs assessments were done very cursorily as a “one time only” exercise. In other cases, a systematic and

individualised needs assessment was simply not done. Systematic needs assessments appeared to be more common in shelter programmes. However, even in shelter programmes, individual situations and needs were not always carefully considered.

A number of trafficked persons described being offered (and accepting) services and training that were not necessarily in line with their needs and they did not seem to have received adequate guidance from case workers to orient their decisions and choices. In some instances, trafficked persons requested very specific assistance to meet their individual needs or goals but were “declined” by service providers because this was not a part of their organisation’s standard package of services.

Even when individual needs assessments did take place, limited time was generally spent on this aspect of work. This was commonly a one-time meeting in which a predetermined set of services were offered and chosen from. Trafficked persons generally did not describe discussing the appropriateness and feasibility of the various assistance options with service providers or service providers offering to explore alternative assistance options that might better suit them. They also did not generally describe exploring what opportunities they themselves wanted or being given time to reflect on various options.

2. Case management was only short-term. In many cases, assistance was a “one-off” service or short term assistance, with little to no follow-up over the longer term. One boy, for example, who was initially assisted to return to school, later dropped out because of economic problems in his family which he needed to help resolve by working. Appropriate case management in his case might have led to his parents being referred for some economic assistance programmes (e.g. job placement or income generating activities), allowing him to stay in school while his parents worked. Long term case management has a positive effect on reintegration success and offered much-needed support to trafficked persons.

3. Lack of resources. Often times the lack of case management was due to a lack of resources within an assistance organisation or a state institution. Case management is labour intensive work that involves regular contact with trafficked persons over time.

Adequate staff and resources are needed to conduct case management, which is a challenge when an organisation or institution has a large volume of cases and/or limited number of case managers. Another consideration and limitation beyond the human resources involved is that resources are needed for maintaining contact with beneficiaries – e.g. transportation costs, telephone costs and so on.

CHANGES OVER TIME.

Case management must occur over the long term. Many trafficked persons require intensive case management for two to three years before being successfully (re)integrated. However, the intensity of case management typically decreases over time, with trafficked persons requiring less intensive support after they initially stabilise. That being said, (re)integration is not always a linear process and trafficked persons faced setbacks and failures along the way. When facing crises or setbacks, more intensive case management may be needed for a period of time. Case management should be available to trafficked persons even after a case is “successful” and has been closed by the case worker.



CASE STUDIES: CHALLENGES IN LONG-TERM CASE MANAGEMENT AND MONITORING

One Cambodian man was given a grant to raise ducks but he had no experience in this type of work and lacked the skills to do so. The first ducks he bought soon died and he then went into debt to replace them. The service provider did not monitor his case in this time and he was left to try to solve the problem on his own, in spite of his lack of skills in duck raising or business generally. He continued to face problems in trying to raise ducks and went into further debt through his efforts to sustain his business. At no stage was he contacted by the service provider to follow his progress. As a result, he faced an economic situation worse than before he had received the ducks as assistance from the service provider.

One Laotian man described how an assistance organisation came to visit him when he first arrived home and after some time provided him

with a water pump. He had had no further contact with the organisation since he received the pump: “No, after they gave me the water pump they did not come to visit me anymore.”

One Cambodian man was assisted initially upon his return home, but had no further follow-up or support from the organisation: “[The organisation] assisted me when I returned to my hometown for two months. They provided me with 130 ducks to raise. It was a one-off assistance for me.”

One woman, trafficked from Myanmar to China for forced marriage, was assisted to return home and provided with some financial assistance initially upon her return. She was visited at her home on one occasion by a service provider, to assess her needs but she had not been contacted since and received not further assistance.

Checklist. Key considerations in long-term case management

PROGRAMMING

✓ **Conduct an individual needs assessment.** An individual needs assessment should be conducted with each trafficking victim, to assess their individual situation and their specific needs and interests. Assistance should be provided according to this needs assessment. Needs assessments should be reviewed and revised over time.

✓ **Design and monitor reintegration plans, in collaboration with each trafficking victim.** Case managers should work with trafficking victims to design an individual reintegration plan that fits with their needs and long terms goals. Ensure that trafficking victims actively participate in this process and are fully informed about all aspects of the reintegration programme, including the opportunities it offers as well as any risks or limitations. Ensure that trafficking victims feel able to give or withhold informed consent to participate in a programme or receive a service. The progress of reintegration plans should be assessed regularly over time, in consultation and discussion with the beneficiary.

✓ **Coordinate and facilitate services on behalf of trafficking victims,** based on their individual situation and assistance needs. Ensure that trafficking victims are fully informed about all services provided by different services providers and refer to or facilitate their access to these services. This may also include services for the victim’s family members with assistance needs that, if left unaddressed, may undermine the victim’s reintegration.

✓ **Develop a case management system for working with trafficking victims.** Organisations and institutions assisting trafficking victims should develop a coherent case management system according to which reintegration programmes are implemented. All case managers should be trained in and work according to this case management system.

✓ **Implement procedures for case management and supervision.** Assign each beneficiary’s case to a case manager who is responsible for their support and assistance. Appointing an individual to supervise cases will aid in ensuring that cases are coordinated, monitored

and that the services offered to trafficked persons meet minimum standards. Case managers in turn should be supervised in their work.

✔ **Develop resources to support long-term case management.** Reintegration success will depend on continued follow-up with individuals who receive services. Programme resources should be leveraged and dedicated to support and ensure case management.

