

Submission for the upcoming thematic report on innovative and transformative models of social inclusion for victims of trafficking

La Strada International – European NGO Platform against trafficking in human beings

The International La Strada Association (La Strada International/LSI), is a European platform against trafficking in human beings, uniting 29 European counter trafficking NGOs in 24 European (both EU and non-EU) countries, operating independently and from a grass root level. The overall aim of La Strada International is to prevent trafficking in human beings and to protect the rights of trafficked persons. Member organisations provide advocacy, awareness and direct support to trafficked persons and vulnerable groups, which are in particular (undocumented) migrant workers. Cooperation focusses on monitoring, advocacy, awareness and prevention, data provision, research and referral and direct support to trafficked persons.

La Strada International believes that to end human trafficking structural root causes need to be addressed, as well promotion of rights of all persons; persons should be free to choose the work that fits their situation best, whether in a regular or irregular setting, and have their rights respected regardless their status or occupation. La Strada promotes long term protection and integration and social inclusion of trafficked persons.

Social inclusion of victims of trafficking

We welcome the initiative of the UN Special Rapporteur on Trafficking in Persons, especially Women and Children, Ms Maria Grazia Giammarinaro, to identify key challenges and innovative and transformative models of social inclusion of victims of trafficking into societies, for her next Thematic report for the UN Human Rights Council in June 2019.

Social inclusion of trafficked persons is of major importance and needs to be realised, whether in countries of destination or after return to their country of origin. In this submission we will elaborate on the main preconditions for long term reintegration and social inclusion and the challenges faced by European counter trafficking NGOs to realise this.

Basic conditions and requirements for social inclusion of trafficked persons

Identification

Victims of human trafficking must be formally identified in order to ensure that they receive adequate assistance and support and to ensure that rehabilitation of victims of trafficking can take place. This is a first prerequisite to ensure social inclusion in the long run. Regardless the obligation for States to identify trafficked persons¹, the identification of trafficked persons remains a major gap at the European level. If global estimations are correct, we continue to see only a very small percentage of the actual victims of human trafficking.

¹ According to Article 11 of the Directive 2011/36/EU, Member States 'shall take the necessary measures to establish appropriate mechanisms aimed at the early identification of, assistance to and support for victims, in cooperation with relevant support organisations'.

A precondition for support is not only the formal identification but in the first place, the identification of indicators of the possible likelihood of trafficking or vulnerability of the person. Even before persons are formally identified as trafficked, they are entitled, according to European legislation, to a reflection period² of a minimum of 30 days to recover, escape from the influence of the traffickers and consider co-operating with the authorities in the investigation of the trafficking offence. During this period, they can formally not be expelled from the country and are entitled to assistance even if their stay is irregular.

However European NGOs working on assistance and support to victims of trafficking regularly notice that regardless clear indications of human trafficking, the reflection period is often not offered or granted, or only granted to those willing to cooperate with the authorities. Victims are regularly required to give statements before being able to recover and make an informed decision. The maximum duration of the reflection period further varies significantly among Member States.³ Practise further shows that victims are often not adequately informed about the right to reflection and recovery and or other rights and thus still risk to be detained or expelled from the country as undocumented migrants, instead of receiving the support and protection they need.⁴

Conditionality of support

In Europe, in practise there is not much unconditional support available for trafficked persons. In many countries, the victim's ability to access support services is still made dependent upon reporting the crime and the initiation of an investigation, and it may even be made conditional on the qualification of the offense as human trafficking. This is contrary to the provisions in the European Anti-Trafficking Convention (Article 12), and the EU Victims' Rights Directive (Article 8 and 9) that provide for assistance to be available from the earliest possible moment, irrespective of cooperation or whether the crime has been reported. Victims' access to justice depends on their effective access to care and support.⁵ According European legislation, regardless of whether victims are prepared to co-operate with the criminal investigation or act as a witness, they are entitled to:

- appropriate and secure accommodation,
- psychological assistance,
- material assistance,
- access to emergency medical treatment,
- translation and interpretation services,
- counselling and information,
- assistance during criminal proceedings

² The Directive 2004/81/EC on residence permits for third-country nationals, who are victims of trafficking in human beings, provides victims with a reflection period with the aim of allowing them to start recovering from their experience and to make an informed decision on whether to cooperate with the authorities against suspected traffickers.

³ [La Strada International NGO platform and GAATW response](#) to the written consultation on the post 2016 EU Strategy on Trafficking in Human Beings, June 2018

⁴ See also PICUM's synthesis report [Defending migrants' rights in the context of detention and deportation](#) http://picum.org/wp-content/uploads/2017/12/LegalSeminar_Report_EN.pdf and the report [Trafficked into detention: How victims of trafficking are missed in detention](#) by Detention Aid, November 2017 <http://detentionaction.org.uk/wordpress/wp-content/uploads/2018/02/Trafficked-into-detention-How-victims-of-trafficking-are-missed-in-detention.pdf>

⁵ La Strada International, Working Paper: Legal Assessment: compensation practises, Amsterdam, October 2018

- access to the labour market, vocational training and education, if lawfully resident in the country.

For longer term support - including access to accommodation, assistance, residence and access to the labour market - formal identification by law enforcement is in most cases needed on the basis of investigation or a successful court case. Practice shows that victims who do cooperate, have limited access to protection, support and assistance if the criminal procedure has not started or is discontinued. This seriously hampers the human rights based approach.

A good best practise is the current [Dutch pilot/temporary regulation](#) on the plausibility of victimhood of human trafficking victims which can help victims – if there is no successful court case - to get access to support and residence as a victim⁶

Safe reporting and complaint mechanisms

The absence of a guarantee for adequate assistance and support may prevent trafficked persons from reporting to the authorities. Others might not be able or willing to cooperate with the authorities out of fear for the risk this entails. It is therefore important that safe reporting and effective complaint mechanisms are promoted in Europe, as these mechanisms are currently absent in many European countries. The Employers' Sanctions Directive (2009/52/EC) includes specific provisions aimed at protecting undocumented workers' rights, including the availability and accessibility of complaint mechanisms (Article 13.1) and requires member states to implement procedures to facilitate and process complaints from undocumented workers.

As PICUM highlights, in a number of EU member states, undocumented workers are prevented from filing a complaint due to a lack of clear separation between labour inspection and immigration control. 'The police are usually required to check the residence permits of workers and labour inspectors are often required to report all persons found without residence status to the immigration authorities. These practices undermine the objectives of a complaints mechanism and enable exploitation by preventing undocumented workers from reporting violations and claiming their rights. Contrary to the provisions of the Employers' Sanctions Directive, in some member states there are also no specific provisions in national law on how to make a complaint. In most EU member states there is no possibility for undocumented migrant workers to complain through third parties, such as NGOs, trade unions, or migrant workers' organizations'.⁷

Recognition and protection of the rights of trafficked persons can act as an important incentive to report the crime to the authorities and give testimony.⁸

⁶ See further: <https://schadefonds.nl/en/temporary-regulation-on-the-plausibility-of-victimhood-of-human-trafficking-victims/>

⁷ See PICUM's Guidelines for developing an effective complaints mechanism in cases of labour exploitation or abuse - https://picum.org/wp-content/uploads/2017/11/WorkerComplaintMechanismLeaflet_EN.pdf

⁸ La Strada International (LSI)'s NGO platform contribution to the second report of the Commission to the European Parliament and the Council on the progress made in the fight against trafficking in human beings as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.

Appropriate and secure accommodation

In general NGOs in Europe note a lack of funded shelter and support programmes, next to insufficient access to appropriate and longer term safe housing or accommodation. In general shelter or other accommodation for male victims is scarce, but also for women and children there are limited housing opportunities. Victims have often multiple problems and different needs, which makes it more difficult to ensure adequate safety and housing for them. Frequently NGOs face that they cannot accommodate victims that have been just been identified, and thus cannot ensure protection and safety for their clients. The lack of a safe and secure refuge can result in victims returning to their abusers or to end up in new vulnerable situations.

For housing, the safety of trafficked persons is of major concern. Shelters should create a safe place for a trafficked person by providing high security standards while respecting their right to privacy and autonomy. In general, this involves accommodation facilities with a secret address for presumed trafficked persons who may still be in danger from traffickers. For security reasons NGOs, do in principle not disclose the actual living address of the trafficked persons but register them elsewhere including at the organisation's office address. Although safety should be guaranteed, La Strada International opposes the use of closed shelters for safety reasons.

Decentralized apartments help ensure the provision of housing suitable for different target groups, such as men, women and children. The NGO LEFÖ-IBF succeeded in developing a living concept which offers housing arrangements 'which are private apartments in residential buildings. This means there are regular neighbours next door; there are communal spaces and shared responsibilities. Interactions with neighbours can range from noise complaint, small talk on the stairway, and information exchange on the neighbourhood, to mention a few'.⁹

Counselling and information and translation of information

Victims of trafficking are entitled to information regarding their rights and all relevant procedures, in a language which they can understand. A recent [report](#) of an assessment conducted in the framework of the [Justice at Last](#) project (2017 – 2019), coordinated by La Strada International reveals that victims often do not receive information regarding their rights and all relevant procedures in a language they can understand. 'In many instances information is not easily accessible or is provided by using a standard form written in the local language and using a complicated legal terminology that victims do not understand. In a number of cases it is left to the voluntary work of victim support organizations to explain in an appropriate manner to the person what their rights are and what options are available. This is despite the fact that the rationale behind the right to information – as established in European law is that the onus of providing victims with effective access to information is on the criminal justice authorities.'¹⁰