✔ **Case management should be voluntary and conducted in accordance with needs of trafficked persons.** Case management and on-going follow-up should be voluntary and should only be done in consultation with trafficked persons. Case management should be conducted in line with how they wish their cases to be managed. Service providers should work with trafficked persons to identify the best way to conduct case management.

✔ **Address language barriers.** Address all language barriers in case management work. Ensure that trafficked persons understand all information about their assistance and reintegration plan and are consulted at all stages in a language they can understand and communicate in.

SPECIAL ATTENTION TO CHILDREN

✔ **Family tracing should be undertaken in a safe and ethical way.** Service providers have an obligation to trace the family members of trafficked children “as soon as possible” but any steps to trace a child’s family must not put the child or their family at risk. Family tracing may not always be possible, or appropriate and before any action is taken an assessment of what will be in the child’s best interests must be carried out.

✔ **Involve children in all aspects of case management.** Children should be consulted in the design and implementation of their individual reintegration plan and as part of all case management work. Develop and implement child friendly protocols and procedures for engaging with children in this process in an effective, empowering and ethical way.

✔ **Involve family in the case management of child trafficking victims.** Case managers should work not only with trafficked children but also their families or guardians, while recognising and addressing different attitudes and behaviours of different family members and how this may influence their reintegration.

POLICY/ADVOCACY

✔ **Establish and adhere to ethical codes of conduct.** All case management needs to adhere to the highest ethical standards including principles of confidentiality, non-discrimination, being non-judgemental and privacy. Adhering to ethical principles, for both adults and children, requires that those managing reintegration programmes are adequately trained in ethics and a human rights based approach. This involves all staff who come into contact with trafficked persons – both service providers/case workers and support staff.

✔ **Enhance capacity in social work and case management.** Promote and strengthen the role of the state social services and child protection units as well as civil society agencies in the field of case management. Enhance cooperating and coordinating of local state social services and reintegration NGOs to support long-term monitoring and case management, including joint case management if needed and appropriate.

✔ **Advocate for resources for case management.** Ensure adequate resources are available to state social services and civil society partners for case management and long-term monitoring of the reintegration of trafficking victims. Advocate for a budget allocation at both national and local levels to ensure state social workers have resources for case management work.

✔ **Improve and enhance referrals to bolster case management.** Improve national and local level referral systems to ensure that trafficking victims and their families have access to long-term support and case management in their home community and over time. In the case of children this would also involve their inclusion in the local child protection system.

6. CONCLUSION

Trafficked persons throughout the Greater Mekong Sub-region have suffered diverse and often very complex and traumatic trafficking experiences. Many have received a range of assistance and support in their post-trafficking lives, intended to help them overcome and move on from their experiences. Trafficked persons have often experienced very positive post-trafficking pathways. Many have been identified in a timely and sensitive manner, referred for assistance in the immediate aftermath of trafficking, assisted to return home and offered a raft of support and services toward their sustainable reintegration in their home community and country. A number of trafficked persons interviewed for this study were now successfully reintegrated in their families and communities and had moved on from their trafficking experience. Much can be learned from these experiences and “successes” in the design and implementation of future reintegration programmes and policies.

In spite of these important successes, many trafficked persons had far less positive post-trafficking experiences in the GMS region and were not privy to the support and assistance that might have been central to recovering and reintegrating after trafficking. One significant finding of the research study, After trafficking, on which this guidebook is based, was that the reintegration process does not always run smoothly and according to the range of laws, policies, standards and principles drafted at the national or international level. For example, many trafficked persons went unassisted or under-assisted and too few trafficked persons received what could be reasonably termed “comprehensive care.” Others declined assistance, sometimes in the face of acute need, because it did not meet their needs or mesh with their real life situation after trafficking. Still others received assistance which was inadequate in nature, quality and scope. Much can be learned from these less successful experiences, not least in terms of how to improve and enhance work on the identification, return and reintegration of trafficked persons.

Service providers working on individual reintegration programmes provide vital services to trafficked persons and yet there are significant issues in the provision of these services. In all service areas, and in spite of some strong programming, there is space for improvement and further development. Making these improvements will involve training and capacity building of programme

staff, professional commitment and adequate resources for reintegration work. It will also require flexibility to ensure appropriateness and relevance of services for a diverse sample of trafficked persons. Ensuring that improvements are made in these service areas will require monitoring the reintegration of individual trafficked persons and, as importantly, national level monitoring of reintegration assistance by government agencies. All programme implementation and monitoring should be implemented according to ethical standards, which, ideally, should also be enshrined in law.

Service providers are the most important resource in any reintegration programme. Reintegration is a complex and labour intensive process, which requires highly skilled, sensitive, ethical and committed professionals who work with trafficked persons over time. This, in turn, requires investment in professional development and capacity of these service providers. Building the capacity and skills of service providers can have a very immediate impact on how reintegration takes place for many trafficked persons. Also important is self-care of service providers. Ensuring their psychological well-being will go some way towards improving the quality of care. Implicit in any discussion of professional capacity is ensuring sensitive and ethical behaviour on the part of service providers. Systems of accountability are needed to ensure all professionals working on reintegration adhere to the highest professional and ethical standards.

This guidebook is a practical resource for service providers and policy makers in their on-going efforts to support the reintegration of trafficked persons in the GMS. Each country in the region has a different reintegration framework and response in place. Each country also faces its own unique set of opportunities and challenges in terms of offering reintegration support. That being said, lessons learned from trafficked persons as well as the practical suggestions presented in this guidebook can be a useful starting point for service providers throughout the GMS in improving the assistance and support that trafficked persons receive as part of their reintegration and life after trafficking.

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