⁹ LEFO - Report for the UN special rapporteur on human trafficking on innovative and transformative models of social inclusion, Vienna, November 2018

¹⁰ The right to information is established under: Articles 12.1 and 15.1 of the European Anti-Trafficking Convention; Article 11.5 of the EU Trafficking Directive, and Articles 3, 4, 6, 9 and 13, Recital (38) of the and EU Victims' Rights Directive. See also EC, DG Justice Guidance Document related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA Guidance on Victims Directive, 2013, p. 13. See further La Strada International, Working Paper: Legal Assessment: compensation practises, Amsterdam, October 2018.

There are also language barriers: victims are often foreigners who do not speak the local language. The quality of interpretation influences the quality of the victim's account, and hence impacts on the investigation, and the victim's access to a remedy. Interpretation and translation of information are not always available prior or during criminal proceedings. This is despite the fact that there are duties under the European Anti-Trafficking Convention, the EU Victims' Rights Directive and the EU Trafficking Directive that require States to provide victims with interpretation and translations of information essential to the exercise of their rights in criminal proceedings in a language that they understand, free of charge.¹¹ It may be quite difficult finding interpretation for some languages. Language barriers pose even bigger obstacles in civil and administrative proceedings for which there is no obligation to provide free interpretation.¹²

Legal aid and assistance during criminal proceedings

Victims have the right to legal assistance and to free legal aid under specific conditions. Access to justice is about having the means and legal protection to exercise one's right to seek remedy before a court of law or tribunal for wrongdoing suffered. Although the EU directive requests EU Member States to ensure that victims of trafficking 'have access without delay to legal counselling and to legal representation' and that 'legal counselling and legal representation shall be free of charge where the victim does not have sufficient financial resources'. NGOs in Europe increasingly notice that victims are very limited in accessing legal aid, due to financial barriers and other criteria in place. Free legal assistance and aid needs to be available and accessible to all presumed trafficked persons to guarantee access to justice and remedies.¹³

Access to residence service

Directive 2004/81/EC regulates the granting of a residence permit to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate irregular migration and who cooperate with the authorities against suspected traffickers. However, the laws or policies determining which trafficked persons are granted residence permits vary substantially between different EU countries. Huge differences are noted between the numbers of identified victims and issued residence permits¹⁴.

Victims may be issued a renewable residence permit if their personal situation so requires or if they need to stay in the country in order to co-operate with the authorities in the investigation of the trafficking offence. In general there are only few possibilities to obtain (permanent) residence on personal grounds in the different European countries.

It is important to highlight the specific situation of asylum seekers who are potential victims. Practice shows that the Dublin convention sometimes can and does overrule the protection of trafficked people and therefore their human rights. This results in limited time being allocated to investigate the case, since the Dublin convention is priority.¹⁵

¹¹ The right to interpretation and translation is established under: Article 12.1 of the European Anti-Trafficking Convention, Article 7 of the EU Victims' Rights Directive; Article 11.5 of the EU Trafficking Directive.

¹² La Strada International, Working Paper: Legal Assessment: compensation practises, Amsterdam, October 2018

¹³ [La Strada International NGO platform and GAATW response](#) to the written consultation on the post 2016 EU Strategy on Trafficking in Human Beings, June 2018

¹⁴ See for example the reports of the European Commission

¹⁵ [La Strada International NGO platform and GAATW response](#) to the written consultation on the

Dublin returns versus safe return

In several European countries LSI NGO platform members assist trafficked persons that fall under the Dublin Regulation¹⁶. They observe with great concern that potential victims of human trafficking are returned to the country of first entry, e.g. Italy and Spain, instead of being offered assistance and residence in the final country of destination. In many cases they return to countries, where they have managed to escape from the network that trafficked or exploited them. Despite clear indications that the person is a victim of trafficking within the European Union. When the exploitation of the person has not occurred in the country where the victims is, the right to assistance and protection is not prioritized for these persons, even though minimum standards of access to rights should be put in place. Moreover if there is a Dublin return, authorities have to cooperate to ensure adequate transnational referral of the person.

Clearly European Member States need to pay more attention to this situation and find a solution for (presumed) trafficked persons that fall under the Dublin Regulation and ensure that they can access their right to a reflection and recovery period and have access to residence.¹⁷

NGOs face many difficulties to ensure adequate support to clients who have to return to other European countries. It is often difficult to get more information about the assistance and support offered after the return and or to monitor whether the person is adequately protected. Even though LSI's NGO platform works on strengthening referral among NGOs and building adequate support structures, difficulties in ensuring adequate and safe referral remain. This is caused due to lack of cooperation, inadequate funding of support structures and NGO support services and other structural gaps. Often no specialized referral support can be offered after return, either it remains unclear who will take further responsibility for the victim's protection and needs.

More research on the issue and more cooperation between NGOs in country of destination and return is urgently needed to improve this situation.

Safe return assessments

In case victims want or have to return, their return to their country of origin has to take place with due regard for their rights, safety and dignity and taking into consideration the status of any related legal proceedings. However often such safety-risk assessments are not conducted. Upon return, they must be offered reintegration assistance, such as education and help to find employment – *see below* – in addition to the above-mentioned general protection and support, which apply to all victims of human trafficking. The Austrian NGO LEFÖ-IBF has a project called FROM (Voluntary Return for Trafficked Persons), which is co-funded by the Ministry of Interior and the European AMIF, which does not only guarantee quality in safe and voluntary return including risk assessment for trafficked persons but also offers the possibility to visit other countries to establish sustainable NGO cooperation. This enables building support structures for continuous assistance for returnees and referral among NGOs.

post 2016 EU Strategy on Trafficking in Human Beings, June 2018.

¹⁶ The Dublin Regulation (Regulation No. 604/2013; sometimes the Dublin III Regulation; previously the Dublin II Regulation and Dublin Convention) is a European Union (EU) law that determines the EU Member State responsible for examining an application for asylum seekers seeking international protection under the Geneva Convention and the EU Qualification Directive, within the European Union.

¹⁷ [La Strada International NGO platform and GAATW response](#) to the written consultation on the post 2016 EU Strategy on Trafficking in Human Beings, June 2018

LEFÖ stresses the importance to continue that return counselling for trafficked women and girls is offered by specialized organizations, taking into account the vulnerabilities prior and after the human trafficking experience.

Further within the framework of other EU (AMIF) funded projects, including the projects SAFE and TRAM of which La Strada International is consortium partner, further awareness has been raised, research conducted and methodology and training developed to promote safe return practises.¹⁸

Integration and longer term support

When speaking about the (re)integration process for trafficking victims, ‘the process of recovery and economic and social inclusion following a trafficking experience’ is meant. This inclusion should include 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.¹⁹

Reintegration can take place after return to the country of origin or in the destination country and what it entails depends on the needs and interests of the trafficked person. An important element of successful integration is whether the victim is and can remain lawfully resident in the country. Another central aspect of successful (re)integration is that of ‘empowerment, supporting victims to develop skills toward independence and self-sufficiency and to be actively involved in their recovery and re/integration’.²⁰

In practise there are numerous obstacles to the successful (re)integration of trafficked persons, as noticed in Europe. These relate to the victim’s individual’s situation or experience or to external social and economic factors. Reintegration is definitely a long term process which requires work with the trafficked person, as well as their environment, including their community, family and others with whom they are in close contact. In countries where there are conflicts and difficult political situations or poor economic and social conditions, it is of course more difficult for persons to access a reasonable standard or living. But also in safe and economic healthy countries, victims might face many barriers when trying to rebuild their lives.

In most European countries specialised counter trafficking NGOs and others organisations working directly on assistance to trafficked persons, in particular in destination countries, focus on temporary support and assistance. Also National Referral Mechanisms (NRMs) in place in Europe focus in particular on the first period of support²¹.

¹⁸ See https://www.icmpd.org/fileadmin/1_2018/Bridging_the_Gap_between_Migration_Asylum_and_Anti-Trafficking.pdf - the final report of the SAFE project will be published in December 2018.

¹⁹ Re/integration of trafficked persons: developing monitoring and evaluation mechanisms 2009 – Issue paper #3 Trafficking Victims Re/integration Programme (TVRP), Rebecca Surtees NEXUS Institute and KBF

²⁰ Re/integration of trafficked persons: developing monitoring and evaluation mechanisms 2009 – Issue paper #3 Trafficking Victims Re/integration Programme (TVRP), Rebecca Surtees NEXUS Institute and KBF

²¹ In Europe most countries currently have a formal National Referral Mechanism (NRM) in place, including the United Kingdom, Romania, Belgium, Bulgaria, Croatia, Ireland, Italy, Latvia, Lithuania, Malta, Portugal, Slovenia, Spain, Luxembourg, Hungary, Czech Republic, the Netherlands and Sweden. Finland and Greece are currently developing an NRM. The following countries seem not to have an official NRM: Cyprus, Estonia, Poland, Austria, France, Germany, Denmark, Slovakia, but might have other coordination, cooperation and referral structures in place. (Information obtained from GRETA monitoring reports of countries that are party to the Council of Europe convention in the period 2014 – 2018. Both the OSCE and the European Commission have taken initiatives that support the evaluation of national referral mechanisms in place.

For longer term integration and support programmes, trafficked persons are often dependent of available access to regular integration programmes at regional or community level, which are often the responsibility of local governments. It is important that reintegration programmes are sustainable and focus on longer term. Moreover it is important that where possible trafficked persons have access to regular systems and programmes. *See further below.*

Access to remedies, including compensation

La Strada International, its members and consortium/NGO platform partners conducted research in the framework of two EU funded projects on the issue of compensation; Justice at Last and COMP.ACT. Most European countries have legal provisions for victims of crime to claim compensation or to otherwise be compensated for material and non-material damages. However, even when the legal framework is in place, the rights of people who were victim of trafficking or other crime to actually seek and obtain compensation remains difficult or impossible to exercise in practice.

Evidence shows that very few victims have the information and the means to seek compensation. Even fewer actually receive a compensation payment. Many barriers remain that prevent trafficked persons from accessing this right. Obstacles to accessing and obtaining compensation include a lack of awareness among police and the judicial system, lack of access to legal aid and adequate information for victims, and the postponement of trials and long duration of criminal and civil proceedings. Another obstacle, in the case of foreign victims, is the return or deportation to their country of origin before a verdict is reached. Even when compensation has been ordered, barriers exist that leave victims without payment. These barriers include that victims rarely have the means to ensure the compensation order is enforced. But also that the perpetrators are not found, are not prosecuted, have moved their assets abroad, or have declared themselves bankrupt to avoid confiscation of their assets and having to pay compensation. Access to State compensation funds may be hindered as well, for instance due to a lack of residence status, lack of information, lack of means, and lack of access to legal aid. In short, many barriers prevent victims from claiming and obtaining their rights, including the right to compensation.

It is expected that access to remedies, including compensation is instrumental to social inclusion, as the restorative justice function of compensation is important for victims' recovery. Trafficked persons experience both physical and psychological consequences resulting from abuses they have suffered. Psychological consequences may include: loss of dignity, mental health problems, loss of confidence, and a diminished ability to act autonomously as a consequence of being under constant control and in fear. Enabling, and more importantly facilitating access to compensation helps to support their psychological recovery. Acknowledging the wrongdoing and recognising the rights of trafficked persons redefines victims as subjects of justice rather than objects of it and opens space for their active role in the process of bringing their traffickers to justice'.²²

Compensation can also mean financial autonomy for former victims of human trafficking and may prevent re-victimisation. Economic independence has been shown to significantly reduce the risk of re-trafficking, and compensation empowers victims by placing them in a stronger position to support themselves and their families without having to pursue risky job opportunities. Compensation counters the contributing vulnerability factors of poverty and deprivation in human trafficking.²³ La

²² La Strada International – COMP.ACT TOOLKIT ON COMPENSATION FOR TRAFFICKED PERSONS 2012

²³ Idem

Strada International and the consortium partners aim to conduct more research on the impact of compensation for trafficked persons in the near future. Access to remedies, including compensation and back wages, is like residence, housing, adequate support, not only a prerequisite for social inclusion, but also part of successful (re) integration.

Social inclusion via economic empowerment

Economic empowerment refers to strengthening the economic position of trafficked persons, providing them with skills, resources, and confidence to financially support themselves and their families in the short- and long-term. Comprehensive support and integration programs should include empowerment through vocational training and job placement or start-up support.

Clearly access to employment and economic independence is key in the mental well-being and health of trafficked persons, as it impacts personal identity, self-esteem, and social recognition and contributes to social integration. Empowerment is a central element of the human-rights approach to social and economic change. One common aspect of the various definitions of empowerment is that it increases people's and communities' capacities to exert influence over their own lives. In La Strada's practice, empowerment means participation of trafficked persons in taking decisions that concern them, including programs and services which they will benefit from.

Access to vocational training and education

Even though NGOs might not be able to offer long term support, many members of LSI's NGO platform support victims directly or indirectly in getting access to education. Often this is also done by specialised centres or part of specialized support programmes. NGOs try often on an individual basis to ensure adequate vocational training for victims and or ensure access to regular education programmes. Helping victims of trafficking complete their education and enrol in education should be considered a priority, where possible. In cooperation with the national or local authorities, NGOs can facilitate the reinsertion of victims into the education system and/or provide financial support for education. This is not always easy though and depends also on the educational background of the person which define also his/her educational and employment opportunities.

Vocational training is an important element to include in reintegration plans, as it can ensure the sustainable social integration of victims by increasing their employment prospects, confidence and life skills. Service delivery organizations should assist victims to set realistic employment goals commensurate with their abilities, skills and education level, and the available employment opportunities in the area. Vocational training should be voluntary and decided upon on a case-by-case basis.

The Dutch shelter organisation HVO which is a close partner of LSI NGO platform members Comensha and FairWork, works in the Netherlands on integration of victims of trafficking. The organisation promotes daily activities for trafficked persons including voluntary work, training or schooling and employment. They facilitate employment in the restaurant and sales sector and in designing of clothes via a design label/welfare organisation. In addition they offer cooking; household work or house repair

and small construction work, next to offering volunteering possibilities for persons to help in community projects in order to develop practical skills.²⁴

It should be noted that vocational programmes offered by counter trafficking NGOs often focus on basic skills and are not always in line with the needs and competence of the trafficked persons, neither focusing on a successful future, often also they are limited in scope. A study of 2009 by KBF/NEXUS institute identified programmes offered by NGOs in the European Balkan countries, which confirms this.²⁵ This should clearly change, regardless all obstacles.

As LEFÖ states ‘Many of the persons assisted have no access, or never had physical documents, certificates, diplomas or letters of reference to evidence their experience and skills. In the professionalized and segmented labour market as the Austrian one, this translates into an enormous weakness and at times complete impossibility to enter certain labour sectors, for instance the health and care sector. Volunteering is one way to assist a person to gain the opportunity of first of all having an environment outside the German language classroom living and practicing the language, counter dequalification, using their time meaningful, establishing new contacts and expanding the personal network. This of course, does not replace formal requirements, but we can say it does add to the person’s portfolio and can open doors to later pursue formal training or the labour sector they are interested in. We have observed the potential of this kind of approach in the fields of social inclusion, language, education and employment. It is clear for us as an organization that to make it effective and sustainable, we require a system²⁶

Access to employment

As highlighted in UNODC’s toolkit ‘A victim’s lack of employment prospects may have been a contributing factor to his or her initial vulnerability to trafficking. Many victims have little experience in finding and keeping jobs; assistance may be necessary to assist them in finding a job and in managing their relationships with colleagues and employers to keep that job. Relevant State agencies may assist with identifying appropriate workplaces and the recruitment process. Where employers are reluctant to employ returnees, wage subsidies or apprenticeship programmes may provide incentive to employers and assist the returnee in gaining employment’.²⁷

Counter trafficking NGOs in Europe work on ensuring access to employment. However programmes differ and again are often much dependent on financial resources, as well as the skills and educational background of the victim. It is further dependent on the person’s desires and needs and what job placement options would be optimal for her/his future. There are also several other challenges, e.g. limited job opportunities and competitive labour markets as well as preconceptions of employers etc.

²⁴ Information only available in Dutch, via <https://www.jekuntmeer.nl/>

²⁵ https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/reintegration_of_trafficked_persons_supporting_economic_empowerment_1.pdf - See page 29 for the inventory made.

²⁶ LEFO - Report for the UN special rapporteur on human trafficking on innovative and transformative models of social inclusion, Vienna, November 2018

²⁷ https://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_8-9.pdf

Several NGOs also directly offered employment or voluntary work to trafficked persons and work with trafficked persons as case managers, counsellors or peer-to-peer mentors and coaches, for example the organisation FairWork in the Netherlands has involved trafficked persons as peer mentors for others.

Job placement involves seeking out to appropriate, long-term, and safe employment options for trafficked persons and helping to prepare and place them with partner employers. It is important when considering job placement strategies to determine if the trafficked persons is comfortable with work that is similar to the work she/he performed when in the trafficking situation. There has been heavy debate in the Netherlands for example, whether victims of forced prostitution should be encouraged to work again in the sex industry, which is a vulnerable sector. However victims might want to work voluntarily in sex work, or in other vulnerable sector like domestic work, which may be the only professional experience the person has, making it both the best chance at employment and a high risk of re-victimization. This does not only count for sex and domestic work, also other sectors are vulnerable to exploitation. It is therefore needed to do follow up check-ins to ensuring the long-term success of the program and preventing re-victimization.

Cooperation with the private sector to ensure employment

Some initiatives have been taken by LSI's NGO platform members to align with private sector companies to ensure that victims could be offered trainee ships or employment via the mediation of the NGO. But there are only few of such programme place. Different stakeholders in the Netherlands including trade unions, the labour inspection, the Ministry of Labour, the Public Prosecutor Office and the NGOs FairWork and CoMensha will make agreements on they can mediate that victims of (human trafficking for) labour exploitation can obtain new and fair employment.²⁸

In general also by others, cooperation with the private sector and potential employers is sought. However for NGOs it is important to ensure that the employers they find will treat the workers correctly and not make use of the vulnerability of the person(s). Additional safety planning with the trafficked person and, if appropriate the employer, should include a plan to prevent possible issues to occur at the workplace.

As for structural direct cooperation with the business sector, including social enterprises to help persons to get skills training and work experience (internships) and or a paid jobs – European NGOs that are part of the LSI Platform do only have limited experience with this, in comparison with for example charities and NGOs in the US. NGOs in countries of origin, like ASTRA in Serbia, Open GATE in Macedonia and NGOs in Romania also have taken initiatives to support victims with employment in cooperation with the private sector or by initiating small micro-credit and income generating programmes. Governments, civil society organizations and the private sector should need to cooperate more on economic empowerment and job creation, to allow trafficked persons to effectively rebuild their lives and prevent further re-trafficking.

²⁸ See new Dutch Action Plan *Samen tegen mensenhandel - Een integrale programma-aanpak van seksuele uitbuiting, arbeidsuitbuiting en criminele uitbuiting* – only available in Dutch, published on 13th November 2018

Micro credit and income generating programmes

Where victims are particularly entrepreneurial, income-generating activities and grants for micro-enterprises can be an effective means of increasing the victim's independence, self-sufficiency and self-confidence. To be effective, income-generating projects often need to be integrated with other reintegration components (such as psychological assistance and vocational training). Such measures should be decided upon on a case-by-case basis, taking into consideration the particular person's experience, education, skills, personality and commitment to manage a micro-business. Practise from European counter trafficking NGOs showed however that such programmes require much capacity investment and energy from the organisation, which small counter trafficking NGOs often do not have.

Social integration of trafficked persons as part of regular reintegration programmes

In Western European countries longer term integration of trafficked persons, migrants and refugees is mostly the responsibility of government, in particular local governmental bodies. Except for smaller initiatives there seem not to be many national, regional or local integration programmes in place that specifically target trafficked persons. Local or governments or municipalities have often programmes in place that target multiple groups. Such programmes include language courses, empowerment programmes, mediation to work and other elements.²⁹

According the online journal [Migration Information Source](#) which evaluated different integration programmes for refugees, it seems that those 'who are given training in an actual workplace stand the best chance of quickly finding regular employment'. Across all three Scandinavian countries they looked at, internships, trainee positions, and subsidized employment have shown to be very effective in getting participants into regular work.³⁰ Further they state that one particularly successful Danish program combines vocational training with multiple internships in a field with high labour demand, most commonly in service-sector industries such as retail, restaurant work, and health care, while in Sweden, a policy subsidizing half the salary of hired refugees for two years has helped many find permanent work. Incentives seems important in this respect too; the evaluations have shown that subsidies made available have made some employers more likely to hire refugees than others who are not eligible for the subsidy. Germany and the Netherlands have also chosen to offer new arrivals integration courses run by third parties, mostly private companies and civic organizations. Governments certify the providers and set guidelines for which topics and how many hours of instruction these programs must include.

As for integration programmes for trafficked persons, the Council of the Baltic Sea States (CBSS) based in Stockholm, did initiate a project named 'STROM Strengthening the Role of Municipalities in the Work against Trafficking in Human Beings in the Baltic Sea Region'. The STROM Project has been implemented in cooperation with Latvia, Estonia, Lithuania, Poland, Russia and Sweden. Specific

²⁹ Initiatives taken by the Dutch cities Rotterdam and The Hague are only available in Dutch, see <https://www.rotterdam.nl/werken-leren/nieuw-in-rotterdam> and <https://www.denhaag.nl/nl/inburgeren-en-naturalisatie/programma-eu-arbeidsmigratie.htm>

³⁰ See article Newcomers in the North: Labor Market Integration of Refugees in Northern Europe – February 2018, <https://www.migrationpolicy.org/article/newcomers-north-labor-market-integration-refugees-northern-europe>

Guidelines for Municipalities were developed building on the main findings, conclusions and impact of the work undertaken in the STROM project.³¹

La Strada International and its (Platform) members strongly support the inclusion of trafficked persons in regular support and reintegration programmes, as this in the long run this seems the most sustainable approach.

Innovative models of Social Inclusion

As for innovative models of social inclusion of vulnerable groups more broadly, including but not limited to victims of trafficking three initiatives can be mentioned.

Regularisation programmes

The European Platform for International Cooperation on Undocumented Migrants (PICUM), which is member of LSI's NGO platform, is actively lobbying for regularisation of undocumented migrants as a common and effective policy measure. Almost all EU member states have at different occasions regularised resident undocumented migrants, through either regularisation mechanisms, programmes, or a combination of both in the last two decennia. Regularisation programmes should ensure that persons can access a secure and long-term status and reduce inequality and social exclusion. Moreover empowerment of migrants and their families reduce vulnerability to exploitation and abuse; better regulation and coverage of working conditions and health and social services.

Information points for migrants

In different European countries special information desks or information lines have been established to inform new-comers, both migrants and refugees about their rights and the situation in their new country. Often these information contact points target specific groups or nationalities and are established at local level.

In Germany, the Fair Mobility project assists in the enforcement of fair wages and working conditions for migrant workers from Central and Eastern European (CEE) countries on the German labour market. The project lies within the political responsibility of the DGB Executive Board. It is sponsored by the German Federal Ministry of Labour and the German Federal Ministry for Economic Affairs and Energy.³²

From 2015 – 2016 a European cooperation project was set up that aimed to share knowledge and practice around local welcome and integration policies aimed at EU migrants such as housing, work, care and language. The municipality of Amsterdam in the Netherlands coordinated this project called '*Local Welcome Policies for EU Migrants*' and cooperated with six other European cities, namely Gothenburg, Dublin, Copenhagen, Hamburg and Brussels and the Mira Media Foundation. In addition, a number of pilot projects were being carried out on this theme in the various cities. In Amsterdam, an EU information point, local Welcome Events for EU migrants was established to provide information on all relevant information about care, work, housing and recreation available. The ultimate goal of the project was to gain knowledge from best practices and the implementation of the pilot projects to

³¹ See STROM guidelines - <http://www.cbss.org/wp-content/uploads/2016/03/Guidelines-for-Municipalities-ENG.pdf>

³² See further <http://www.faire-mobilitaet.de/en/ueber-uns/++co++1553ebf6-697b-11e2-8499-00188b4dc422>

ensure long-term positive effects on the welcome policies of the various cities for EU migrants. The project was funded as part of the 'European Fundamental Rights and Citizenship Program' of DG Justice of the European Commission. La Strada International has no further information on the results or the impact of this project.

Cultural mediation and outreach to special migrant communities

Increasingly both for the identification of trafficking and exploitation, and support to victims, NGOs and other organisations make use of cultural mediators. A cultural mediator is an individual who helps "to translate between the new and original culture 'in order to enhance understanding, share information, and create a trust relationship' that can support the access to information and support for trafficked persons. They can inform migrant workers about their labour rights and their options in case of exploitative situations. They can also play a role of intermediary between employers and the worker.

Based on the information provided above, La Strada International NGO platform would like to suggest the following recommendations for longer term integration.

1. Victims of human trafficking must be formally identified in order to ensure that they receive adequate assistance and support and to ensure that rehabilitation of victims of trafficking can take place
2. The reflection and recovery period should be granted in practise, providing victims the possibility to be better informed about their rights and to reflect on the next steps.
3. Possibilities for unconditional support should be extended, a good example is the [Dutch pilot/temporary regulation](#) on the plausibility of victimhood of human trafficking victims which can help victims – if there is no successful court case - to get access to support and residence.
4. Safe reporting and effective complaint mechanisms should be promoted to ensure the identification of exploitative practises by employers.
5. More funding should be provided for social support programmes and for more shelter and alternative housing opportunities for victims of trafficking
6. It should be ensured in practise, that that victims have access to information regarding their rights and all relevant procedures, in a language which they can understand.
7. Access to legal aid should be increased and barriers and criteria that limit this access should be lifted.
8. More research and monitoring of Dublin returns of presumed trafficked persons is needed
9. Multi-stakeholder cooperation between NGOs in country of destination and countries of return should be enhanced to support the referral and assistance of trafficked persons and to ensure that specialized referral support can be offered after return
10. There should be more access to remedies including compensation and back wages
11. Increase of access to employment and vocational training for victims of trafficking is also needed, these programmes can be part of regular reintegration programmes.
12. Monitor the impact of vocational training and employment programmes, also at individual level to ensure long-term success of the program and preventing re-victimization.
13. Ensure more NGO cooperation with the private sector and corporate responsibility support or programmes to help victims with vocational training and employment.
14. Promote best practises that support the reintegration of trafficked persons and other vulnerable groups, including regularisation programmes, information desks for migrants and migrant and refugee employment and integration programmes.

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The LSI NGO Platform consists of:

Gender Perspectives (Belarus)
Animus Association (Bulgaria),
La Strada Czech Republic
Open Gate (Macedonia)
La Strada Moldova
CoMensha (The Netherlands)
La Strada Poland
La Strada Ukraine
Association of Young Azerbaijani Friends of Europe
Anti-Slavery International (UK)
ASTRA - Anti-Trafficking Action (Serbia)
Hope Now (Denmark)
Human Resource Development Foundation (Turkey)
KOK (Germany)
LEFÖ (Austria)
Living for Tomorrow (Estonia)
Migrant Rights Centre Ireland
Novi Put (Bosnia and Herzegovina)
Pag-Asa (Belgium)
PICUM (Belgium)
Pro Tukipiste (Finland)
Proyecto Esperanza (Spain)
FIZ (Switzerland)
ALC (France)
ADPARE (Romania)
FairWork (Netherlands)
Ban Ying (Germany)
Victim Support Finland (Finland)
CCEM (France)